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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE INSPECTOR GENERAL**

**YOUTH SERVICES ADMINISTRATION  
PART TWO:  
DIVISION OF COURT AND COMMUNITY  
PROGRAMS  
FINAL REPORT OF INSPECTION**



**AUSTIN A. ANDERSEN  
INTERIM INSPECTOR GENERAL**

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**Inspections and Evaluations Division**  
**Mission Statement**

The Inspections and Evaluations (I&E) Division of the Office of the Inspector General is dedicated to providing District of Columbia (D.C.) government decision makers with objective, thorough, and timely evaluations and recommendations that will assist them in achieving efficiency, effectiveness, and economy in operations and programs. I&E goals are to help ensure compliance with applicable laws, regulations, and policies, to identify accountability, recognize excellence, and promote continuous improvement in the delivery of services to D.C. residents and others who have a vested interest in the success of the city.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



October 20, 2004

Ms. Yvonne D. Gilchrist  
Director  
Department of Human Services  
64 New York Avenue, NE  
6<sup>th</sup> Floor  
Washington, DC 20002

Dear Ms. Gilchrist:

Enclosed is our final *Report of Inspection of the Youth Services Administration (YSA), Part Two: Division of Court and Community Programs*. Your agency's comments on the 19 findings and 38 recommendations by the inspection team are included, verbatim, in the body of the report following our findings and recommendations.

In accordance with Mayor's Order 2000-105, District agencies are responsible for taking action on all agreed-upon recommendations in this final Report. We are pleased to note your agreement with more than 80% of our recommendations. This clearly reflects your interest in taking the actions necessary to create a more efficient and better managed YSA.

With regard to the eight recommendations with which you disagree, we stand by these recommendations, and will forward those issues separately to Neil Albert, Deputy Mayor for Children, Youth, Families, and Elders for his review and comment.

The OIG has established a process to track agency compliance with all agreed-upon recommendations made in our reports of inspection and to facilitate our follow-up inspection activities. Please find enclosed a compliance package containing hard copies and a computer disk of *Compliance Forms* on which to record and report to this Office any actions you take concerning each outstanding recommendation. These forms will assist you in tracking the completion of actions taken by your staff. Instructions for completing these compliance forms and their due dates are included in the packet and we will work closely with your designated point of contact throughout the compliance process.

Letter to Yvonne D. Gilchrist  
October 20, 2004  
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We appreciate the cooperation shown by you and your employees during the inspection, and we hope to continue in a cooperative relationship during the upcoming follow-up period.

If you have questions or require assistance in the course of complying with our recommendations, please contact me or Lawrence Perry, Director of Planning and Inspections, at (202) 727-8490.

Sincerely,

A handwritten signature in black ink that reads "Austin A. Andersen". The signature is written in a cursive style with a large, prominent initial "A".

Austin A. Andersen  
Interim Inspector General

AAA/lp

Enclosure

cc: See Distribution

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Letter to Yvonne D. Gilchrist  
October 20, 2004  
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- Appendix 6: JOS-ARZ Correspondence

## ACRONYMS

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<b>ACA</b>	American Correctional Association
<b>ALC</b>	Absconder Locator Component
<b>ADD</b>	Alternative Detention Division
<b>APPA</b>	American Probation and Parole Association
<b>A/YSA</b>	Administrator of Youth Services Administration
<b>BCCS</b>	Bureau of Court and Community Services
<b>BRSS</b>	Bureau of Residential/Secure Services
<b>CFSA</b>	Child and Family Services Agency
<b>CPU</b>	Central Processing Unit
<b>CDC</b>	Centers for Disease Control
<b>DCCP</b>	Division of Court and Community Programs
<b>DCMR</b>	District of Columbia Municipal Regulations
<b>DECREE</b>	<i>Jerry M. Consent Decree</i>
<b>DHS</b>	Department of Human Services
<b>DPM</b>	District Personnel Manual
<b>FEMS</b>	Fire and Emergency Medical Services
<b>FLDJJ</b>	Florida Department of Juvenile Justice
<b>HCA</b>	Human Care Agreements
<b>JIMS</b>	Juvenile Information Management System
<b>LMQA</b>	Licensing, Monitoring, and Quality Assurance Unit
<b>NCIC</b>	National Crime Information Center
<b>NCCHC</b>	National Commission on Correctional Health Care
<b>PINS</b>	Persons In Need of Supervision

## ACRONYMS

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<b>RFP</b>	Requests For Proposals
<b>TB</b>	Tuberculosis
<b>YSA</b>	Youth Services Administration

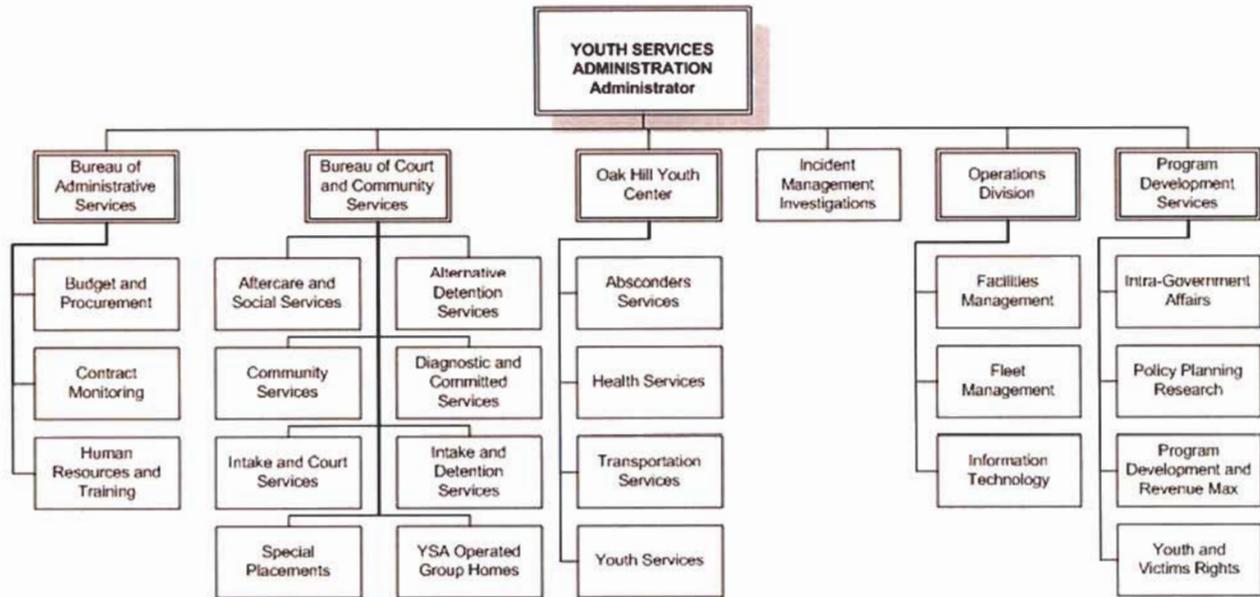
**ORGANIZATION CHART**

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**ORGANIZATION CHART**



# Youth Services Administration



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# **EXECUTIVE SUMMARY**

## EXECUTIVE SUMMARY

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### Background and Perspective

The Inspections and Evaluations (I&E) Division of the Office of the Inspector General (OIG) began an inspection of the District of Columbia (District) Department of Human Services (DHS), Youth Services Administration (YSA) in April 2003. YSA, the District's primary juvenile justice agency, is a large organization and is responsible for a diverse portfolio of service providers and facilities.

The inspection of YSA was conducted in two parts. Part One focused on all operations at the Oak Hill Youth Center (OHYC)<sup>1</sup> in Laurel, Maryland, as well as YSA management and administrative services. A Final Report of Inspection was issued for Part One in March 2004.<sup>2</sup> This report documents Part Two of the inspection, which evaluated the Division of Court and Community Programs (DCCP), formerly known as the Bureau of Court and Community Services (BCCS).

### Scope and Methodology

OIG inspections comply with standards established by the President's Council on Integrity and Efficiency, and pay particular attention to the quality of internal control.<sup>3</sup>

The inspection focused on the management and operations of key areas, including compliance with District of Columbia Superior Court mandates, intake and court liaison services, alternative detention services, group and shelter home operations, aftercare and case management services, special residential placement, and community services.

### Compliance and Follow-Up

The OIG inspection process includes follow-up with inspected agencies on findings and recommendations. Compliance forms with findings and recommendations will be sent to YSA along with this report of inspection. The OIG/I&E Division will coordinate with YSA on verifying compliance with recommendations in this report over an established time period. In some instances, follow-up inspection activities and additional reports may be required.

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<sup>1</sup> The Oak Hill Youth Center (OHYC) is a secure facility for youths under both short and long-term detention. OHYC has a court-ordered capacity of 188 males and 20 females.

<sup>2</sup> Part One included YSA's Bureau of Administrative Services, Oak Hill Youth Center, Incident Management Investigations, and Operations Division. The Program Development Services of YSA was not inspected and evaluated in either report, as YSA officials stated that this component was not fully functional and had only begun operations in April 2003.

<sup>3</sup> "Internal control" is synonymous with "management control" and is defined by the Government Accountability Office as comprising "the plans, methods, and procedures used to meet missions, goals, and objectives and, in doing so, supports performance-based management. Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud." STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT, Introduction at 4 (Nov. 1999).

### FINDINGS AND RECOMMENDATIONS

#### Key Findings

***YSA's group and shelter homes operate without licenses in violation of District laws and regulations.*** (Page 14) None of the 14 YSA contracted group and shelter homes operating in the District are licensed. According to YSA management, group and shelter homes were established through a pilot program in 1967, at which time there were no licensure requirements. Subsequently, the *Youth Residential Facilities Licensure Act of 1986* was established, but no action was taken to license these facilities. Although YSA management established a licensing unit in April 2004 to assist vendors in meeting licensure requirements, as well as to oversee the group and shelter homes, the team found that facilities still have not been licensed, and YSA has not set a completion date for their licensure. The absence of licenses limits YSA's ability to determine vendor compliance with licensing requirements and to make a standards-based assessment of the overall conditions of the facilities. **Recommendation:** That the A/YSA provide a timetable for all facilities to be licensed, and expedite YSA actions required to ensure that all group and shelter homes adhere to the licensing schedule.

***Group and shelter homes operate without valid contracts and written criteria for services, and receive payment for undelivered services.*** (Page 17) None of the group and shelter homes providing services to DCCP is operating under a current contract awarded through the District's competitive procurement process. YSA has been paying these contractors since 1996 without valid contracts. The absence of contracts and written criteria for service delivery makes it difficult for YSA and District stakeholders to determine efficiency and effectiveness, and whether YSA is receiving what it is paying for. **Recommendations:** (a) That the A/YSA direct the Chief Procurement Officer to develop RFPs to solicit competitive bids among existing and potential vendors for group and shelter homes. (b) That the Office of the Inspector General's Audit Division conduct an audit of all payments for services provided by the group and shelter homes.

***Numerous deficiencies documented in group and shelter homes place youth and employees at risk.*** (Page 19) A physical assessment of the 14 contracted group and shelter homes disclosed that many of the homes lacked general maintenance. DCCP's Licensing, Monitoring, and Quality Assurance Unit (LMQA) inspection reports cited numerous deficiencies; however, in many instances the property owners were not abating the deficiencies. In addition, the team found that group and shelter home monitors were not trained or certified to properly conduct inspections to detect building code violations. Due to inadequate repairs, maintenance, and training, YSA cannot ensure the health and safety of youths and employees in the homes. **Recommendations:** (a) That A/YSA request an inspection of all group and shelter homes by the District of Columbia Office of Risk Management to determine whether there are physical hazards present and to expedite the abatement of deficiencies. (b) That the A/YSA request an inspection by the Department of Consumer and Regulatory Affairs to determine whether there are building code violations present and take the necessary steps to expedite the abatement of any deficiencies found. (c) That the A/YSA provide training and certification to LMQA monitors to ensure the proper monitoring of group and shelter homes. (d) That the

## EXECUTIVE SUMMARY

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A/YSA require the LMQA Unit to recommend immediate closure of group and shelter homes that have life threatening health and safety issues.

***The lack of adequate fire inspections by YSA and FEMS may put group and shelter home residents and employees at risk.*** (Page 22) The team found that annual fire inspections of group and shelter homes are not conducted by the Fire and Emergency Medical Services, (FEMS), Fire Prevention Bureau, as recommended by The American Correctional Association (ACA). In addition, DCCP does not conduct monthly fire inspections as required, and the quarterly fire inspections that are conducted do not adequately address fire safety requirements of the District's Fire Prevention Code. The lack of annual fire inspections and inadequate quarterly inspections prevents YSA from detecting and correcting fire hazards that may result in serious injury to youths and employees in the event of a fire emergency. **Recommendations:** (a) That the A/YSA immediately request an inspection of all group and shelter homes by the District of Columbia FEMS, Fire Prevention Bureau, in accordance with ACA recommendations. (b) That the A/YSA ensure that FEMS is asked to conduct annual fire inspections of all group and shelter homes, as recommended by ACA. (c) That the A/YSA ensure that LMQA employees conduct monthly fire safety inspections that address the requirements set forth in the District's Fire Prevention Code.

***Contract employees do not undergo adequate and updated criminal background checks, and contractors are employing persons with criminal convictions.*** (Page 23) District regulations require local criminal background checks on contract employees who work in YSA group and shelter homes. A random sampling of employee personnel files disclosed that they did not contain any documentation on background checks. In addition, the team found documentation that contractors were employing persons with criminal convictions. Without adequate background checks on all employees who must routinely interact with youths, YSA may unknowingly hire or have currently employed individuals with a history of violence, abuse, or other criminal behavior that could endanger the youths entrusted to their care and other employees. **Recommendations:** (a) That A/YSA ensure that all candidates for employment and current contract employees with regular contact with youths undergo a MPD criminal background check as required by current policy. (b) That A/YSA develop an internal policy that requires annual updates of criminal background checks for contract employees. (c) That the Director of the Department of Human Services propose legislation to the City Council that would require complete background checks for appropriate contract employees, to include a check of the records of not only MPD but also surrounding law enforcement jurisdictions, an NCIC check, and a review of the Central Registry of Crimes Against Children/Sex Offenders and a Child Protection Registry Check. (d) That the A/YSA ensure that contractors discontinue the practice of employing persons with criminal convictions without approval.

***YSA may be underutilizing a D.C.-based, Medicaid reimbursable, residential treatment facility.*** (Page 27) The team found that an accredited, D.C. Medicaid-approved therapeutic residential treatment facility capable of providing "structured, therapeutic living" to youth with special educational and/or mental health needs may be underutilized by YSA. This facility has a capacity to house 56 youths, yet during the day of the team's tour there were approximately 14 youth living there, and only one had been referred by YSA. **Recommendation:** That the A/YSA designate an internal point of contact at YSA who would be responsible for a review of

## EXECUTIVE SUMMARY

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all youths currently residing in out-of-state residential facilities to identify those who might be better served by this in-town, therapeutic, Medicaid reimbursable residential facility.

***Inaccurate risk assessments, assignments to non-secure community facilities, and ineffective monitoring of youths increase the risk of abscondences from group and shelter homes.*** (Page 29) Initial risk assessments of some youth offenders placed in community group and shelter homes facilities may not accurately reflect the seriousness of their offenses, their extensive criminal backgrounds, or their potential danger to the community. In addition, the team found that procedures in some group and shelter homes for physical security, and for monitoring youths entering and leaving the facilities each day may be lax and inconsistent.

**Recommendations:** (a) That the A/YSA collaborate with the Superior Court Social Services Division on a qualitative review of the intake assessment process. The objectives would be to (1) improve the decision making that leads to the assignment of youths to either secure or non-secure facilities; and (2) lower the risk of dangerous youth offenders absconding back into the community where they might be harmed or harm others. (b) That the A/YSA review security and monitoring practices in all group and shelter homes and ensure that day-to-day operations serve to minimize the risk of abscondences, while meeting the requirements to provide residential care, treatment, and services for the youths. (c) That the A/YSA review the feasibility of automatically placing youths who abscond from a group or shelter home into more secure facilities once they have been apprehended.

***DCCP's Absconder Locator Component (ALC) has not been successful in locating and returning youth to YSA's custody in a timely manner.*** (Page 34) The team found that 223 youths have absconded from group and shelter homes since June 2001. The team documented that 68 youths who are considered to be in YSA's custody are still in absconder status, and 23 of the 68 have been missing for over 2 years. The team found that a lack of clear policies and procedures, field investigations, photographs of youths, and limited coordination between YSA and MPD have contributed to the low success rate in locating and returning youths to YSA's custody. **Recommendations:** (a) That the A/YSA take immediate steps to ensure that all youths are photographed, and that photos are placed in each case file. (b) That the A/YSA immediately put into place interim procedures and performance standards for the ALC until a permanent document is approved. We recommend that the procedures emphasize the need for prompt notification of MPD when custody orders have been signed, the transmittal of key identifying information, the conduct of field investigations in all cases, and diligence in efforts to locate absconders as soon as possible. (c) That the A/YSA seek to expedite approval among all concerned agencies of the draft MOU on abscondence policies and procedures so that ALC and MPD roles and responsibilities regarding locating and apprehending absconders can be clarified and implemented quickly.

***DCCP lacks written policies and procedures for key operations.*** (Page 40) The team found that DCCP lacks written policies and procedures for key operations, including: administration; group and shelter home operations; aftercare services; and alternative detention services. The lack of written policies and procedures may contribute to inconsistency in daily operations, and makes it difficult for YSA officials and District stakeholders to determine if proper services and treatment are being provided to youths served by DCCP.

## EXECUTIVE SUMMARY

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**Recommendation:** That the A/YSA expedite the process of establishing written policies and procedures for all key functions within DCCP.

***DCCP apparently lacks updated position descriptions and performance standards for all employees.*** (Page 41) DCCP did not provide requested written position descriptions and performance standards for all job categories, including the positions of Deputy Administrator, Assistant Deputy Administrator for Diagnostic and Committed Services, and Assistant Deputy Administrator for Intake and Detention Services. Employees without position descriptions may not have clearly defined tasks, and the lack of performance standards does not allow managers, employees, and District stakeholders to accurately assess whether employees are adequately performing their duties. **Recommendation:** That the A/YSA establish written position descriptions and performance standards for all DCCP employees.

### **Licensing, Monitoring and Quality Assurance Unit**

***Some group and shelter home employees are not undergoing required pre-employment illegal drug and alcohol testing.*** (Page 44) The team conducted a random sampling of group and shelter home employee personnel records to verify compliance with required pre-employment drug and alcohol testing. The team found no documentation indicating that pre-employment tests for drugs and alcohol had been conducted. The lack of pre-employment testing for illegal drug and alcohol use by contract employees could place YSA youth and the District government at risk if individuals who have problems with substance abuse are hired. **Recommendations:** (a) That the A/YSA ensure that test for illegal drugs and alcohol are conducted on all contract employees. (b) That the A/YSA ensure that test results are maintained in each contract employee's personnel records.

***Some group and shelter home employees are not undergoing pre-employment and follow-up physical examinations as required by District regulations.*** (Page 45) The team reviewed a random sample of 25 contract employee personnel files and found that a significant number of files had no documentation that pre-employment physical examinations were conducted. In addition, the team found that contract employees are not undergoing follow-up physical examinations every 24 months as required. The failure of contract employees who work closely with youths to undergo pre-employment and follow-up examinations could expose youths to a communicable disease, as well as impair employees' ability to provide care. **Recommendations:** (a) That the A/YSA ensure that all contract employees undergo required physical examinations. (b) That the A/YSA ensure that all contract employees undergo a follow-up examination every 24 months.

***Community-based programs may be underutilized.*** (Page 46) The team reviewed utilization reports provided by a YSA "fee-for-service" community-based provider and found thousands of unused hours even though YSA had budgeted for these services. YSA's failure to adequately use these services may have denied many YSA youths the benefits of counseling, mentoring, and after school tutoring programs. **Recommendation:** That the A/YSA take appropriate action to ensure that DCCP Case Managers and their supervisors make full use of budgeted, community-based programs to provide home-based counseling, mentoring, and after-school enrichment programs to more YSA youths.

### Pre-Trial and Community-Based Services

***YSA's electronic monitoring unit does not effectively monitor youths in the evenings and on weekends.*** (Page 51) DCCP does not have adequate staff to properly respond to electronic monitoring alerts during evening and weekend hours. Its inability to continually monitor and promptly respond to electronic violation alerts severely weakens the effectiveness of the program. **Recommendation:** That the A/YSA assign or hire the personnel necessary to respond promptly to all after-hours and weekend electronic monitoring violations.

***Tours-of-duty for case managers in the Alternative Detention Division do not adequately cover periods when youths are at higher risk for delinquency.*** (Page 52) Nearly all ADD case managers complete their workday by 6 p.m., and none work weekend hours. In other jurisdictions, alternative detention case managers routinely meet with youths and their families during evenings and weekends when youths are at a higher risk for delinquency. **Recommendation:** That the chief of the ADD meet with YSA's human resources specialist and the ADD case managers to discuss the feasibility of revising tours-of-duty of current case managers to include some evening and weekend hours or hiring employees specifically to work evenings and weekends.

***Alternative Detention Division case managers are often impeded by delayed court orders and a lack of vital case information.*** (Page 54) ADD case managers cited lengthy delays in getting court-ordered referrals that detail the parameters of home release for pre-trial youths, as well delays in getting vital case information, such as signed parental consent forms and social histories. **Recommendations:** (a) That the A/YSA meet with representatives from the D.C. Superior Court Social Services Division to (1) determine why ADD case managers do not receive all of the court orders and information they require on a timely basis, and (2) devise procedures to improve the flow of information between the court and YSA. (b) That the Supervisor of DCCP's Court Liaison unit take action to ensure that Court Liaison representatives obtain the requisite signatures on all information release forms and youth participation agreements.

***Alternative Detention Division case managers feel that current fieldwork practices are unsafe.*** (Page 56) Case managers routinely encounter parents who resist their intervention, alcohol- and drug-influenced family members, and dangerous neighborhoods. However, the ADD does not have written policies and procedures that cover field safety, and it is routine practice for case managers to make unaccompanied home visits. The lack of recommended, well-conceived safety policies and procedures puts the safety of youths and case managers at risk. **Recommendations:** (a) That the A/YSA convene a meeting with all personnel who conduct field work to discuss ways in which the Division can improve safety and effectiveness while working with families in their homes, transporting youths, etc. (b) That the A/YSA work with the Washington, D.C.-based National Association of Social Workers and the Metropolitan Police Department to (1) develop policies and procedures that address case manager safety and (2) identify applicable training opportunities that focus on areas such as non-violent self defense de-escalation techniques. (c) That the A/YSA assess the feasibility of formally implementing a "partner system" in order to reduce the number of instances when case managers must visit client homes alone.

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***The Central Processing Unit (CPU) does not have a TB infection control program for employees as recommended by the Centers for Disease Control.*** (Page 58) CPU employees expressed concern about exposure to youths in their custody who may test positive for TB. They stated they have not received any type of training, annual testing, or information that would help them to better understand the risks, if any, posed by exposure to the TB bacterium.

**Recommendations:** (a) That the A/YSA organize information sessions during which all CPU employees, as well as any other front-line YSA employees who wish to participate, receive a fundamental understanding of TB transmission, the frequency with which TB appears in juvenile facilities, and the risks, if any, posed by exposure. (b) That the A/YSA implement a baseline skin-testing program for all front-line YSA corrections employees.

***The Alternative Detention Division lacks an employment, vocational, and training counselor.*** (Page 59) DCCP does not have an employee dedicated to the task of identifying and coordinating employment, vocational, and training opportunities for YSA youths.

**Recommendation:** That the A/YSA approve the hiring of a vocation and employment coordinator who would (1) focus exclusively on identifying opportunities and maintaining relationships with public and private sector training programs and employers, and (2) assist ADD case managers with matching youths to employment and training opportunities.

# INTRODUCTION

## INTRODUCTION

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### Background and Perspective

The Inspections and Evaluations (I&E) Division of the Office of the Inspector General (OIG) began an inspection of the District of Columbia (District) Department of Human Services (DHS), Youth Services Administration (YSA) in April 2003. YSA, the District's primary juvenile justice agency, is a large organization and is responsible for a diverse portfolio of service providers and facilities.

YSA has approximately 480 full-time employees, and its fiscal year (FY) 2003 operating budget was approximately \$53 million. The budget consisted of \$39 million in appropriated funds, and \$14 million in federal grants, intra-District funding, and social services block grants.

According to its 2001 annual report,<sup>4</sup> each year, YSA provides daily pre-trial and pre-dispositional secure and non-secure detention services to approximately 250 youths charged with delinquency. In addition, it provides secure confinement, residential placements, and aftercare supervision and services for approximately 600 youths. YSA's stated mission is to empower youths entrusted to its care to become lawful, competent, and productive citizens. It performs this mission by:

- providing an integrated system of care, custody, and services involving youth, families and community;
- holding youths accountable in the least restrictive environment;
- establishing and implementing an individual service plan for each youth which assists in competency development, rehabilitation, and reintegration; and
- promoting public peace and community safety.

The inspection of YSA was conducted in two parts. Part One focused on all operations at the Oak Hill Youth Center (OHYC) in Laurel, Maryland, as well as YSA management and administrative services. A Final Report of Inspection was issued for Part One in March 2004.

This report documents Part Two of the inspection, which evaluated the Division of Court and Community Programs (DCCP), formerly known as the Bureau of Court and Community Services (BCCS). DCCP has approximately 82 full-time employees, and uses private contractors to provide services such as comprehensive substance abuse treatment, residential programs, tutoring and skills enrichment, home-based counseling and support, and intensive supervision.<sup>5</sup>

***The inspection team (team) found many DCCP employees who were highly motivated and dedicated to carrying out YSA's mission. Unfortunately, however, the team also found deficient management oversight, a lack of written policies and procedures in key areas, and a lack of accountability for the use of some DCCP and District resources.***

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<sup>4</sup> No annual report was issued in 2002 or 2003.

<sup>5</sup> This includes daily curfew monitoring, school checks, and intensive community monitoring.

## INTRODUCTION

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### Scope and Methodology

OIG inspections comply with standards established by the President's Council on Integrity and Efficiency, and pay particular attention to the quality of internal control.<sup>6</sup>

The inspection focused on the management and operations of key areas, including compliance with District of Columbia Superior Court mandates, intake and court liaison services, alternative detention services, group and shelter home operations, aftercare and case management services, special residential placement, and community services. The team reviewed best practices recommended by the American Correctional Association (ACA)<sup>7</sup> and Chapter 62 of Title 29 of the District of Columbia Municipal Regulations (DCMR), entitled "Licensing of Youth Shelters, Runaway Shelters, Emergency Care Facilities, and Youth Group Homes."<sup>8</sup> The team also reviewed applicable best practices in other jurisdictions, conducted 39 interviews, and observed major work areas and key work processes. This report contains 19 findings and 41 recommendations.

Although most DCCP employees were cooperative and responsive, the team found some managers less than helpful in providing requested information in a complete and timely manner, and in explaining or clarifying DCCP operations.

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<sup>6</sup> "Internal control" is synonymous with "management control" and is defined by the Government Accountability Office as comprising "the plans, methods, and procedures used to meet missions, goals, and objectives and, in doing so, supports performance-based management. Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud." STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT, Introduction at 4 (Nov. 1999).

<sup>7</sup> The team consulted "Standards for Juvenile Probation and Aftercare Services", "Standards for Juvenile Community Residential Facilities", and "Standards for Juvenile Detention Facilities," which were published in 1983, 1994, and 1991 respectively by ACA in cooperation with the Commission on Accreditation for Corrections (CAC). ACA and CAC are private, nonprofit organizations that administer the only national accreditation program for all components of adult and juvenile corrections. Their purpose is to promote improvement in the management of correctional agencies through the administration of a voluntary accreditation program and the ongoing development and revision of relevant, useful standards. Founded in 1870, the ACA is the oldest and largest international correctional association in the world. The standards set forth by the ACA can assist administrators of juvenile facilities in developing plans for upgrading facilities and procedures in accordance with nationally recognized and respected benchmarks. In addition, they help administrators work effectively with courts, legislatures, and the public.

<sup>8</sup> Chapter 62 of Title 29 DCMR was finalized by the Director of the Child and Family Services Agency, the Director of the Department of Human Services, and the Administrator of the Youth Services Administration on September 21, 2001. The purpose of the chapter is to provide guidelines for the health, safety, and welfare of children who are receiving care in youth shelter, runaway shelter, emergency care facility, or youth group homes through the formulation, application, and enforcement of minimum standards and requirements for the licensing and operation of facilities serving children.

### **Compliance and Follow-Up**

The OIG inspection process includes follow-up with inspected agencies on findings and recommendations. Compliance forms with findings and recommendations will be sent to YSA along with this report of inspection. The OIG/I&E Division will coordinate with YSA on verifying compliance with recommendations in this report over an established time period. In some instances, follow-up inspection activities and additional reports may be required.

**Findings and  
Recommendations:**

**KEY FINDINGS**

## KEY FINDINGS

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DCCP oversees 14 contracted group and shelter homes throughout the District for both male and female committed<sup>9</sup> and detained<sup>10</sup> youths ages 12-21. According to YSA officials, group homes house committed youths, and shelter homes are used exclusively for detained youths and runaways. The group and shelter homes are to provide youths with security, supervision, residential and community support services, in addition to educational, therapeutic, recreational, and cultural enrichment programs. The team confirmed that these services and activities are in fact being provided, but did not attempt to evaluate their quality since that would have involved a review of confidential records that was beyond the scope of this inspection.

### 1. **Group and shelter homes operate without licenses in violation of District laws.**

D.C. Code §7-2102(a) (2001) states, in part:

**[i]t shall be unlawful to operate a facility in the District, whether public or private, for profit or not for profit, without being licensed by the Mayor. Each facility shall be licensed by both its type and the level(s) of care provided.<sup>11</sup>**

D.C. Code §7-2103 (2001)(a)(1) requires, in part, that:

**[t]he Mayor shall, no later than 12 months after August 13, 1986, ... issue all rules necessary to carry out the licensure of group and shelter homes].**

In September 2001, the District's Department of Human Services established Chapter 62 of Title 29 DCMR, entitled "Licensing of Youth Shelter, Runaway Shelters, Emergency Care Facilities, and Youth Group Homes."

29 DCMR § 6201.1 states:

**[t]he purpose of this chapter is to provide for the health, safety, and welfare of children who are receiving care in a youth shelter, runaway shelter, emergency care facility, or youth group home through the formulation, application, and enforcement of minimum standards and requirements for the licensing and operation of facilities serving children. Nothing shall prevent the contracting entity from imposing more stringent standards by contract.**

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<sup>9</sup> A commitment or "committed youth" is defined as a juvenile court disposition ordering an adjudicated delinquent be held, for a definite period of time in the state's delinquency agency, typically in a training school or other secure institution.

<sup>10</sup> A detainment or "detained youth" is defined as the temporary custody of juveniles who are accused of a delinquent act and require a restricted or secure environment for their own or the community's protection while awaiting a final court disposition.

<sup>11</sup> There are two exceptions to this statute. The first, D.C. Code § 7-2102(b) states: [f]acilities that before August 13, 1986, were not or would not have been subject to District licensure may operate without a license until 6 months after the issuance of applicable rules under § 7-2103. The second exception, found at D.C. Code § 7-2102 (c), permits facilities applying for licensure renewal or initial licensure under section 7-2102 (b) to continue lawful operations as long as they timely file a completed application for licensure which the Mayor fails to act on prior to the expiration of a current license or an authorized period of operation.

## KEY FINDINGS

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29 DCMR § 6202.4 states:

**The Department of Human Services, Youth Services Administration (YSA) shall license youth residential facilities intended primarily for detained or delinquent youth or PINS.**

The team found that none of the 14 YSA contracted group and shelter homes are licensed, and prior to April 2004, YSA had not required these facilities to be licensed. In April 2004, YSA established a licensing unit and provided licensure application packages to both current and potential contracted group and shelter homes. The licensing unit is comprised of a Senior Licensing and Certification Manager and two Licensing and Certification Specialists. According to YSA officials, this licensing unit will assist contractors in meeting licensure requirements, as well as provide oversight of group and shelter home operations. YSA officials, however, could not specify a date by which all facilities would be licensed as required by District laws and regulations.

Because group and shelter homes are not licensed, neither YSA nor District stakeholders have assurance that these facilities meet minimum standards for health, safety, and the welfare of children in their care.

### **Recommendation:**

That the A/YSA provide a timetable for all facilities to be licensed, and expedite YSA actions required to ensure that all group and shelter homes adhere to the licensing schedule.

Agree                X                Disagree      \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. First, YSA does have a timeframe for the completion of facility licensure. As discussed below, the licensure process should be complete by January 31, 2005, for all current shelter and group home facilities. While the Council of the District of Columbia enacted the Youth Residential Facilities Licensure Act of 1986, implementation of this legislation was not possible until rules and regulations were published in May 11, 2001. Due to budgetary and staffing constraints, YSA was unable to establish a licensure unit within the agency until April 2004.

Second, licensure alone does not provide "assurance that these facilities meet minimum standards for health, safety, and the welfare of children" as the narrative above suggests. As the legislation itself suggests, licensure is only one part of a two-pronged approach that includes entering into a contractual agreement with the vendor that is operating a particular facility. At the time of this audit, YSA contracted with 14 group and shelter facilities. However, prior to the completion of this audit and as a result of an internal review of the facilities by YSA's Division of Court and Community Programs (DCCP) Licensure Unit, YSA removed children from four

## KEY FINDINGS

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facilities because minimum standards were not being met. The agency will not return children in these locations unless and until these facilities meet the licensing standards as contained within Chapter 62 of Title 29 DCMR.

YSA is in the process of licensing the remaining 12 facilities and other applicants. The licensing of these facilities will be completed in phases consistent with all components within the Youth Residential Facilities (YRF) Licensure Act of 1986. The implementing rules require that all facilities create or produce:

- The YRF application;
- Statement of ownership;
- Certificate of occupancy;
- One year projected operating budget;
- Documentation of sufficient funds;
- Financial statements;
- Insurance information;
- Fire safety plan;
- Staffing plan;
- Staff roster;
- Abuse, neglect and other risks procedures;
- Emergency medical needs plans;
- Emergency mental health plans;
- Criminal checks;
- Child protection register checks;
- Staff medical examinations;
- Drug and alcohol testing results;
- Specific information concerning other facilities;
- Status of court and administrative proceedings;
- Status of corrective actions, fines and penalties; and
- Outline of the eight compliance plans.

The applicant is required to present the above-listed material to the Licensing Unit to ensure compliance with the Youth Residential Facilities Licensure Act of 1986. Therefore, the timeframe for which a facility is licensed depends primarily on the perspective providers and the specific procedures built into the process. Currently, the remaining 12 providers are participating in the mini-review process. This review is the initial phase that provides written feedback to the providers as to the present status of their licensing material. This written report provides a maximum of 45 days to complete the information. Upon receipt of the second submission or response to the mini- review, the provider has an additional 45 days. This licensing effort is a new venture to all the stakeholders; therefore, the licensing unit must work with the providers to ensure that YSA maintains the requisite bed capacity for our detained and committed youth population. Upon completion of the process, all group and shelter homes contracting with the YSA will receive a license by January 31, 2005.

## KEY FINDINGS

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### 2. YSA's group and shelter homes operate without valid contracts and written criteria for services, and are paid for undelivered services.

D.C. Code § 2-301.05(d)(1)(Supp. 2003), as amended by the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85) states:

**[n]o District employee ... shall authorize payment for the value of supplies and services received without a valid written contract.<sup>12</sup>**

The team found that all 14 homes providing services to DCCP have operated without updated or new contracts with DHS since 1996,<sup>13</sup> and in FY 2003 were paid approximately \$6.3 million. One facility was paid \$603,094 to provide overnight runaway services for a maximum of five youths per night. This amounts to approximately \$120,000 annually per youth.

The team found that DCCP has no written criteria for the services it requires from these contractors. Without current contracts, the team was unable to determine the bases for these contractors being paid.

Despite the lack of valid contracts, YSA officials stated that payments to these group home vendors were required due to a 1996 court order.<sup>14</sup> YSA officials also stated that contracts have not been re-negotiated because all group and shelter homes operating under a negotiated contract prior to 1996 continued to operate under the court order following the expiration of their original contracts. Officials further stated that consistent with the order, YSA continued to reimburse group and shelter home providers for services provided to detained and committed youth.

According to YSA officials, from 1996 to 2003, DHS/YSA has attempted to release several traditional and therapeutic group and shelter home Request for Proposals (RFP) in order to initiate new contracts. However, the *Jerry M.* plaintiffs opposed various components of each RFP that YSA developed, and none were released. The team requested copies of the RFPs and documentation of the *Jerry M.* plaintiff's specific objections. As of this writing, YSA had not complied with this request.

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<sup>12</sup> This subsection does not apply to a payment required by court order, a final decision of the Contract Appeals Board, or an approval by the Chief Procurement Officer for ratification.

<sup>13</sup> YSA's Group and Shelter Home Services are paid by direct payment. When invoices are received by YSA Procurement Officials in Laurel, Maryland, a certification form is completed and sent to DCCP for verification and approval purposes. Once approved by DCCP for payment, invoices and certifications are returned to Procurement Officials in Laurel, Maryland. The invoices and certifications are then forwarded to the DHS Accounts Payable Department for payment.

<sup>14</sup> In 1996, a D.C. Superior court Judge issued an Order in *Jerry M v. District of Columbia*, Civil Action No 1519-85, ordering YSA to reimburse all vendors providing services pursuant to the *Jerry M* Consent Decree. The order stated that all vendors "shall be paid within 45 days of receipt for any amounts certified by Youth Services Administration as correct." And finally, "all vendors will continue to be paid pursuant to this court order for all services rendered until such time as contracts are executed and in place."

## KEY FINDINGS

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The absence of current and valid contracts makes it difficult for YSA and District stakeholders to determine if vendors have provided all deliverables they have been paid to provide, and if the best services for the dollars paid have been received.

### **Recommendations:**

- a. That the A/YSA directs the YSA Procurement Officer to develop RFPs to solicit competitive bids among existing and potential vendors for group and shelter homes.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. As this report acknowledges in footnotes 12 and 14, on August 18, 1996, District of Columbia Superior Court Judge Richard A. Levie ordered YSA to reimburse vendors who provide services under the *Jerry M. Consent Decree* within 45 days of receipt for any amounts certified by YSA as correct. The Court ordered that the terms of the expired contracts remain the same as those set forth in the original contract, and that all vendors continue to receive payment for all services rendered until such time as contracts are executed and in place. Since the payments from YSA to the group and shelter homes are required by the 1996 court order, D.C. Code § 2-301.05 (d)(1) does not apply. The written criteria for the services that YSA requires from the group and shelter home contractors are memorialized in the original ratified contracts with each contractor.

Nevertheless, YSA recognizes that, concurrent with its ongoing licensure initiative, new RFPs must be developed to solicit competitive bids for services from among existing and potential vendors for group and shelter homes. YSA, in conjunction with the Office of Contracting and Procurement (OCP), already developed and issued RFPs for traditional and therapeutic group homes on May 10, 2004. The proposals received from potential vendors are currently under evaluation by YSA staff and YSA, through OCP, will award contracts upon the conclusion of the evaluation. YSA will also release an RFP for a vocational group home.

- b. That the Office of the Inspector General's Audit Division conduct an audit of all payments for services provided by the group and shelter homes.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

YSA's newly-created Divisions of Support Services (DSS) and Performance Management (DPM) are responsible, respectively, for monitoring payments to and performance by group and shelter home vendors. While YSA appreciates the offer of assistance, as discussed in connection with OIG's Part One Final Report of Inspection, at page 62-63, the DSS Deputy Administrator will be auditing all YSA contracts for FYs 2003 and 2004.

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OIG Response: **Actions planned and taken by YSA may address the conditions noted. However, the Inspection Team stands by its recommendation that the OIG Audit Division conduct an audit of all payments for services provided by the group and shelter homes.**

**3. Inadequate maintenance at some group and shelter homes and lack of training of monitors pose health and safety risks to youths and employees.**

29 DCMR § 6235.1 states:

**[t]he facility shall keep records of routine maintenance and cleaning in all areas.**

In addition, 29 DCMR § 6235.2 states:

**[t]he facility shall replace or repair broken, run-down or defective furnishings, carpeting, and equipment. Outside doors, windows and other features of the structure necessary for security shall be repaired within twenty-four (24) hours.**

ACA recommends that group and shelter homes conform to all applicable state and local building codes. Those who monitor these homes should be properly trained in health and safety inspections, as well as applicable state and building codes.

DCCP's Licensing, Monitoring, and Quality Assurance Unit (LMQA) is responsible for monitoring and overseeing the operations of the contracted group and shelter homes providing services to YSA. The unit assesses contractors' compliance with contractual agreements with YSA, and inspects facilities for compliance with District Health and Safety regulations. YSA Program Monitors (monitors) assigned to the unit carry out these functions during quarterly inspections.

The team conducted a physical assessment of the 14 YSA contracted group and shelter homes and reviewed LMQA's quarterly inspection reports. The team documented the following conditions in many of the homes (See photos following page 21):

- rear physical structures supported only by 2x4 wood beams;
- accumulation of trash outside the homes;
- broken windows covered in plastic;
- exposed, rusting, and leaking pipes;
- exposed electrical wiring, and dangling electrical light fixtures;
- broken and unstable stairwells and banisters;
- dislodged gutters and drainage pipes;
- doors dislodged from hinges
- walls with holes and covered with graffiti;
- missing and dislodged tiles in bathrooms and kitchens;
- improper storage of supplies;
- obstructed exits to doors and windows;
- improperly vented clothes dryer;

## KEY FINDINGS

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- leaking water heaters and rusted boilers;
- dilapidated furniture and bed furnishings; and
- torn and tattered carpeting.

Although many of these conditions were cited on LMQA inspection reports provided to the contractors, the team found that cited deficiencies were not abated in a timely manner. LMQA monitors stated that while many of the deficiencies are due to the age of the homes, others reflect a lack of general maintenance by the contractors. Monitors further stated that YSA monitors have limited sanctioning authority to enforce abatement of deficiencies because the contractors do not have valid contracts, and the facilities are not licensed. Monitors also stated that in the event deficiencies pose a health and safety risk to youth, they can recommend immediate closure of the facility; however, placement options for youths are limited, and this has a direct impact on whether or not a recommendation is made to close a facility.

The team also found that LMQA monitors have not received training in District building code regulations, and were not certified to make assessments regarding possible building code violations that the team found in many of the group homes.

The team found that although YSA group and shelter homes have obtained certificates of occupancy issued by the Department of Consumer and Regulatory Affairs (DCRA) the building code inspection requirements for certificates of occupancy are a one-time requirement. Subsequent building code inspections are not required by DCRA to maintain certificates of occupancy and the team documented certificates of occupancy issued to some group and shelter homes dating back to 1994.

Due to inadequate repairs and maintenance and a lack of proper training for LMQA monitors, YSA cannot ensure the health and safety of youth and employees residing in group and shelter homes, or that building code violations are abated in a timely manner.

### **Recommendations:**

- a. That the A/YSA request an inspection of all group and shelter homes by the District of Columbia Office of Risk Management to determine whether there are health and safety hazards present, and expedite the abatement of any deficiencies found .

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

### ***DHS's Response to the IG's Recommendation:***

YSA's newly-created Division of Performance Management is responsible for monitoring vendor performance, including whether group and shelter homes present health and safety hazards. This responsibility formerly rested with the DCCP, which also was responsible for placement of youths in these facilities. DPM is recruiting an environmental specialist or sanitarian that will conduct the physical inspections of all facilities to ensure compliance with all applicable building codes and standards in the District of Columbia.



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#### 4. **The lack of regular and adequate fire inspections may put group and shelter home residents and employees at risk.**

According to the ACA, “local and state fire codes must strictly be adhered to in order to ensure the safety of juveniles and staff.” ACA recommends that:

- Group and shelter home facilities comply with the regulations<sup>15</sup> of the state or local fire safety authority,<sup>16</sup> whichever has primary jurisdiction over the facility; and that
- An annual fire inspection be conducted by local fire officials.

YSA policies and procedures require that the YSA Health and Safety Officer conduct monthly fire inspections, and that the health and Safety Officer be knowledgeable of the District’s Fire Prevention Code.

The team found that annual inspections are not conducted by the District of Columbia Fire and Emergency Medical Services (FEMS), Fire Prevention Bureau. LMQA employees stated that group and shelter homes underwent initial fire and safety inspections when DCRA issued certificates of occupancy; however, annual fire inspections have not been conducted since that time.

Although LMQA employees conduct limited quarterly fire inspections, they do not conduct the monthly fire inspections required by YSA policy. The quarterly inspections only verify the presence of working fire extinguishers and smoke detectors, although employees have been trained to ensure that there is compliance with the District’s Fire Prevention Code. These limited inspections do not address any other requirements of the District’s 1996 Fire Prevention Code, and the team noted potential fire hazards in some homes, such as improper storage of flammable chemicals, an accumulation of trash in basement areas, and obstructed entrances and exits.

The lack of regular and adequate fire inspections inhibits YSA’s ability to detect and correct fire hazards, and may result in serious injury to youths and employees in the event of a fire emergency.

#### **Recommendations:**

- a. That the A/YSA immediately request an inspection of all group and shelter homes by the District of Columbia FEMS, Fire Prevention Bureau in accordance with ACA recommendations.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

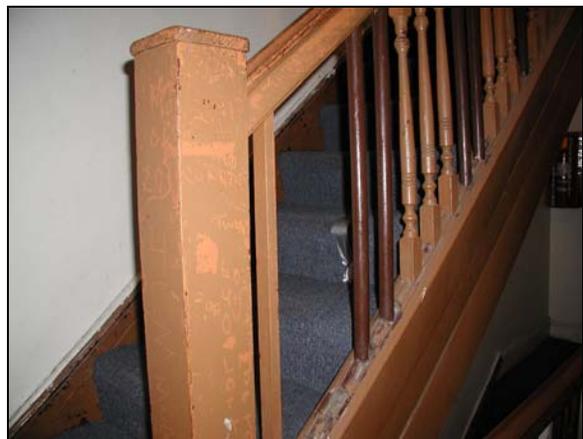
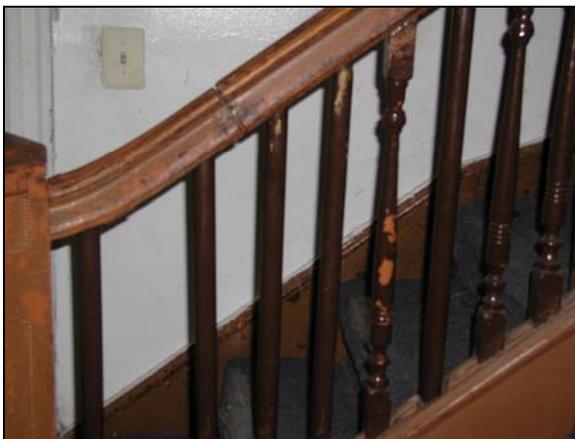
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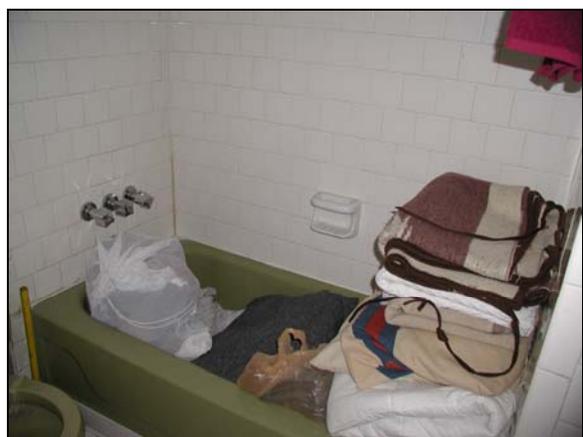
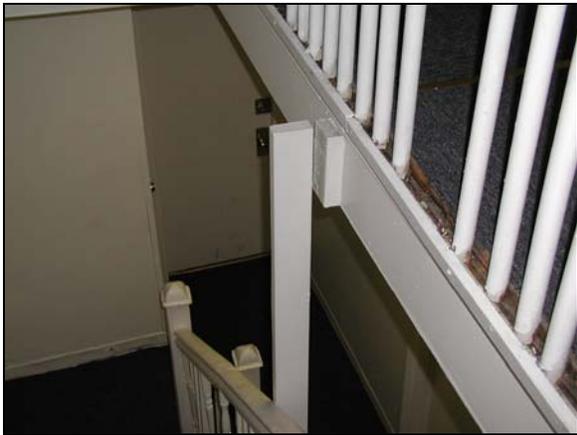
<sup>15</sup> District of Columbia 1996 Fire Prevention Code.

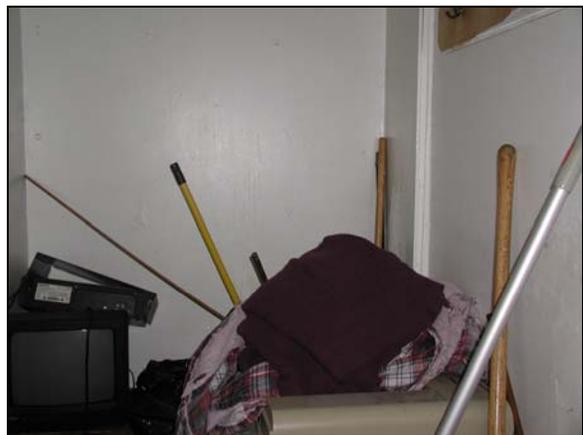
<sup>16</sup> The District of Columbia FEMS, Fire Prevention Bureau.

















## KEY FINDINGS

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### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Due to the licensing process, all facilities must conform to Chapter 62 of Title 29 DCMR §§ 6233 – 6233.7, Fire and Carbon Monoxide Protection and Prevention. In summary, these provisions set forth the required fire standards and protocols for inspections. These include but are not limited to: implementation of a fire safety and evacuation plans posted and approved by the Fire and Emergency Medical Services; the frequency of fire drills; the records that the facility must maintain regarding all fire and safety activities; and number and operability of fire extinguishers and smoke/carbon monoxide detectors. The YRF regulations are at least comparable if not exceeding the ACA recommendations. Every facility must conform to the aforementioned standards prior to licensure.

- b. That the A/YSA ensure that FEMS is asked to conduct annual fire safety inspections of all group and shelter homes, as recommended by ACA.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA will enter into discussions with FEMS to determine whether one of its inspectors should conduct annual fire safety inspections and to implement such inspections.

- c. That the A/YSA ensure LMQA employees conduct monthly fire safety inspections, and that these inspections address the requirements set forth in the District's Fire Prevention Code.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA will enter into discussions with FEMS to ascertain their recommendation for the frequency of such fire inspections (*i.e.* monthly, quarterly, semi-annually or annually) and to provide training for staff.

### **5. Group and shelter home contractors do not conduct adequate employee criminal background checks, and employ persons with criminal convictions.**

29 DCMR § 6228.2 states:

**[a]ll prospective and existing staff shall undergo a criminal records check prior to commencing work at any facility. The facility shall obtain the written approval of the licensing**

## KEY FINDINGS

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**agency and the contracting entity prior to employing any person who has been convicted of the following offenses or their equivalents:**

- (a) Fraud; or**
- (b) A drug related offense.**

29 DCMR § 6228.4 states:

**[a]ll prospective and existing staff shall undergo a child protection registry check prior to commencing work at any facility. No facility shall allow any person to serve as a staff person who has been:**

- (a) Identified as a possible abuser or neglecter in a currently-pending child abuse or neglect case; or**
- (b) Adjudicated as the abuser or neglecter in a child abuse or neglect case.**

29 DCMR § 6228.3 states:

**[n]o facility shall allow any person to serve as a staff person who has a conviction for any of the following offenses or their equivalents:**

- (a) Child abuse;**
- (b) Child neglect;**
- (c) Spousal abuse;**
- (d) A crime against children, including pornography; or a crime involving violence, including but not limited to, rape, sexual assault, homicide and assault.**

29 DCMR § 6230.3 states, in part, that:

**[t]he facility shall maintain an accurate personnel record of each staff person, including all employees of the facility and any other person (including, without limitation, volunteers, independent contractors, and vendors) regularly providing services at the facility. The personnel record shall include:**

\* \* \*

- (c) Reports of criminal records and child protection register checks as required by § 6228.2 and § 6228.4.**

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According to LMQA monitors, all candidates for employment in group and shelter homes undergo a local background check conducted by the Metropolitan Police Department (MPD). ACA recommends however, that in addition to a local records search, a background check should include surrounding law enforcement jurisdictions, as well as the Federal Bureau of Investigation's National Crime Information Center (NCIC) and a review the Central Registry of Crimes Against Children/Sex Offenders. In addition, best practices support annual background checks for all employees.

The team reviewed contract group and shelter home employees' personnel records and found:

- some employee records did not contain verification of a MPD criminal background check;
- none of the group and shelter home operators conduct NCIC background checks or reviews of the Central Registry of Crimes Against Children/Sex Offenders as part of the background check;
- group and shelter home vendors were found to have employed persons with criminal convictions, including murder, burglary, and drug-related offenses; and
- background checks of employees are not updated annually.

Without adequate background checks on employees who interact routinely with youths, contractors may unknowingly hire or have currently employed individuals with a history of violence, abuse, or other criminal behavior who could endanger the youths entrusted to their care. In addition, the current practice of hiring employees with known criminal convictions creates an unnecessary and unacceptable risk to YSA youths, their families, and the District government.

### **Recommendations:**

- a. That the A/YSA ensure that all candidates for employment and current contract employees who maintain regular contact with youths undergo a MPD criminal background check as required by current policy.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Prior to the implementation of the Youth Residential Facilities Act of 1986, a criminal background check for employment purposes was not required. Since the implementation of Chapter 62 of Title 29 DCMR § 6228.7, criminal background checks are now mandatory. The licensing regulations read that: "the facility shall test all prospective and existing staff for drug and alcohol use ...". The subsections further discuss the procedures that each facility will use in an effort to obtain required clearances. YSA's licensing unit again exceeds the standards by requesting one criminal check in the jurisdiction for which the employee or prospective employee lives, one clearance from the District of Columbia, and a final check from the Federal

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Bureau of Investigation (FBI). The results of said clearances are submitted to the licensing unit for review by the contracting and licensing entity. The facility is expected to maintain the test outcomes in the individual's personnel file.

- b. That the A/YSA develop an internal policy that requires annual updates of criminal background checks for contract employees.

Agree  Disagree

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The licensing procedures require criminal clearances annually for all contractor employees. To ensure compliance, the licensing specialist will receive a copy for the licensing renewal process and the monitor assigned to the facility and licensing specialist will review the personnel records annually.

- c. That the Director of the Department of Human Services propose legislation to the City Council that would require complete background checks for appropriate contract employees, to include not only a check of records at MPD but surrounding law enforcement jurisdictions, an NCIC check, and a review of the Central Registry of Crimes Against Children/Sex Offenders and a Child Protection Registry Check.

Agree  Disagree

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. There currently is in place emergency and temporary legislation that requires these background checks. Moreover, YSA's licensing unit, in accordance with the licensing regulations, requires each employee to obtain a Child Protection Registry clearance in their jurisdiction of residency. YSA will consult with the Central Registry of Crimes Against Children/Sex offenders to ascertain access to their data and ensure this is not a redundant action given the required clearances of Chapter 62 of Title 29 DCMR.

- d. That the A/YSA ensure that contractors discontinue the practice of employing persons with criminal convictions.

Agree  Disagree

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, this recommendation "that contractors *discontinue the practice* of employing persons with criminal convictions" may be worded too strongly. The technical assistance

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provided by the licensing unit informed all providers and perspective providers of the parameters regarding hiring individuals with criminal convictions without written approval. Section 6228.2 states that “the facility shall obtain the written approval of the licensing agency and the contracting entity prior to employing any person who has been convicted of fraud; or a drug-related offense. Section 6228.3 further states that “[n]o facility shall allow any person to serve as a staff person who has a conviction for and of the following offenses or their equivalents:

- Child abuse
- Child neglect
- Spousal abuse
- A crime against children, including child pornography; or
- A crime involving violence, including but not limited to, rape, sexual assault, homicide and assault.”

**6. YSA may be underutilizing a District Medicaid reimbursable, residential treatment facility that could be used to reduce the number of committed youths housed in costly out-of-state facilities and at OHYC.**

*Jerry M.* Memorandum Order “B,” signed May 20, 1988, emphasizes the importance of local community-based programs and facilities. “[F]or most children, the closer they can be to their families while receiving services the better.” Order “B” at 5.

In 2001, the Mayor’s Blue Ribbon Commission on Youth Safety Juvenile Justice Reform reinforced this belief and the need to return youths from out-of-state placements, “in order to bring children and youth closer to their home and families.” Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform, Final Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform 24 (Nov 6, 1991) (unpublished). The Commission report also addressed the issue of annual expense to the city, as Medicaid does not reimburse many of the costs related to these out-of-state facilities. “A total of 178 youth [were] in out-of-state residential placements as of September 19, 2001.<sup>17</sup> They remain in 12 states and the District of Columbia at an estimated annual cost of over \$6 million.”<sup>18</sup> *Id.* At p.18, As of May 2004, there were still approximately 150 youths in-out-of state residential facilities.

The team interviewed program managers and toured a D.C. Medicaid provider’s residential facility in northeast Washington that provides comprehensive mental health and educational services to learning disabled or emotionally disturbed youths in a secure environment.<sup>19</sup> The facility can provide “structured, therapeutic living” for up to 56 residents, and supports a public school, chartered by DCPS, that has the capacity for 70 youths and is fully

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<sup>17</sup> These 178 youth do not include youth who were, at the time, located in contracted group and shelter homes located in the District.

<sup>18</sup> Approximately 80% of these youth were located in facilities outside the District in the states of AL, CO, GA, MD, TN, FL, PA, MO, UT, VA, MN, and CT.

<sup>19</sup> The facility has alarmed, delayed egress locks on all exterior doors.

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accredited by the Joint Commission on Accreditation on Healthcare Organizations<sup>20</sup> in both outpatient and residential adolescent mental health services.

On the day of the tour, only 14 of the 56 available residential placements were filled and only one of the 14 youths was placed by YSA. When asked why the facility was not populated with more YSA committed youths, facility personnel stated that DCCP staff members believe the facility's admission criteria are too stringent and restrictive because the facility mainly targets youths who are either learning disabled or emotionally disturbed.

However the *Assessment of Order B Compliance* report supports the view that many YSA youth have significant educational and emotional needs.

[The compliance team's] record review in 2002 revealed that committed youth have significant educational and emotional needs ... (57%) had indications in their records that they were in special education .... (33%) had indications in their records that they had previously been in CFSA custody as neglected or abused children. A large number of the committed youth ... were grieving deaths of family members.

Assessment of Compliance with Order B at 23.

The team believes this facility affords YSA an excellent opportunity to reduce the number of youths in out-of-state residential treatment facilities, and better utilize Medicaid funds.

### **Recommendation:**

That the A/YSA designate an internal point of contact at YSA who would be responsible for a review of all youths currently residing in out-of-state residential facilities to identify those who might be better served by this in-town, therapeutic, Medicaid reimbursable residential facility.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

YSA maintains one full-time Residential Placement Coordinator and one full-time Staff Assistant responsible for managing placement and step-down transition for youth. YSA is fully

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<sup>20</sup> <http://www.jcaho.org>. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) is an independent, not-for-profit organization, established more than 50 years ago. JCAHO is governed by a board that includes physicians, nurses, and consumers. JCAHO evaluates the quality and safety of care for nearly 16,000 health care organizations. To maintain and earn accreditation, organizations must have an extensive on-site review by a team of JCAHO health care professionals, at least once every three years. The purpose of the review is to evaluate the organization's performance in areas that affect [patient] care.

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aware of the facility to which this report refers and disagrees with its characterizations of YSA's position and its ability to provide services to our youths. In May 2004, YSA began assessing all youth in out-of-state, long-term residential programs to determine those who could be potentially served by the facility. From June to July 2004, YSA referred roughly 12 youths who met the facility's admission criteria. Unfortunately, each youth was denied admission due to the facility's interpretation of zoning regulations under the Fair Housing Act. In July 2004, YSA received a letter from the facility stating that "at this time [the facility] cannot admit YSA youth into the residential program."

OIG Response: **The Inspection Team stands by its recommendation. A representative at the facility in question confirms that in late June 2004, they identified problems in the zoning regulations. Consequently, the facility, on its own initiative, temporarily suspended admission of YSA youths into the residential program until these issues could be clarified to their satisfaction by District officials.<sup>21</sup> However, the Inspection Team was told that the facility only received 4 referrals from YSA from June to July 2004, not 12. The Inspection Team encourages YSA to pay particular attention to the resources of this facility, and increase its referrals to the facility if the zoning regulation issues are resolved.**

7. **Inaccurate risk assessments, subsequent assignments to non-secure community facilities, and ineffective monitoring of youths increase the risk of abscondences.**<sup>22</sup>

Youths under 21 years old who are arrested and found guilty of criminal acts may be remanded by the court to the care of YSA. During what is called the "intake" process, the court may assign a youth to his or her family home, a group or shelter home sponsored by YSA, or to the District's OHYC in Laurel, Maryland. A youth's placement is based upon the seriousness of the offense, assessments by the Superior Court Social Services Division and YSA case managers of the youth's background and needs, facility and resource availability, and the risk of endangerment to the youth and the community.

a. ***Initial risk assessments of some youthful offenders may not accurately reflect the seriousness of their offenses, their extensive criminal backgrounds, or their potential danger to the community.***

After youths charged with criminal offenses have been found guilty by the court, YSA's Court Liaison Unit gives them a Risk Assessment Score based on evaluations of the youth's family life, psychological state, and criminal history. Scores of 5-16 represent low to medium risk, and scores of 17-30 reflect high risk. High risk youths typically will go to a secure detention facility like OHYC, while low to medium risk youths may be sent to a community group home or treatment facility.<sup>23</sup> Some case managers stated that in spite of some youths' extensive criminal backgrounds, the seriousness or repetitiveness of their current charges, and

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<sup>21</sup> See Appendix 6

<sup>22</sup> Absconders are youths who leave a YSA facility and do not return by a designated curfew hour or who do not return at all, and are considered to be missing.

<sup>23</sup> The Risk Assessment Score is also used to determine the types of services a youth will receive, such as individual and group counseling, psychological and medical treatment, and anger management classes.

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hardened attitudes, a number of youths are inappropriately evaluated at this stage of the process as low to medium risk rather than high risk. They are subsequently sent to non-secure group homes from which they can easily abscond and resume their criminal behavior or engage in other antisocial activities. These inappropriate placements endanger community residents as well as the youthful offenders themselves.

***b. Security procedures in some group and shelter homes are reportedly lax and inconsistent, and increase the risk of abscondences.***

Also critical to the problem of abscondences is the quality of security and oversight of youths by employees of the group and shelter homes. By increasing security and instituting standard policies and procedures for monitoring the movement of youths into and out of group and shelter homes, YSA could reduce the risk of abscondences. During our inspection, the team found or was informed that:

- some youths are often permitted to enter and leave facilities at will;
- curfew times are inappropriate (youths at one group home who attend school are given an 8 p.m. curfew time, although schools normally let out between 3 p.m. and 4 p.m.);
- some facility operators reportedly are not monitoring or locking the doors of the facilities at night;
- some employees reportedly sleep during the evening when they should be monitoring the activities of youths;
- some youths who abscond are returned to the same group home after they are apprehended, which may result in repeated abscondences;
- some group home operators reportedly provide weekend and evening passes to youths without notifying the social workers or case managers responsible for those youths;
- an allegation was made that in some facilities, employees give out home passes indiscriminately to youths so they can shut down the group or shelter home over the weekend; and
- a parent alleged that during frequent visits to one group home, some youths within the home appeared to have been using illegal substances.

The purpose of placing troubled youths in group and shelter homes is to provide them with a stable and secure environment that ensures their welfare and the safety and protection of the public. Inadequate monitoring, ineffective security measures, improper placement of youths with a history of absconding, and inappropriate curfews increase the likelihood of abscondences and provides youths with opportunities to resume their criminal activities in the community.

A Management Alert Report (MAR 04-I-010 at Appendix 3) addressing these issues was sent to the A/YSA on July 30, 2004. A copy of the A/YSA's response to the MAR is included at Appendix 4. The team will follow-up on the A/YSA's progress in correcting problems cited in the MAR.

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### Recommendations:

- a. That the A/YSA collaborate with the Superior Court Social Services Division on a qualitative review of the intake assessment process. The objectives would be to (1) improve the decision making that leads to the assignment of youths to either secure or non-secure facilities; and (2) lower the risk of dangerous youthful offenders absconding back into the community where they might be harmed or harm others.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### *DHS's Response to IG's Recommendation:*

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

The Court Liaison Unit staffs apply the risk assessments in order to determine the feasibility for serving each youth referred in the least restrictive setting. Random monthly reviews of JIMS attest to the accuracy of the interviewers in obtaining factual information from respondents. The Program Manager has not detected any inaccuracies in the risk assessments. Since the development of the risk assessment tool, YSA has not had an opportunity to use the initial risk assessment score to determine community release. Assignments to non-secure community facilities are court-ordered.

The risk assessment tool has always been demonstrated to be an accurate tool in identifying potentially dangerous youth. As of August 15, 2004, the Court Liaison Unit (Screening Team) has screened 1137 probation detention cases for this calendar year. Only one youth for the year 2004 was placed in the juvenile cellblock with a court order that gave YSA discretion to determine community release. That youth was not directly placed in a community bed. All other detention youth are released to the community by way of the judge's order.

The issue of detained youth (who are placed in shelter beds or other placements by court order) as opposed to committed youth (who are placed by YSA in group home beds or other placements) is obscured in the opening paragraph. The risk assessment for newly committed cases has never been used as the sole determinant to decide placement of committed youth. Other than the fact that YSA provides staff secure and non-secure housing to both of these groups, detained and committed youth have little in common.

Statistically most youths under 21 years old who are arrested and found guilty of criminal acts are placed on probation. The offender that is committed and remanded by the court to the care of

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YSA is usually placed at Oak Hill. The Social Worker and Aftercare Unit Supervisor determine community release. Risk Assessments are not the primary tool used for community release. How those youth perform once placed in the shelter facilities and how the facility reacts to violations is addressed in other sections of this report.

The risk assessment score is used as part of the YSA inventory to determine release. Each community release to shelter care (for detained youth) is authorized by court order with the recommendation of the intake probation officer who completes the social study. The youth is given a risk assessment score after he or she is screened by the CLU/ Screening Team in the juvenile cellblock and sent to the Central Processing Facility. At the Central Processing Facility, medical and mental health assessments are performed. When all five steps are completed (*i.e.* recommendation of the intake probation officer, court order signed by the judge, risk assessment score of 10 or lower, medical clearance, and no suicidal or homicidal ideations) and there is a shelter bed space available, the youth is placed.

If the YSA risk assessment score along with the inventory tools to include the youth's offense history does not support community release as recommended by the judge and court social services/intake probation unit, they are notified by the CLU staff. If the court still requires YSA to release the respondent, CLU notifies the receiving facility to be hyper-vigilant in monitoring the youth's performance. If all of the shelter care beds are full, the youth is placed on a roster in the numerical order they arrived at Oak Hill and are placed in the community according to the number assigned and the aforementioned five steps.

Committed youth placed in group homes are released at the recommendation of the Social Worker/Case Manager. The recommendation for community release is done with the authorization of the Aftercare Unit Supervisor, the commitment court order, the recommendation of the Oak Hill Treatment Team assigned to work with the youth, the parent or surrogate, medical, mental health clearances, risk assessment or re-assessment score, and all community service contracts in place. Any youth released to the community has met the behavioral guidelines for release and is not actively engaged in a pattern of behavior that suggest he is at risk to public safety, himself, or a risk for fight.

“Physical security” for group and shelter homes is prohibited by D.C. government fire codes. Community and client safety is addressed through staff and access to the same safety network available to all citizens. The issue of releasing dangerous offenders to the community is weighed against the respondent's performance. Many of the youth enter pleas to a lesser offense and on paper may not be identified as a serious offender. Therefore, YSA is dependent on accurate information as presented in the court social study. The mission of YSA is to rehabilitate, not punish; therefore, even potentially dangerous youth at some point during his or her rehabilitation will be eligible for community release.

YSA has met several times, over the past six months, with the Acting Director and Acting Deputy Director for the Superior Court Social Services (CSS) Division. Specifically, YSA has discussed the feasibility of the current intake assessment instrument and YSA's current limited level of input in the decision making process regarding those youth permitted to return home prior to disposition, as well as those youth remanded to shelter home placement. YSA recently

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met with the Judges of the Family Court and will coordinate a series of meetings with CSS aimed at developing a single intake risk assessment instrument and strengthening the role of YSA and the Child and Family Services Agency (CFSA) in the decision-making process that determines the placement of youth.

- b. That the A/YSA review security and monitoring practices in all group and shelter homes and ensure that day-to-day operations serve to minimize the risk of abscondences, while meeting the requirements to provide residential care, treatment, and services for the youths.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

YSA has conducted a review of the security and monitoring practices in all of its group and shelter homes specific to the overall services pertaining to the risk of abscondences. YSA has determined that additional staffing in most group and shelter homes is necessary to reduce significantly the extent to which youth abscond from these homes. To address this determination consistent with licensing efforts underway, YSA has released a RFP for therapeutic and traditional (*i.e.*, generic) group homes. Responses to the RFP were received on July 23, 2004. YSA is currently reviewing the proposals and will award contracts in the coming months that enable group home providers to operate at increased staffing levels for greater security at each home. YSA has also developed the statement of work (SOW) for shelter home RFPs and will be meeting with the OCP in the coming weeks to complete the RFP for release to the public.

- c. That the A/YSA review the feasibility of automatically placing youths who abscond from a group or shelter home into more secure facilities once they have been apprehended.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the

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MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

This recommendation ignores the critical differences between detained and committed youth and creates a false impression that there are no procedures in place to address repeat absconders. YSA has measures in place for recommending youths appropriate for placement in shelter homes; however, YSA does not determine those youths placed in shelter home. The courts are the final determinant for placing probation detention high-risk youth back into the community. While YSA has always been proactive in advising the court of high-risk cases, the courts maintain the final say regarding the placement of a detained or probation youth in shelter care. Once a placement determination is made by the courts, YSA must act accordingly, even in those cases in which a youth awaiting disposition has absconded from shelter care. For committed youth, as discussed in response to the MAR, YSA has a revocation process that ensures adherence to the youth's due process rights while protecting public safety.

OIG Response: **The OIG stands by this recommendation and believes this policy is necessary for three reasons: 1) youths who abscond (particularly high-risk youths with criminal histories) obviously require a more restrictive living environment; 2) abscondence indicates that a youth is not ready to be transitioned peacefully back into the community; and 3) such a policy would:**

- **reduce the likelihood that high-risk youths who have a history of absconding will be housed in loosely supervised and unmonitored facilities from which they can easily abscond and get into additional trouble in the community;**
- **reduce the risk of their being injured, or injuring others; and**
- **minimize the interruption of YSA-sponsored services, such as substance abuse treatment, medical treatment, counseling, and education.**

**8. Abscorder Locator Component (ALC) employees do not have the procedures or training to make more than minimal efforts to locate absconders, some of whom pose a threat to the community and to themselves.**

The risk of youths absconding from group and shelter homes is a challenge for both YSA and the surrounding community. Currently, consistent and systemic efforts are not being made to minimize the number of youths in absconder status. Quick and determined efforts must be made to return absconded youths to their assigned group or shelter home as soon as possible in order to:

- limit the opportunity for youths to get into additional trouble in the community;
- reduce the risk of their being injured or injuring others; and
- minimize the interruption of services being sponsored by YSA such as substance abuse treatment, medical treatment, psychological and other counseling, and education.

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DCCP documents show that since June 2001, 223 youths have absconded from YSA group and shelter homes. Sixty-nine<sup>24</sup> are still listed in absconder status and 23 have been missing for over 2 years. These youth are guilty of offenses ranging from unauthorized use of a vehicle to murder. (Appendix 2).

In 2003, YSA established an Absconder Outreach Initiative (AOI) and created the five-person ALC to locate absconded youth and assist law enforcement officials in returning them to YSA custody.<sup>25</sup> However, the team found that efforts to locate youth who have absconded have been minimal and ineffective. ALC employees have been working without a clearly articulated mission, position descriptions, policies and procedures, or written performance standards.

Employees stated that when the ALC was established, their duties consisted only of compiling data on absconded youths such as the number who have absconded from group and shelter homes, the number who have returned to their group or shelter homes, absconded youths who have “aged” out of YSA’s system by turning 21, and absconded youths incarcerated in state, federal, or juvenile detention centers. These tasks were performed telephonically, and ALC employees were not required to conduct field investigations.

***a. ALC employees do not conduct field investigations on every youth who absconds.***

The AOI requires that a field investigation be conducted on youths who abscond from government custody. Such an investigation should include in-person as well as telephonic inquiries at the last known residence; notification of family; questioning of friends and of officials at school, local jails, hospitals, welfare and services agencies, as well as other agencies with whom a juvenile may have had contact. The investigation should include canvassing a youth’s former neighborhood, schools, and places of employment.

Between August 2003 and April 2004, ALC documented only 20 instances when field investigations were conducted to locate the 68 youths currently in absconder status. Although procedures are being drafted, ALC employees stated that they have not been required by YSA management to conduct field investigations to locate absconded youths.<sup>26</sup> ALC employees have conducted some field investigations on their own initiative, but stated that they are hesitant to do so because they are untrained and lack arrest authority.

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<sup>24</sup> One youth on this list was recently killed (June 2, 2004) during an alleged robbery attempt.

<sup>25</sup> The function of locating absconders was established in August 2003 as an initiative directed at committed youth of YSA who abscond from their assigned or mandated YSA operated or contracted community based facilities. On January 15, 2004, this initiative was expanded under the auspices of the D.C. Superior Court to include the compilation of information and data on the detained youth, who have court ordered placements with YSA, specifically in one of the community-based programs, i.e.; shelter homes, home detention, or electronic monitoring.

<sup>26</sup> Draft procedures and protocols for the Absconders Outreach Initiative, submitted by the Deputy Administrator for DCCP, state that, “[i]f the child cannot be reached at home /via phone, [the Absconder Locator Component (ALC)] staff will continue to try and locate the youth. They will visit the youth’s school or place of employment; canvass the neighborhood, and any other location(s) the youth is known to frequent.” District of Columbia Youth Services Administration Division of Court and Community Programs, Draft Absconder Outreach Initiative Procedures and Protocols 2 (May 12, 2004).

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***b. There does not appear to be an adequate exchange of information or close coordination between YSA and MPD in attempts to locate absconders.***

Only MPD has the authority to detain and arrest an absconded youth after a custody order has been filed.<sup>27</sup> YSA and MPD have an agreement stipulating that MPD officers shall attempt to locate children in coordination with YSA.<sup>28</sup>

In order for MPD to apprehend a youth, it is imperative that YSA notifies MPD as soon as a custody order has been signed. However, DCCP Abscondence Tracking Reports from August 2003 to April 2004 show that ALC made only 14 contacts with MPD during this time, although custody orders had been signed for all 68 youths currently in absconded status. ALC has no detailed procedures or guidance regarding contacts with MPD, and employees stated they only contact MPD when a judge has signed a custody order *and* they can confirm the location of a youth. Such confirmation, however, is clearly unlikely since ALC makes only minimal efforts to locate absconded youths. This breakdown in coordination and communication also makes it unlikely that MPD will locate and apprehend an absconded youth in a timely manner.

YSA's notifications to MPD on absconders should include background information, a physical description, a photograph of the youth, and contact information on family and friends. The team could not determine exactly what identifying information YSA transmits to MPD on absconded youths, but did conclude that no photographs are sent, because none are taken during the intake process.

29 DCMR § 6257.3(g) states, in part, that not more than 48 hours after a youth's admission, a YSA facility shall complete an admissions record that includes a current photograph of the resident. The team reviewed approximately 40 files of youths assigned to the 14 YSA group and shelter homes, and found that none of the files contained photographs that could help identification. Without photographs, both ALC employees and law enforcement officers must rely on written physical descriptions of absconded youths, which are often poorly written and are incomplete. This obviously adds to the difficulty of locating youths and making an accurate identification.

MPD's Youth and Family Services Division<sup>29</sup> also does not appear to have up-to-date policies and procedures regarding coordination with YSA or that specify MPD actions to locate absconded youth. Both YSA and MPD employees stated that a Memorandum of Understanding

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<sup>27</sup> ALC employees do not have law enforcement authority, and cannot apprehend or arrest a youth who has absconded. MPD can only apprehend a youth for absconding after a Superior Court judge has signed a custody order, ordering the youth's return to the group or shelter home from which the youth absconded.

<sup>28</sup> Agreement among the D.C. Superior Court, Metropolitan Police Department, the Corporation Counsel, the LaShawn General Receivership on Behalf of Child and Family Services Agency of the Department of Human Services, and the Department of Human Services Youth Services Administration.

<sup>29</sup> According to the agreement, the Youth and Family Services Division of MPD will assign four officers to the MPD Abscondence Unit whose working hours are 5 a.m. to 1 p.m. Monday through Friday. In addition, the agreement states that MPD will provide pagers to the officers on duty with the Abscondence Unit to expedite communication with social workers, guardians, parents, caretakers, and other appropriate individuals.

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(MOU) is being developed by the two agencies to increase communication and coordination, but no target date for its completion was identified.<sup>30</sup>

A Management Alert Report (MAR 04-I-010 at Appendix 3) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is included at Appendix 4. The team will follow-up on the A/YSA's progress in correcting problems cited in the MAR.

### **Recommendations:**

- a. That the A/YSA take immediate steps to ensure that all youths are photographed and that photos are placed in each case file maintained at DCCP and the group home.

Agree                                X                                Disagree                      \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

Some of the information detailed in the report's key findings is incorrect or has been misinterpreted. The report first states that "consistent and systemic efforts are not being made to minimize the number of youths in absconder status (p. 27)." This statement is misleading because it approaches the issue only from a backdoor standpoint. The first step an agency needs to take to minimize the number of youth in abscondence is to place youth in appropriate settings. Considering that decisions to place youth in community are made by case managers and supervisors who consult with a youth's service providers at Oak Hill, residential treatment centers, and other organizations, and that many youth are placed in group homes based on the recommendation of the Multi-Agency Planning Team (MAPT), the IG's statement is both misleading and inaccurate.

The report later states that among the 69 youth then in abscondence, offenses ranged from unauthorized use of vehicle to murder. Although this statement is not inaccurate, it is grossly misleading for a number of reasons. First, usually when a range is given, the information will be presented from low to high or high to low. By setting the bottom of the range as UUV, the report incorrectly implies that these are the least serious offenses committed by youth in abscondence. In reality, there were other offenses that might be considered less serious, including drug

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<sup>30</sup> According to YSA officials, this MOU is being developed among YSA, MPD, the District of Columbia Superior Court, and the Attorney General for the District of Columbia.

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violations, destruction of property, disorderly conduct, and even prostitution. Secondly, rather than or in addition to providing a range, the report should have instead explained which offenses were most common. While it is true that murder is one of the offenses that youth were found involved, only one such case existed, and a total of three youth were found involved for a sex offense, aggravated assault or murder. In fact, 13 percent of the 69 youth were found involved of what the FBI's Uniformed Crime Reporting Program classifies as a Part I (most serious) offense, compared to more than a fifth of YSA's total committed population.

A more accurate depiction of the 69 youth in abscondence would state that a plurality (32%), were committed for drug offenses, and more broadly, a strong majority (64%) were committed for property offenses. Finally, irrespective of the offense, virtually all committed youth will be stepped down to a community placement at some point during their commitments. YSA continues to operate under the goal of placing youth in the "least restrictive setting" necessary considering the youth's individualized needs and public safety, and part of YSA's responsibilities for committed youth is to reintegrate them into life outside of an institutional facility. Therefore, the abscondence population may include youth who have committed all types of offenses in the past.

The report inaccurately states that YSA created the five-person Absconder Locator Component in 2003. While the absconder unit was initiated in 2003, it was not staffed with five employees until early 2004, when [REDACTED] and [REDACTED] came from Oak Hill.

The report later states that field investigations were conducted for only 20 of 68 abscondence cases. But based on the report's own definition of "field investigation," this assertion appears inaccurate on its face. Although the IG may appropriately question whether all components of a field investigation took place, the assertion that the ALC did not *conduct* an investigation is inaccurate. Whenever a case is referred to the ALC, a letter is sent to the last known address of the parents or guardian, and phone calls are placed to the family as well, thus satisfying at least some of the conditions for a field investigation as defined by the IG report.

While the report makes a convincing argument that there needs to be far more coordination between ALC staff and MPD, it leaves the false impression that MPD only knows of an absconder if YSA staff notify them. The report states, "In order for MPD to apprehend a youth, it is imperative that YSA notify MPD as soon as a custody order has been signed." But MPD is notified when a custody order is signed by its WALES system, and D.C. Superior Court employees supply the custody order information. Moreover, both shelter and group homes are required to notify MPD directly of an absconder from their facility.

Also, in the same paragraph on p. 29, the report refers to the "minimal efforts" by the ALC to locate absconded youth. The word "minimal" is pejorative in this context, and should be replaced by the actual tasks that the ALC is failing to perform.

Nevertheless, YSA agrees that all youth court-ordered into YSA's custody need to be photographed, and that these photographs need to be placed in each youth's electronic and hard case files. YSA is working with the Office of the Chief Technology Officer (OCTO) to ensure that the new case management system will have the capability to display digital pictures of

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youth. Currently, however, it must be understood that youth confidentiality laws prohibit YSA from sharing these photographs with law enforcement, even to coordinate the return of an absconder.

- b. That the A/YSA immediately put into place interim procedures and performance standards for the ALC until a permanent document is approved. We recommend that the procedures emphasize the need for: prompt notification of MPD when custody orders have been signed; transmitting key identifying information to MPD, including photographs; the conduct of field investigations in all cases; and diligence in efforts to locate absconders as soon as possible.

Agree \_\_\_\_\_ Disagree  X

### ***DHS's Response to IG's Recommendation:***

YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA understands the objective of OIG's recommendation and further comments as follows:

While YSA needs to develop performance standards for the Absconder Locator Unit (ALC), YSA disagrees that interim procedures need to be put in place. In a document dated May 12, 2004, YSA drafted procedures and protocols for what was referred to as the Absconders Outreach Initiative (AOI). This document includes, as recommended by the OIG, procedures for the conduct of field investigations. YSA's procedures ought to include the transmittal of key identifying information to the Metropolitan Police Department, including, as stated in Recommendation 8a, photographs of the youth once it is legally permissible. However, as explained in YSA's response to the MAR in this regard, YSA does not need to notify MPD when a custody order has been signed because MPD receives notification of all signed custody orders through the WALES system. This information is transmitted directly from D.C. Superior Court, so MPD is already receiving timely notification of absconders. Moreover, both shelter and group homes notify MPD directly when youth abscond from their facilities.

OIG Response: **The OIG stands by this recommendation, and further recommends that YSA adopt formal procedures that will better assist MPD in locating absconders.**

- c. That the A/YSA seek to expedite approval among all concerned agencies of the draft MOU on absence policies and procedures, so that ALC and MPD roles and responsibilities regarding locating and apprehending absconders can be clarified and implemented quickly.

Agree  X  Disagree \_\_\_\_\_

## KEY FINDINGS

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### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In fact, YSA adopts and incorporates herein its eight-page response to Management Alert Report 04-I-010 (set forth as Appendix 4 to this report) given some of OIG's critical misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. Notwithstanding YSA's detailed response to the MAR, those misunderstandings persist in this report in the narrative above. With an interest toward improving performance, however, YSA agrees with the objective of OIG's recommendation and further comments as follows:

DHS agrees that there is a need to expedite approval of the draft MOU on abscondence policies, especially with respect to the roles of MPD and YSA's Absconder Locator Unit in locating and apprehending absconders.

### **9. DCCP lacks written policies and procedures for many key operations.**

ACA recommends and best practices suggest that each department and administrative unit within the organization maintain and make available to employees a standard operation procedures manual that specifies how policies are to be implemented. The written policies and procedures should assist employees in completing assignments and ensuring compliance with the department or unit's policies and procedures.

The team found that DCCP lacks written policies and procedures for many operations, including the key operations of administration, group and shelter homes, aftercare services, and alternative detention services. DCCP officials stated that many policies are being re-written, but could not provide the team with either completion dates or any existing policies and procedures for many of these areas.

The lack of written policies and procedures may contribute to inconsistency in daily operations, and does not provide assurance to District stakeholders that proper services and treatment are being provided to youths served by DCCP.

#### **Recommendation:**

That the A/YSA expedite the process of establishing written policies and procedures for all key functions within DCCP.

Agree                X                Disagree      \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, YSA does not necessarily agree with OIG's factual findings. YSA agrees that there is a need to establish written policies and procedures for key functions and operations within DCCP. However, YSA does not agree that all key functions and operations require the establishment of policies and procedures as the following functions

## KEY FINDINGS

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currently have clearly written policies, procedures and guidelines: Alternatives to Detention, Court Liaison Support Services, Aftercare Case Management Services, and Licensing and Monitoring Services. Under the leadership of its new Division on Performance Management, YSA will update and establish policies and procedures for all key functions and operations provided by the DCCP.

**10. DCCP apparently lacks updated position descriptions (PDs) and performance standards for all employees.**

DPM Chapter 11A, Subpart 2, subsection 2.7 (a) states, in part:

**[a] well-designed position description has clearly defined operations, tasks, duties, authorities, and responsibilities, and provision for supervisory control and supervisory requirements. This written record should clearly state what work is to be performed, how it is to be performed, what the consequences of errors are, and what specialized qualifications are needed to perform the duties. The official record of this information is usually called the position description.**

In addition to the guidance in the DPM, ACA and best practices suggest that explicit performance standards be established for all employees.

The team made a written request for PDs and performance standards for all DCCP employees. DCCP did not provide PDs and performance standards for all DCCP job categories, including the important positions of the Deputy Administrator, Assistant Deputy Administrator for Diagnostic and Committed Services, Assistant Deputy Administrator for Intake and Detention Services, and Group Home Licensing and Certification employees. Several employees stated that their position descriptions were outdated, did not align with their actual duties, and that they were performing duties beyond the scope of the position and were not being adequately compensated.

Employees without accurate position descriptions may not have clearly defined tasks, authorities and responsibilities. In addition, the lack of performance standards does not allow managers, employees, and District stakeholders to adequately assess whether employees are adequately performing their duties.

**Recommendation:**

That the A/YSA establish written position descriptions and performance standards for all DCCP employees.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

## KEY FINDINGS

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### *DHS's Response to IG's Recommendation:*

By agreeing with this recommendation, YSA does not necessarily agree with OIG's factual findings. YSA agrees that there is a need to establish current written position descriptions and performance standards for all of its employees to the extent they are out of date or inconsistent with actual duties and responsibilities.

**Findings and  
Recommendations:**

**LICENSING,  
MONITORING, &  
QUALITY ASSURANCE  
UNIT**

DCCP's Licensing, Monitoring, and Quality Assurance Unit (LMQA) is responsible for monitoring and overseeing the operations of the contracted group and shelter homes providing services to YSA. The primary functions of the unit are to: assess compliance with contractual agreement(s) with YSA; evaluate the quality of services delivered to youths; ensure compliance with court ordered services; and inspect facilities for compliance with District health and safety regulations. Program Monitors assigned to the unit execute these functions through quarterly inspections.

**11. Not all group and shelter home employees undergo pre-employment tests for illegal drug use and alcohol abuse.**

In 1999, YSA established a mandatory drug and alcohol testing policy that requires pre-employment tests for drug and alcohol use for employees who have regular contact with youths. District regulations for group and shelter homes also require such pre-employment testing.

29 DCMR § 6228.7 (b) states:

**[t]he facility shall [require] all prospective ... staff ... [to undergo a pre-employment test] for drug and alcohol use....**

In addition, 29 DCMR § 6230.3(d) states, in part:

**[t]he facility shall maintain an accurate personnel record of each staff person, including all employees of the facility and any other person (including, without limitation, volunteers, independent contractors, and vendors) regularly providing services at the facility. Their personnel record shall include ...(d) reports of drug and alcohol testing required as by § 6228.7....**

The team conducted a random sampling of 25 employee personnel records at 5 of the 14 group and shelter homes and found that some contract employees had not undergone pre-employment drug and alcohol testing, and that pre-employment drug and alcohol testing was not required by the contractor at the time of their employment. Some employees stated they had undergone testing prior to employment, yet documentation of testing was not found in their personnel records as required.

LMQA employees stated that employees at group and shelter homes are not YSA employees and the contractors are responsible for conducting pre-employment drug and alcohol testing of contract employees. They further stated that they have limited authority to enforce the DCMR requirement because the homes are not licensed, and vendors do not have current contracts that require pre-employment drug and alcohol test for contact employees.

Without adequate pre-employment testing for drug and alcohol use for employees who must interact routinely with youths, contractors may unknowingly hire or currently employ individuals with a history of substance abuse who could endanger the youths entrusted to their care.

**Recommendations:**

- a. That the A/YSA ensure that tests for drugs and alcohol are conducted on all contract employees.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Prior to licensing, the vendors were not required to test employees for illegal drugs and alcohol use. The YRF licensing regulation (section 6228.7) provides for random and annual testing of prospective and existing staff for drug and alcohol use. Furthermore, the licensing regulations outline the procedures that the facilities are to use in this process.

- b. That the A/YSA ensure that test results are maintained in each contract employee's personnel records.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA will require test results for drug and alcohol use are maintained in the individual's personnel record, if allowed by law, and submitted to the licensing specialist during the facilities annual re-licensing.

**12. Some group and shelter home employees do not undergo pre-employment and follow-up physical examinations as required by District regulations.**

29 DCMR § 6228.6 states:

**All existing staff shall undergo a physical examination sufficient to determine their general physical condition, freedom from disease in a communicable form, and ability to work closely with or care for children without danger to the children. All prospective staff shall undergo a pre-employment physical examination sufficient to determine their general physical condition, freedom from disease in a communicable form, and ability to work closely with or care for children without danger to the children. All staff shall undergo a follow-up examination every 24 months. The facility shall obtain the licensing agency's approval prior to permitting any staff person who tested positive for a communicable disease to provide services in the facility. The facility shall keep confidential all information obtained pursuant to this section.**



## PRE-TRIAL AND COMMUNITY BASED SERVICES

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intensive supervision services; after-school enrichment services; home-based counseling and support; and mentoring services.<sup>32</sup> YSA budgeted approximately \$1.7 million for these services in FY 2004.

The team assessed YSA's use of these community-based services for fiscal years 2001, 2002, and 2003 and found that thousand of hours of services for home-based counseling, mentoring, and after-school enrichment programs, for which contracts have been signed and funds budgeted, were consistently underutilized from year to year. (*see table next page*)

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<sup>32</sup> Home-based counseling services include "life skills" sessions and parenting groups, and aim to improve relationships between committed youths and their families. Mentoring services afford committed youths the opportunity to have one-on-one relationships with positive, adult role models. After school enrichment services are designed to improve academic competencies in both pre-trial and committed youths.

## PRE-TRIAL AND COMMUNITY BASED SERVICES

### Utilization of Programs Managed by YSA's Primary Community-Based Services Provider

	Home-Based Counseling	Mentoring	After School Enrichment
Average Number of Youths Served Per Month <sup>33</sup>	13	18	6
Annual Unexpended Funds <sup>34</sup>	\$ 263,379	\$ 114,883	\$131,631
Contract Utilization, Most Recently Completed Year <sup>35</sup>	57% <sup>36</sup>	56% <sup>37</sup>	34% <sup>38</sup>
Unused Hours of Service – Base Year <sup>39</sup> (2001)	6,529	3,687	3,760
Unused Hours of Service – Option Year 1 (2002)	4,950	2,130	3,370
Unused Hours of Service – Option Year 2 (2003)	3,430	2,627	2,600

The team reviewed several YSA contract monitoring reports for these service providers and found no indication that any of the underutilized programs were sub-standard. The contractor also stated that YSA management has not expressed concerns about program quality.

The team requested from DCCP a report detailing:

- The total number of youth served by YSA for FY 2003 and 2004 to date; and
- The types of services being provide to these youth.

This was requested to verify if DCCP was taking full advantage of these available and funded community-based tutoring, mentoring, and counseling programs. DCCP officials did not provide this requested documentation.

Failure to fully utilize these service contracts keeps the maximum number of youths who would benefit from tutoring, counseling, or a positive relationship with a mentor from receiving these services.

#### **Recommendation:**

That the A/YSA take appropriate action to ensure that DCCP case managers and their supervisors make full use of budgeted community-based programs to provide home-based counseling, mentoring, and after-school enrichment programs to more YSA youths.

<sup>33</sup> Figure represents the average number of youths participating in each program per month for the period of January 2004 – May 2004.

<sup>34</sup> Average annual unexpended funds during first 3 years of contract (base year of contract and two option years.)

<sup>35</sup> Calculation to determine percentage of contract utilization: Amount invoiced by Contractor divided by the Contract cap (maximum value of annual services authorized under the contract).

<sup>36</sup> YSA utilizes a second contractor for home-based counseling. During this period the contractor served an average of 28 youths per month and exceeded the annual contract cap by approximately \$85,000. The net effect was still a surplus of approximately 1,800 hours of home-based counseling services.

<sup>37</sup> YSA uses a second contractor to provide mentoring services. During this period the contractor invoiced YSA an amount equal to 91% of the contract cap, and served an average of 23 youths per month.

<sup>38</sup> This is the only after-school enrichment program under contract with YSA.

<sup>39</sup> Unused hours of service calculated by dividing unexpended funds by the hourly rate for service.

## PRE-TRIAL AND COMMUNITY BASED SERVICES

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Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA has assessed the utilization of community-based contracted services to adjudicated committed youth. YSA has determined that a number of factors have contributed to the under-utilization of these services. For example, some community-based contracted providers currently employ part-time staff to work with YSA youth. These staffs generally work full-time during the day and heretofore have not been available during reasonable hours to work with youth. Additionally, some community-based contracted providers have provided services inconsistent with the letter and spirit of the specific contract and services required. Also, some community-based providers have, at times, billed YSA for undocumented services and excessive hours over and above those permitted. At the same time, some providers have sought to supplement group services, exclusively in the home office of the provider, as opposed to the required individualized service delivery required by the service contract. Finally, YSA case managers responsible for supervising committed youth in the community have not consistently sought to extend services to youth beyond the time period permitted for referral for services.

To enhance utilization of community-based contracted services, YSA convened meetings with each provider to examine the services delivery required in each contract. YSA also convened meetings with [REDACTED], Jerry M. Order B expert, and providers to review the delivery of services in accordance with each contract. YSA has begun a process of formally reviewing each contractual service, and has also taken steps to provide technical support to each vendor specific to enhancing service delivery to youth committed to YSA. YSA intends to ensure that each youth placed in the community receives an array of wraparound services throughout the duration of his/her commitment.

While aggressive steps are underway to enhance utilization of contracted community-based services, YSA will maintain vigilance over contracted services to ensure vendors provide services consistent with requirements in Order B of Jerry M., and that vendors are not submitting reimbursements for undocumented services to District youth.

**Findings and  
Recommendations:**

**PRE-TRIAL AND  
COMMUNITY-BASED  
SERVICES**

**14. YSA’s electronic monitoring unit does not effectively monitor youths in the evenings and on weekends.**

YSA’s Project Refocus (Refocus), a home release program that uses electronic monitoring to keep track of youths, is part of YSA’s Alternative Detention Division. Refocus employs three case managers who coordinate the electronic monitoring of approximately 10 youths. D.C. Superior Court judges assign youths to Refocus as an alternative to sending them to the Oak Hill Youth Center. According to Refocus case managers, these youths are considered “high risk” because they have a history of truancy, recidivism, and non-compliance with court instructions.

The team found that Refocus has neither the equipment nor the personnel necessary to respond adequately to electronic monitoring violation alerts that occur during overnight and weekend hours. According to Refocus case managers, their vendor’s monitoring system faxes violation alerts to their offices at 450 H Street within minutes after they occur. However, none of the Refocus case managers work past 8 p.m. during the week, and no staff is available over the weekend. As a result, if a youth were to leave his home at 10 p.m. on a Friday evening, the violation alert would not be read until a Refocus staff member returned to the office the following week.

DCCP personnel stated that in the late 1990s, Refocus was staffed 24-hours-per day, and used “drive by” equipment to supplement after-hours monitoring efforts. Also, an after-hours “hotline” was established so that youths and their families would have continuous access to counseling services and assistance in the event of a crisis. Refocus no longer utilizes “drive by” equipment and no longer has staffing for an after-hours “hotline.”

Electronic monitoring programs are potentially effective in large part because participants believe that they are constantly being “monitored,” and that a violation will generate a prompt response in the form of a telephone call or a visit from a staff member. Furthermore, a monitoring program can also aid in the prevention of delinquency. By responding to violation alerts in a timely fashion, staff members may prevent youths from re-offending, being injured, or absconding. DCCP’s inability to continually monitor Refocus youths and respond to violation alerts severely weakens the effectiveness of Project Refocus, and denies the high-risk youths that are assigned to the program the level of monitoring they require.

**Recommendation**

That the A/YSA assign or hire the personnel necessary to respond promptly to all after-hours and weekend electronic monitoring violation alerts.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

***DHS’s Response to IG’s Recommendation:***

The Alternative Detention Division (ADD) serves pre-trial youth at the request of Court Social Services Division and through court order. While YSA is in partial agreement with the OIG

recommendation that ADD could benefit from additional manpower and a modification in the work schedules, it is important to note YSA does not have primary case responsibility. If YSA is to meet the proposed standard of “over 90% of youths” remaining arrest-free and make their court hearings during their time in the electronic monitor program, a major commitment must be made on the part of Court Social Services Division, which is responsible for these youth. The assignment by Court Social Services of at least three full-time probation officers to work modified hours would enhance ADD’s effectiveness.

Currently, YSA caseworkers (*not* case managers as the narrative incorrectly suggests) supervise and monitor 15 youths per worker. The caseworkers assigned to the Home Detention Unit occasionally conduct their own after 6:00 p.m. calls. Project Refocus has a designated staff person who works a late evening tour to perform curfew checks after 6:00 p.m. five evenings a week but not on weekends. The electronic monitoring vendor performs randomly scheduled checks seven days a week. The results of their surveillance are faxed to Project Refocus staff within twenty-four hours. Youth who violate curfew check are reported to the assigned probation officer prior to scheduled status hearings and in cases where there are three continuous violations calls are placed to the probation officer before scheduled status hearings.

CSS has stated that they are reluctant to sanction youth who have not yet been found involved for failure to cooperate with the pre-trial release conditions. Defense attorneys and PDS have consistently argued that services provided prior to a finding of involvement should not be used as a tool to coerce defendants, but should be an honest attempt to help the client and family to ameliorate the behavior that led to the arrest. Historically, defense counsel have directed their clients not to volunteer for pre-trial services if it will influence their chances to be found involved or result in a harsher sentence if clients have not cooperated. CSS has stated that marginal participation is better than none at all; thus, CSS does not aggressively react to efforts to restrict a youth’s community placement.

YSA’s ADD unit also co-manages committed youth cases with the YSA Social Workers and Case Managers. This function has helped meet YSA’s mission to release committed youth who need more intense supervision. This is one area in which they have realized successes.

The previous Program Manager of the ADD met with the YSA Human Resources Specialist to discuss a complete personnel upgrade. The ADD caseworkers have asked that any realignment of hours be advanced through the collective bargaining agreement, thus the feasibility of revising tours-of-duty of current case workers, to include some evening and weekend hours will have to be negotiated with the union, or hiring employees specifically to work evenings and weekends.

OIG Response: **The OIG stands by this recommendation.**

**15. Current tours-of-duty for case managers in the Alternative Detention Division (ADD) do not adequately cover evenings and weekends when youths are at higher risk of delinquency.**

ADD, which consists of both Project Refocus and the Home Detention Unit, provides monitoring, social services, and support to pre-trial youths and their families. With the goal of

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## PRE-TRIAL AND COMMUNITY BASED SERVICES

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minimizing the chances that youths in the ADD will miss a court date or commit another offense, case managers are supposed to monitor youths' compliance with curfews, manage referrals for court-ordered services, and make regular weekly contact, both over the phone and in person, with youths and their families.

The Juvenile Detention Alternatives Initiative (JDAI), a multi-year project funded by the Annie E. Casey Foundation, highlights programs from around the U.S. that have proven effective as alternatives to secure, pre-trial detention.

As an example of a model program, JDAI profiled the home detention program of Cook County, Illinois, the jurisdiction that includes the city of Chicago. In Cook County, members of the home detention program make at least three weekly face-to-face contacts in a youth's home, generally in late afternoon and evenings on weekdays and weekends, along with additional contacts to check on school attendance and other activities. Over 90% of youths in the Cook County home detention program remain arrest-free and make their court hearings during their time in the program.

The ADD currently employs a total of seven case managers. Six of the seven case managers have a tour of duty that ends at either 5:30pm or 6:00pm, Monday – Friday; DCCP officials stated that they are in the process of reassigning one case manager to a tour of duty that concludes at 8:00pm, Monday - Friday. None of the case managers in the ADD work weekend hours.

Case managers in the ADD are expected to meet 2-3 times per week with each youth on their caseload, and 1-2 times per month with each youth's parents/guardians. With tours of duty that end at 5:30 pm or 6:00 pm, case workers have a limited window of time to schedule meetings with youths and with the youths' parents; for most ADD youths, their curfew typically begins at 7:00 or 8:00pm, after the conclusion of their case manager's workday. A change in staff scheduling, or the hiring of additional case managers to work evening/weekend hours, would enable the ADD to better serve the youths and families assigned to their care.

### **Recommendation:**

That the Chief of the ADD meet with YSA's human resources specialist and the ADD case managers to discuss the feasibility of revising tours-of-duty of current case managers, to include some evening and weekend hours, or hiring employees specifically to work evenings and weekends.

Agree                X                Disagree      \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The previous Program Manager of the ADD made recommendations to the YSA human resources specialist and provided a complete personnel upgrade. Incorporated into the position descriptions was language that included "non-traditional and weekend" hours for newly

hired staff. As previously stated, the ADD caseworkers (*not* case managers) have asked that any realignment of hours be advanced through the collective bargaining agreement, thus the feasibility of revising tours-of-duty of current case managers, to include some evening and weekend hours will have to be negotiated with the union, or hiring employees specifically to work evenings and weekends.

**16. Delayed court orders and lack of vital care information often impede the work of ADD case managers.**

ADD case managers coordinate the delivery of court-ordered services and report back to D.C. Superior Court (Court) on each youth's progress and compliance. Since ADD youths are pre-trial, case managers are responsible for providing written reports, comments, and recommendations to judges, the Attorney General for District of Columbia, and Court social services (a.k.a. probation) representatives.

According to the YSA case management manual, the ADD case manager should meet face-to-face with a youth within 3 days of the date of the court order to discuss the terms and conditions of supervision. ADD policies and procedures also state that case managers must submit to the Court a summary report of a youth's progress, activities, and compliance no less than 5 days before a youth's next dispositional hearing or his trial.

ADD case managers cited lengthy delays in getting the court-ordered referrals that detail the parameters of a youth's home detention. They stated it is not uncommon for their unit to receive a court order more than 2 weeks after it is issued. Case managers gave examples of referrals not being received until a few days before a youth's hearing. This deprived them of sufficient time to work with a youth so they could provide meaningful insight and recommendations to the court.

Some ADD case managers also stated that they often receive case files from the court that lack key documents: social histories of a youth and his/her family, and release forms signed by the youth's parent or guardian that authorize the case manager to work with the youth. Case managers stated that incomplete or missing release forms are particularly problematic. Before each youth leaves the Court, both the youth and his/her parent/guardian must sign an "Agreement to Participate" in the ADD program. Without a signed agreement, the case manager is not permitted to begin working with the youth.

Case managers must be able to provide timely, accurate assessments to the Court since the information is used by judges to determine appropriate next steps for these pre-trial youths. Case managers cannot begin substantive work with a youth until they receive court orders, social histories, and parent/guardian release forms. When this information is delayed or incomplete, case managers spend more time tracking down information and release signatures and less time working directly with the youth, a condition that often forces case managers to submit incomplete progress reports and recommendations to the Court.

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The Court's Social Services Division and YSA's Court Liaison Unit are each responsible for obtaining the various social histories, assessment documents, and parent/guardian signatures that go into a youth's file before it is passed along to YSA for assignment to the ADD.

### **Recommendations:**

- a. That the Chief of the ADD and the supervisor of the Court Liaison Unit meet with representatives from the DC Superior Court Social Services Division to (1) determine why ADD case managers do not receive all of the court orders and information they require to begin working with a youth, and (2) devise systems to improve the flow of information between the Court and YSA.

Agree                              X                              Disagree                    \_\_\_\_\_

### ***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Indeed, timely notification to start supervision of wards referred by D.C. Superior Court Family Court Judges continues to be one of ADD's biggest challenges. The previous ADD Chief and current Program Manager continue to meet with Supervisory Probation Officer for court intake regularly to discuss lat cases. This problem persists because intake probation officers do not forward notification to the YSA/CLU staff. YSA has an intake box in the fourth floor intake office in which paperwork can be placed. YSA/CLU staffs pick up court documentation daily. CSS management must instruct its probation staff to place required court orders and social studies into the YSA mailbox.

YSA/CLU cannot be held responsible for cases of which they have no knowledge. Court Social Services, the U.S. Marshall's Service, and the courtroom clerks all share responsibility for obtaining the various social histories, and assessment documents and providing them to YSA/CLU. The CLU staff must be notified while the parent/guardian is in the court building to obtain signatures that go into a youth's file before it is passed along to YSA/DCCP for assignment to the ADD.

The previous ADD chief and the current Program Manager of the Court Liaison Unit, to which ADD now reports, have and continue to meet regularly with representatives from the Court's Social Services Division to increase timely transfers of all court orders and documents for youth. YSA has determined the delays associated with receiving all of the court orders and information, and is taking steps to secure commitments from CSS, the U.S. Marshall's Service, and the court room clerks to improve the flow of information between the Court and YSA. YSA notes, however, that it was promised access to the new data base known as "Court View" on August, 2003, when the system went on line, but to date we are still unable to access Court View and the JUSTIS system has offered only temporary relief.

- b. That the supervisor of DCCP's Court Liaison unit take action to ensure that Court Liaison representatives obtain the requisite signatures on all information release forms and youth participation agreements.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

***DHS's Response to IG's Recommendation:***

YSA's Court Liaison unit has not encountered difficulty in obtaining the requisite signatures and information release forms for the identified youth's participation if they are notified while the parent is in the building.

OIG Response: **The OIG stands by this recommendation.**

**17. ADD case managers feel that current fieldwork practices are unsafe.**

The ADD provides monitoring, social services, and support to pre-trial youths and their families. With the goal of minimizing the chances that youths will miss a court date or commit another offense, case managers monitor compliance with curfews, manage referrals for court-ordered services, and make regular weekly contact, both over the phone and in person, with youths and their families. On average, the ADD maintains an active caseload of approximately 70-80 youths.

Case managers and some support staff in the ADD routinely visit client youths and their families in their homes. ADD personnel provide individual and family counseling, referrals for food, clothing, and other essential services such as substance abuse/addiction counseling. At a minimum, ADD case managers are expected to meet face-to-face with each youth under their care several times per week, and at least twice per month with each youth's parents/guardians. During these meetings, they are often faced with parents who resist their intervention, alcohol and drug influenced family members, and dangerous neighborhoods.

The National Association of Social Workers<sup>40</sup> writes:

**[w]ork related violence against social workers is a fact of life. It is pervasive and must be addressed by every school of social work, agency and individual worker. Violence includes physical assault, verbal assault, harassment and the threat of assault. Many occurrences of violence can be anticipated and their impact lessened; some may be prevented entirely. If agencies have well conceived safety policies and procedures in place, client and worker safety will be maximized and the agency's liability will be minimized .... A written safety plan specific to the function and layout of each agency, or branch or division of an organization must be developed.**

The ADD does not have written policies and procedures that cover field safety, and one case manager stated YSA has not addressed these issues with any type of

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<sup>40</sup> <http://www.socialworkers.org/profession/centennial/violence.htm>

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**PRE-TRIAL AND COMMUNITY BASED SERVICES**

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training. Several case managers stated they were not comfortable making home visits alone, and try to compensate by meeting a youth in a public place or the agency office, even though management discourages the practice.

Concerns about safety may have a negative impact on case managers' productivity and morale. In addition, the lack of well-conceived and written safety policies and procedures keeps youth and worker safety from being maximized, and the District's liability minimized.

**Recommendations:**

- a. That the A/YSA convene a meeting with all personnel who conduct field work to discuss ways in which the Division can improve safety and effectiveness while working with families in their homes, transporting youths, etc.

Agree                        X                        Disagree                    \_\_\_\_\_

***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA is in partial agreement with this OIG recommendation. As a matter of clarity, YSA does not staff the ADD unit with case managers. Case manager is a title designated only to staffs working in the DCCP's aftercare unit, who provide supervision to adjudicated youth committed to YSA. Case workers (otherwise known as social services representatives or SSRs) are employed in the ADD unit, and are covered by law enforcement retirement. As with most job assignments involving a considerable amount of field-work, there are risks associated with working with a difficult population. However, during the entire history of ADD there has never been an assault on a case worker due to their inability to relate with the youth and his/her family. Nevertheless, in the absence of written policies and procedures that cover field safety, a special training is currently being researched by the acting Program Manager.

- b. That the A/YSA work with the Washington, DC-based National Association of Social Workers and the Metropolitan Police Department to (1) develop policies and procedures that address case managers' safety; (2) identify applicable training opportunities that focus on areas such as non-violent self defense and de-escalation techniques.

Agree                        X                        Disagree                    \_\_\_\_\_

***DHS's Response to IG's Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA will continue to utilize best practice standards in the field of human services and social work, as well as coordinate with the Metropolitan Police Department (MPD), to maintain policies and procedures necessary to ensure the safety of all staffs working in the community.

- c. That the A/YSA assess the feasibility of formally implementing a “partner system” in order to reduce the number of instances when case managers must visit client homes alone.

Agree                        X                        Disagree                    \_\_\_\_\_

***DHS’s Response to IG’s Recommendation:***

By agreeing with this recommendation, DHS does not necessarily agree with OIG’s factual findings. YSA has always encouraged use of a “partner system” among staffs designated to work in the field on behalf of the agency. Our assessment of this system shows that among the many staffs indigenous to various neighborhoods in the District of Columbia, some find the “partner system” helpful, while others view the system as an impediment with respect to timely responses to youths and families. YSA will continue to assess the feasibility of implementing a formal system and will take appropriate steps, pending the outcome of its assessment.

**18. The Central Processing Unit does not provide TB infection education for employees.**

Tuberculosis (TB), an airborne disease that can be spread by such actions as coughing or sneezing, appears in correctional facilities at rates several times higher than in the general public. According to the National Commission on Correctional Health Care (NCCHC), “although research has demonstrated non-infected persons need to be exposed to tuberculosis bacteria for more than a brief duration before being infected, there is no confirmation as to how much exposure ... causes infection.”<sup>41</sup>

Youths who have been court ordered to a group or shelter home are processed by DCCP’s Court Liaison Unit and held in the Central Processing Unit (CPU) prior to placement. In the CPU, which is located on the basement level of 409 E Street NW, multiple youths are confined in communal holding cells and come in close contact with each other and YSA staff.

The NCCHC recommends that all correctional facilities develop and maintain a TB infection control program. Key elements of such a program should include screening and testing for staff and residents, as well as education for “all staff working in the correctional setting ... on proper infection control procedures as well as the identification of symptoms of TB.”<sup>42</sup> The Centers for Disease Control (CDC) states that all correctional facilities, “even those in which few TB cases are expected to occur,” should maintain a TB-infection control program. With respect to testing corrections employees, the CDC recommends “baseline” skin testing should be mandatory for all employees.

The team found that youths entering the CPU are given a skin test for TB if there is no record of TB test results in their medical files. However, due to confidentiality laws CPU employees are not informed if a youth tests positive for TB and an employee may have been

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<sup>41</sup> <http://www.ncchc.org/resources/statements/tb.html>

<sup>42</sup> <http://www.ncchc.org/resources/statements/tb.html>

## PRE-TRIAL AND COMMUNITY BASED SERVICES

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exposed. In addition, CPU employees are not provided “baseline” skin tests for possible exposure, and the CPU does not have a written TB-infection control program.

CPU staff members stated they have never received any type of training, annual testing, or information that would help them to better understand the risks, if any, posed by exposure to the TB bacteria. As a result, CPU staff members are uncomfortable in their work environment because they do not know whether they are being exposed to the TB bacterium and what impact that exposure may have on their health.

### **Recommendation(s):**

- a. That the A/YSA organize information sessions during which all CPU employees, as well as any other front-line corrections employees at YSA who wish to participate, receive a basic understanding of tuberculosis transmission, the frequency with which TB appears in juvenile facilities, and the risks posed by exposure.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

- b. That the A/YSA implement a baseline skin-testing program for all front-line YSA corrections employees.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### **19. ADD lacks a youth vocation, employment, and training coordinator.**

ADD provides intensive community-based supervision to youths who have been charged with an offense, but whose cases are still pending in D.C. Family Court.

As a condition of program participation, each ADD youth must either work or attend school. With many youths, the case manager’s first priority is to focus on re-enrollment and school eligibility issues. For other youths, case managers work on locating an appropriate GED program.

Many youths assigned to the ADD, however, have histories of truancy, have not attended school for months, or have reached their 18<sup>th</sup> birthday. For these youths, an alternative to a traditional school environment, such as employment or vocational training, is a crucial element of their pre-trial service plans.

The team found that YSA previously had a “Community Education and Employment Coordinator,” but this position no longer exists and there is no employee in the ADD who is dedicated solely to developing relationships and maintaining programs with potential employers and training facilities throughout the city. As a result, ADD case managers are performing these functions on an ad hoc basis. Currently, individual ADD case managers attempt to identify job training, apprenticeship, and other vocational programs for youths throughout the city by referring youths to other agencies when possible, or by relying upon professional contacts they

have established at other organizations. ADD case managers stated that this system is ineffective, and only allows for a narrow range of employment and training opportunities for youth.

**Recommendation:**

That the A/YSA approve the hiring of a vocation and employment coordinator who would (1) focus exclusively on identifying opportunities and maintaining relationships with public and private sector training programs and employers, and (2) assist ADD case managers with matching youths to employment and training opportunities.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

***DHS's Response to IG's Recommendation:***

YSA's ADD unit serves as a supervision, monitoring and diversionary service to youth at-risk for penetrating the juvenile justice system. As such, ADD staffs provide counseling and referrals through Court Social Services. ADD staffs are instructed to aid youth in accessing services provided by agencies charged with the responsibility of identifying opportunities and establishing and maintaining relationships with public and private sector training programs. Court Social Services maintains the responsibility for referring detained youth under their supervision to the Department of Employment Services (DOES), thereby assisting ADD caseworkers with matching youths to employment and training opportunities.

YSA's ADD unit does not lack a youth vocation, employment, and training coordinator. The previous ADD Chief suggested that some clients could benefit from vocational and employment counseling, and referral to training programs. Youth have stated they want employment but lack the requisite educational requirements. For this calendar year, referrals have been made to training programs such as ARCH, Covenant House, and DOES for youth who have expressed an interest in employment. Eighty percent of the youth serviced are enrolled in school, are trying to enroll in a GED program, and are required by the court to attend school.

YSA for the past year has had access to a vocational specialist from D.C. Public Schools who specializes in locating vocational and charter school placements for YSA youth. She frequents YSA's 450 H Street, N.W. office once a week, usually on Thursday, and stays until all the cases referred have been addressed.

ADD Youth who are stepped down from Oak Hill have access to a re-entry counselor at the Oak Hill Academy. ADD caseworkers are performing these functions on an ad hoc basis. Individual ADD case managers are not discouraged from identifying job training, apprenticeship, and other vocational programs for youths throughout the city, but they can also refer youth to one of the previously mentioned resources. ADD have referred youths to other agencies, and "by relying upon professional contacts they have established at other organizations." Some ADD caseworkers have stated that this system is ineffective, and only allows for a narrow range of employment and training opportunities for youth. Nevertheless, until a specific case can be

## PRE-TRIAL AND COMMUNITY-BASED SERVICES

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identified that none of the current services can assist the need for resource employee dedicated to locating vocational and employment services, there is no immediate need for an employment counselor. This is another area that Court Social Services needs to invest FTEs and provide this services to youth who are referred by the courts.

OIG Response: **The OIG stands by this recommendation.**

# APPENDICES

## APPENDICES

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- Appendix 1:** List of Findings and Recommendations
- Appendix 2:** Absconder Offense Report
- Appendix 3:** MAR-04-I-010
- Appendix 4:** YSA Response to MAR-04-I-010
- Appendix 5:** OIG Response to YSA
- Appendix 6:** JOS-ARZ Correspondence

# Appendix 1

## LIST OF FINDINGS AND RECOMMENDATIONS

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### **Key Findings:**

1. **Group and shelter homes are operating without licenses in violation of District laws.**

That the A/YSA expedites the licensing of all group and shelter homes establish a timetable for all facilities to be licensed.
2. **YSA's group and shelter homes are operating without valid contracts, written criteria for services, and receiving payment for undelivered services.**
  - a. That the A/YSA directs the Chief Procurement Officer to develop RFPs to solicit competitive bids among existing and potential vendors for group and shelter homes.
  - b. That the Office of the Inspector General's Audit Division conduct an audit of all payments for services provided by the group and shelter homes.
3. **Lack of maintenance at group and shelter homes and inadequate training of monitors pose health and safety risks to youth and employees.**
  - a. That the A/YSA request an inspection of the group and shelter homes by the District of Columbia Office of Risk Management to determine whether there are health and safety hazards present, and take the necessary steps to expedite the abatement of found deficiencies.
  - b. That the A/YSA request an inspection by the Department of Consumer and Regulatory Affairs to determine whether there are building code violations present and take the necessary steps to expedite the abatement of found deficiencies.
  - c. That the A/YSA provides training and certification to LMQA monitors to ensure the proper monitoring of group and shelter homes.
  - d. That the A/YSA requires the LMQA Unit to recommend immediate closure of group and shelter homes in the event of life threatening health and safety issues.
4. **The lack of regular and adequate fire inspections may put group and shelter home residents and employees at risk.**
  - a. That the A/YSA immediately request an inspection of all group and shelter homes by the District of Columbia FEMS, Fire Prevention Bureau in accordance with ACA recommendations.

## LIST OF FINDINGS AND RECOMMENDATIONS

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- b. That the A/YSA take the necessary steps to abate any fire safety deficiencies that may be cited as a result of this inspection.
  - c. That the A/YSA ensure that local fire officials conduct annual fire safety inspections of all group and shelter homes, as recommended by ACA.
  - d. That the A/YSA ensure LMQA employees conduct monthly fire safety inspections and that these inspections address the requirements set forth in the District's Fire Prevention Code.
5. **Group and shelters home contractors are not conducting adequate employee criminal background checks, and are employing persons with criminal convictions.**
- a. That the A/YSA ensure that all candidates for employment and current contract employees with regular contact with youths undergo a MPD criminal background check as required by current policy.
  - b. That the A/YSA develop an internal policy that requires annual updates of criminal background checks for contract employees.
  - c. That the Director of the Department of Human Services propose legislation to the City Council that would require complete background checks for appropriate contract employees, to include a check of the records at MPD and surrounding law enforcement jurisdictions, an NCIC check, and a review of the Central Registry of Crimes Against Children/Sex Offenders as well as a Child Protection Registry Check.
  - d. That the A/YSA ensures that all contract employee personnel records are reviewed to determine that all contract employees meet employment criteria for criminal background checks.
  - e. That the A/YSA ensure that contractors discontinue the practice of employing persons with unauthorized criminal convictions.
6. **YSA may be underutilizing a District Medicaid reimbursable, residential treatment facility that could be used to reduce the number of committed youths who are housed in costly out-of-state facilities and OHYC.**
- a. That the A/YSA designate an internal point of contact at YSA who would be responsible for maximizing the potential of this in-town, Medicaid-reimbursable, residential facility.
  - b. That the A/YSA request a review of all youths who are currently residing in out-of-state residential facilities to identify those who might be better served by this in-town, therapeutic residential facility.

## LIST OF FINDINGS AND RECOMMENDATIONS

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7. **Inaccurate risk assessments and subsequent assignments to non-secure community facilities and ineffective monitoring of youth increase the risk of abscondences.**
- a. That the A/YSA seek to collaborate with the Superior Court Social Services Division on a qualitative review of the intake assessment process. The objectives would be to (a) improve the decision making that leads to the assignment of youths to either secure or non-secure facilities; and (b) to lower the risk of dangerous youthful offenders absconding back into the community where they might be harmed or harm others.
  - b. That the A/YSA review security and monitoring practices in all group and shelter homes and ensure that day-to-day operations serve to minimize the risk of abscondences, while meeting the requirements to provide residential care, treatment, and services for the youths.
  - c. That the A/YSA review the feasibility of automatically placing youths who abscond from a group or shelter home into more secure facilities once they have been apprehended.
8. **Absconder Locator Component (ALC) employees do not have the procedures or training to make more than minimal efforts to locate absconders, some of whom pose a threat to the community and to themselves.**
- a. That the A/YSA take immediate steps to ensure that all youths are photographed and that photos are placed in each case file.
  - b. That the A/YSA immediately put into place interim procedures and performance standards for the ALC until a permanent document is approved. We recommend that the procedures emphasize the need for prompt notification of MPD when custody orders have been signed, the transmittal of key identifying information to MPD, including photographs; the conduct of field investigations in all cases, and diligence in efforts to locate absconders as soon as possible.
  - c. That the A/YSA seek to expedite approval among all concerned agencies of the draft MOU on abscondence policies and procedures, so that ALC and MPD roles and responsibilities regarding locating and apprehending absconders can be clarified and implemented quickly.
9. **DCCP lacks written policies and procedures for many key operations.**
- That the A/YSA expedite the process of establishing written policies and procedures for all key functions within DCCP.

## LIST OF FINDINGS AND RECOMMENDATIONS

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10. **DCCP did not provide requested position descriptions (PDs) and performance standards for all employees.**

That the A/YSA establish written position descriptions and performance standards for all DCCP employees.

**Licensing, Monitoring and Quality Assurance Unit:**

11. **Not all group and shelter home employees are undergoing pre-employment tests for illegal drug use and alcohol abuse.**

- a. That A/YSA ensure that pre-employment tests for drugs and alcohol are conducted on contractor employees prior to hiring.
- b. That A/YSA ensure that test results are maintained in each contract employee's personnel records.

12. **Not all group and shelter home employees are undergoing pre-employment and follow-up physical examinations as required by District regulations.**

- a. That the A/YSA ensures that all prospective contract employees undergo a pre-employment examination.
- b. That the A/YSA ensures that all contract employees undergo follow-up examinations every 24 months.

13. **Available services for home-based counseling, mentoring, and after-school enrichment programs often go unused.**

That the A/YSA take appropriate action to ensure that DCCP case managers and their supervisors do a better job of providing home-based counseling, mentoring, and after-school enrichment programs to YSA youths.

**Pre-Trial and Community-Based Services:**

14. **YSA's electronic monitoring unit is not effectively monitoring youths in the evenings and on weekends.**

That the A/YSA secure personnel necessary to respond promptly to all after-hours and weekend violation alerts.

## LIST OF FINDINGS AND RECOMMENDATIONS

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15. **Current tours-of-duty for case managers in the Alternative Detention Division (ADD) do not adequately cover evenings and weekends when youths are at higher risk of delinquency.**

That the Chief of the ADD meet with YSA's human resources specialist and the ADD case managers to discuss the feasibility of revising tours-of-duty of current case managers to include some evening and weekend hours or hiring employees specifically to work evenings and weekends.

16. **ADD case managers are often impeded by delayed court orders and by a lack of vital case information.**

a. That the Chief of the ADD and the supervisor of the Court Liaison Unit meet with representatives from the DC Superior Court Social Services Division to (1) identify why ADD case managers do not receive all of the court orders and information they require to begin working with a youth, and (2) devise improvements in the flow of information between the Court and YSA.

b. That the supervisor of DCCP's Court Liaison unit take action to ensure that Court Liaison representatives obtain the requisite signatures on all information release forms and youth participation agreements.

17. **ADD case managers feel that current fieldwork practices are unsafe.**

a. That the A/YSA convene a meeting with all personnel who do field work to discuss ways in which the Division can improve safety and effectiveness while working with families in their homes and neighborhoods.

b. That the A/YSA work with the Washington, DC-based National Association of Social Workers to (a) develop policies and procedures that address case managers' safety; (b) identify applicable training opportunities that focus on areas such as non-violent self defense and de-escalation techniques.

c. That the A/YSA assess the feasibility of implementing a "partner system" in order to reduce the number of instances when case managers must visit client homes alone.

18. **The Central Processing Unit does not have a TB infection control program for employees.**

## LIST OF FINDINGS AND RECOMMENDATIONS

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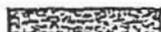
- a. That the A/YSA organize an information session(s) during which all CPU employees, as well as any other front-line corrections employees at YSA who wish to participate, receive a fundamental understanding of tuberculosis transmission, the frequency with which TB appears in juvenile facilities, and the risks, if any, posed by exposure.
- b. That the A/YSA implement a baseline skin-testing program for all front-line YSA corrections employees.

**19. ADD lacks a youth vocation, employment and training coordinator.**

That the A/YSA approve the hiring of a vocation and employment coordinator who would (1) focus exclusively on identifying opportunities and maintaining relationships with public and private sector training programs and employers, and (2) assist ADD case managers with matching youths to employment and training opportunities.

# Appendix 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES



Youth Services Administration



YSA/DCCP/ABSCONDESCENCE  
COMMITTED-ABSCONDED DESCRIPTION OF OFFENSE

No.	Description Of Offense
1	BURGLARY II, RECEIVING STOLEN PROPERTY.
2	UUV- USE OF UNAUTHORIZED VEHICLE.
3	MARIJUANA (POSS) DISMISSED 6-04-02
4	UUV-DRIVER AND RECEIVING STOLEN PROPERTY.
5	ATTEMPT TO COMMIT. CRIME- UUV
6	MARIJUANA AND CRACK COCAINE (POSS)
7	ROBBERY ARMED -UUV- DRIVER
8	UUV-DRIVER. (USE OF UNAUTHORIZED VEHICLE).
9	ATTEMPT TO COMMIT. CRIME- UUV
10	MARIJUANA SALE
11	UUV-DRIVER, NO PERMIT
12	NO PERMIT- DRIVER
13	PWID-COCAINE. (POSSESSION WITH INTENT TO DISTRIBUTE).
14	ROBBERY- FEAR
15	PWID COCAINE-MARIJUANA (POSS)
16	CONTROL SUBSTANCE ACT-MARIJUANA (PWID) WHILE ARMED.
17	UUV-PASS.(COUNT B)
18	ROBBERY-PURSE SNATCH
19	UUV-CONTROL SUBSTANCE ACT- MARIJUANA (POSS.)
20	MURDER 1- ARMED GUN
21	UUV-PASS, DISMISSED 5-29-02
22	COCAINE AND PARAPHENALIA (POSS.)
23	UUV-DRIVER, RECKLESS DRIVING, NO PERMIT
24	ASSAULT ON POLICE OFFICER.
25	CONTROL SUBSTANCE ACT- MARIJUANA (POSS W/I DIST.)
26	CONTROL SUBSTANCE ACT- COCAINE (POSS.)
27	PWID- COCAINE, CARRYING PISTOL WITHOUT LICENSE, UNREG. FIREARM
28	UUV-DRIVER, NO PERMIT, RECKLESS DRIVING.
29	ASSAULT ON CORRECTIONAL OFFICER
30	UUV-USE OF UNAUTHORIZED VEHICLE.
31	CONTROL SUBSTANCE ACT-(CSA) COCAINE (DIST.)
32	POSSESSION PROH. WEAPON (MANCHINE GUN) COW (GUN) POSS. UNREG.AMMO.
33	CONTROL SUBSTANCE ACT- HEROIN (POSS. W/I DIST.)
34	NO PERMIT
35	DISTRIBUTION OF COCAINE.
36	CONTROL SUBSTANCE ACT- HEROIN (SALE)
37	SIMPLE ASSLT.
38	PWID- CRACK COCAINE
39	UUV-DRIVER
40	DEST, PROP. -OVER \$200. UUV-DRIVER, ASSAULT ON OFFICER
41	CSA COCAINE (POSS.W/IDIST.)
42	ASSAULT WITH DEADLY WEAPON-FIRE EXT. SIMPLE ASSAULT.

No	Description Of Offense
43	ROBBERY CAR. WEAPON, POSS. UNREG. AMMO.
44	POSS. UNREGISTERED AMMO. -COCAINE,(PWID) MARJ.(PWID) MURDER 2
45	PROSTITUTION SOLICITS. LEWD PURPOSE
46	DESTRUCTION OF PROPERTY- UNDER S200
47	ROBBERY ARMED
48	CARRYING A DEADLY WEAPON-GUN,POSS. OF PROHIBITED WEAPON, UNREGISTERED AMMO.,FIREARMS.
49	MARIJUANA SALE
50	PWID COCAINE SALE
51	CSA HEROIN (POSSW/IDIST.)
52	CARRY DAN. WEAPON (GUN)
53	SIMPLE ASSAULT-ADW BOTTLE.
54	ROBBERY
55	UUV-PASS.
56	CSA COCAINE (POSS.)
57	COCAINE (SALE)
58	CARRYING PISTOL WITHOUT LICENSE, POSS. UNREGISTERED RIFLE, UNREGISTERED AMMO.
59	POSSESSION PROHIBITED WEAPON
60	UUV-DRIVER, RECEIVING STOLEN PROP. - FELONY
61	CARRY DANG. WEAPON- KNIFE
62	CARRYING PISTOL WITHOUT LICENSE, UNREGISTERED FIREARM, AMMO.,UUV-DRIVER.
63	CONTROL SUBSTANCE ACT- HEROIN (POSS.W/IDIST.)
64	CSA MARJ. (DIST.) UUV-DRIVER
65	DC CONTROL SUBSTANCE ACT- COCAINE & MARIJUANA (POSS.)
66	HEROIN (POSS.W/IDIST.) AND COCAINE
67	SEXUAL ABUSE THIRD DEGREE
68	DISORDERLY CONDUCT
69	THEFT IN THE 2 <sup>nd</sup> DEGREE

# Appendix 3



DISTRICT OF COLUMBIA  
OFFICE OF THE INSPECTOR GENERAL  
AUSTIN A. ANDERSEN  
INTERIM INSPECTOR GENERAL

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INSPECTIONS AND EVALUATIONS DIVISION  
***MANAGEMENT ALERT REPORT***

DEPARTMENT OF HUMAN SERVICES

YOUTH SERVICES ADMINISTRATION  
DIVISION OF COURT AND COMMUNITY PROGRAMS

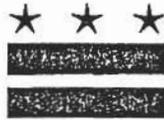
**ABSCONDERS FROM YSA CUSTODY POSE**  
**SERIOUS RISKS TO THE COMMUNITY**

MAR 04 – I - 010  
JULY 30, 2004

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



July 30, 2004

Yvonne D. Gilchrist  
Director  
Department of Human Services  
64 New York Avenue, NE  
6<sup>th</sup> Floor  
Washington, DC 20032

Marceline D. Alexander  
Acting Administrator  
Youth Services Administration  
8300 Riverton Court  
Laurel, MD 20724

Dear Ms. Gilchrist and Ms. Alexander:

This is a Management Alert Report (MAR-04-I-010) to inform you of a significant issue that has come to our attention as a result of our inspection of the Department of Human Services, Youth Services Administration (YSA), Division of Court and Community Programs (DCCP). The Office of the Inspector General (OIG) provides these reports when we believe a serious matter requires the immediate attention of District of Columbia government officials.

Efforts to locate youths who have absconded<sup>1</sup> from YSA-sponsored group and shelter homes have been minimal and ineffective. These youths are guilty of offenses ranging from unauthorized use of a vehicle to murder (Attachment 1), and may pose serious and immediate risks to both the community and to themselves. DCCP documents show that since June 2001, 223 youths have absconded from YSA group and shelter homes. Sixty-nine<sup>2</sup> are still listed in absconder status, and 23 have been missing for over 2 years. Quick and determined action should be taken to:

- better evaluate the risks associated with assigning youths who have committed numerous serious crimes to a group or shelter home in the community;

<sup>1</sup> Absconders are youths who leave a YSA facility and do not return by a designated curfew hour or who do not return at all, and are considered to be missing.

<sup>2</sup> One youth on YSA's most recent absconder list of 69 was killed in June 2004.

- improve the supervision, oversight, and security of group and shelter home operations; and
- develop an active and effective absconder program to assist law enforcement authorities in locating and returning absconded youths.

We believe that taking these actions will:

- reduce the likelihood that high-risk youths will be housed in non-secure facilities from which they can easily abscond and get into additional trouble in the community, be injured, or injure others;
- minimize the interruption of YSA-sponsored services to troubled youths, such as substance abuse treatment, medical treatment, counseling, and education; and
- increase the number of absconders who are located and returned to YSA or court custody.

## **Background**

Youths under 21 years old who are arrested and found guilty of criminal acts may be remanded by the court to the custody of YSA. During what is called the “intake” process, YSA may assign a youth to his or her family home, a group or shelter home sponsored by YSA, a residential treatment facility, or to the District’s Oak Hill Youth Center (OHYC) in Laurel, Maryland. A youth’s placement is determined by various factors, such as the seriousness of the offense, an assessment by the Superior Court Social Services Division and YSA case managers of the youth’s background and needs, facility and resource availability, and the risk of endangerment to the youth and the community. YSA operates or has contracts for the following facilities for youths in the juvenile justice system:

- Shelter homes that house youths who are being detained on a short-term basis (days to weeks), such as runaways who are returned to their parents or youths awaiting a court appearance for minor offenses.
- Residential treatment facilities that provide intensive and specialized treatment services in a secure environment.
- Group homes that house youths who have more serious delinquency problems; who come from abusive or unstable home environments; and who exhibit antisocial behavior or have other issues that require a more restrictive living arrangement for a longer period of time. These youths are committed to YSA’s custody for more extended periods, usually months.
- OHYC, which is self-contained and physically secure. It houses youths guilty of serious offenses who are committed for extended terms, as well as some youths whose cases have not been adjudicated by the court and for whom there is no room in a shelter home. OHYC has a school, and provides medical, psychiatric, and drug

treatment services, as well as counseling and training. There have been no abscondences from OHYC in the past 8 years.

## Observations

1. Inaccurate risk assessments and subsequent assignments to non-secure community facilities, ineffective monitoring of youths' movement into and out of a facility, and deficient monitoring of youths' activities outside of a facility increase the risk of abscondences.

- a. Initial risk assessments of some youthful offenders may not accurately reflect the seriousness of their offenses, their extensive criminal backgrounds, or their potential danger to the community.*

After youths charged with criminal offenses have been found guilty by the court, YSA's Court Liaison Unit gives them a Risk Assessment Score based on evaluations of family life, psychological state, and criminal history. Scores of 5-16 represent low to medium risk, and scores of 17-30 reflect high risk. High risk youths typically will be recommended for placement in a secure detention facility, like OHYC, while low to medium risk youths may be sent to a community group home or treatment facility.<sup>3</sup> According to some case managers, however, some youths with extensive criminal backgrounds, serious or repetitive charges, and hardened attitudes are inappropriately evaluated at this stage of the process as low to medium risk rather than high risk. They are subsequently sent to non-secure group homes from which they can easily abscond and resume their criminal behavior or engage in other antisocial activities. These inappropriate placements endanger community residents as well as the youthful offenders themselves.

The case of "Mike,"<sup>4</sup> a 16-year-old absconder, exemplifies the risk created by inadequate assessments. According to media reports, Mike had a history juvenile arrests, including heroin possession. In spite of his record, he was assigned to a non-secure, YSA community group home and allowed to leave each day for school and trusted to return. Mike absconded, shot and killed an individual he attempted to rob, and was himself shot and killed by his intended victim. We found no evidence that YSA had taken any significant action beyond a few telephone calls and a letter to his parents to locate Mike and return him to YSA custody. In addition to Mike's case, local media have recently reported another killing involving an absconder from a group home under YSA authority. This absconder also had a reported history of serious criminal charges.

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<sup>3</sup> The Risk Assessment Score is also used to determine the types of services a youth will receive, such as individual and group counseling, psychological and medical treatment, and anger management classes.

<sup>4</sup> Not his real name.

*b. Monitoring procedures in some group and shelter homes are reportedly lax and inconsistent, and increase the risk of abscondences.*

Also critical to the problem of abscondence is the quality of security and oversight of youths by employees of the group and shelter homes. During our inspection, the team found or was notified that:

- some youths are often permitted to enter and leave facilities at will;
- curfew times are sometimes inappropriate (youths at one group home who attend school are given an 8 p.m. curfew time, although schools normally let out between 3 p.m. and 4 p.m.);
- some facility operators reportedly are not monitoring or locking the doors of the facilities at night;
- some employees reportedly sleep during the evening when they should be monitoring the activities of youths;
- some youths who abscond are returned to the same group home after they are apprehended, which may result in repeated abscondences;
- some group home operators reportedly provide weekend and evening passes to youths without notifying the social workers or case managers responsible for those youths;
- an allegation was made that in some facilities, employees give out home passes indiscriminately to youths so they can shut down the group or shelter home over the weekend; and
- there are credible allegations that some youths are using illegal substances inside the group homes.

The purpose of placing troubled youths in group and shelter homes is to provide them with a stable and secure environment that ensures their welfare and the safety and protection of the public. Inadequate monitoring, ineffective security measures, improper placement of youths with a history of absconding, and inappropriate curfews increase the likelihood of abscondences and provide youths with opportunities to resume their criminal activities in the community.

2. **Absconder Locator Component (ALC) employees have not been provided the procedures or training to make more than minimal efforts to locate absconders, some of whom pose a threat to the community and to themselves.**

In 2003, YSA drafted an Absconder Outreach Initiative (AOI)<sup>5</sup> (Attachment 2), and created the ALC, a five-person unit to locate absconded youth and assist the Metropolitan Police Department (MPD) in returning them to YSA custody. Although the AOI document contains procedures and protocols to guide the ALC in locating absconders, at the time of this writing, the

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<sup>5</sup> The function of locating absconders was established in August 2003 as an initiative directed at committed youths of YSA who abscond from their assigned or mandated YSA operated or contracted community based facilities. On January 15, 2004, this initiative was expanded to include the compilation of information and data on detained youths.

document had not been finalized and approved by senior YSA management. Consequently, ALC employees have been working without a clearly articulated mission, position descriptions, policies and procedures, or written performance standards. Employees had no prior experience with tracking and locating absconders, and have not received any specific training since assuming their positions.

Employees stated that when the ALC was created, its duties consisted only of compiling data on absconded youths, such as the number who have absconded from group and shelter homes, the number who have returned to their group or shelter homes, absconded youths who have "aged" out of YSA's system by turning 21, and absconded youths incarcerated in state or federal prisons, or out-of-state juvenile detention centers. These tasks were performed telephonically, and no field investigations were conducted.

*a. ALC employees do not conduct field investigations on every youth who absconds.*

The AOI draft document requires that a field investigation be conducted on all youths who abscond from government custody. Such an investigation should include in-person as well as telephonic inquiries at the last known residence; notification of family; questioning of friends and officials at schools, local jails, hospitals, welfare and service agencies, as well as other agencies with whom a juvenile may have had contact. The investigation also should include canvassing the youth's former neighborhood, schools, and places of employment.

Between August 2003 and April 2004, the ALC documented only 20 instances when field investigations were conducted to locate the 68 youths currently in absconder status. Although procedures are in draft, ALC employees stated that they have not been required by YSA management to conduct field investigations to locate absconded youths. They have conducted some field investigations on their own initiative, but stated that they are hesitant to do so routinely because they are untrained and lack detention or arrest authority.

*b. There does not appear to be an adequate exchange of information or close coordination between YSA and MPD in attempts to locate absconders.*

YSA and MPD have a 1997 agreement (Attachment 3) stipulating that MPD will attempt to locate children in coordination with YSA.<sup>6</sup> In order for MPD to apprehend a youth, it is imperative that YSA notify MPD as soon as a custody order has been signed. However, DCCP Abscondence Tracking Reports from August 2003 to April 2004 show that ALC made only 14 contacts with MPD, although custody orders had been signed for all 68 youths currently in abscondence status. Employees stated that they only contact MPD when a judge has signed a custody order *and* they can confirm the location of a youth. Such confirmation, however, is clearly unlikely because ALC makes only minimal efforts to locate absconded youths. This breakdown in coordination and communication makes it difficult for MPD to locate and apprehend absconded youths in a timely manner.

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<sup>6</sup> Agreement between the Superior Court, Metropolitan Police Department, the Corporation Counsel, the LaShawn General Receivership on Behalf of Child and Family Services Agency of the Department of Human Services, and the Department of Human Services' Youth Services Administration.

YSA's notifications to MPD on absconders should include background information, physical descriptions, contact information on family and friends, and photographs. The team could not determine exactly what identifying information YSA transmits to MPD on absconded youths, but did conclude that no photographs are sent, because none are taken during the intake process. Title 29 DCMR § 6257.3 (g) states, in part, that not more than 48 hours after a youth's admission, a YSA facility shall complete an admissions record that includes a current photograph of the resident. Without photographs, both ALC employees and law enforcement officers must rely on unreliable physical descriptions of absconded youths.

MPD's Youth and Family Services Division<sup>7</sup> also does not appear to have up-to-date written policies and procedures regarding coordination with YSA or that specify MPD actions to locate absconded youths. Both YSA and MPD employees stated that a Memorandum of Understanding (MOU) is being developed by the two agencies to increase communication and coordination, but no target date for its completion was identified.<sup>8</sup>

#### **Recommendations:**

1. That the A/YSA seek to collaborate with the Superior Court Social Services Division, including probation officers, on a qualitative review of the intake placement process. The objectives would be to (a) improve the decision making that leads to the assignment of youths to either secure or non-secure facilities; and (b) lower the risk of dangerous youth offenders absconding back into the community where they might harm others or be harmed.
2. That the A/YSA review security and monitoring practices in all group and shelter homes and ensure that day-to-day operations minimize the risk of abscondences, while meeting the requirements to provide residential care, treatment, and services for the youths.
3. That the A/YSA review the feasibility of automatically placing youths who abscond from a group or shelter home into more secure facilities once they have been apprehended.
4. That the A/YSA take immediate steps to ensure that all youths are photographed; that photos are placed in each case file; and that photos of absconders are forwarded to the MPD absconders unit.
5. That the A/YSA immediately institute the procedures and protocols contained in the draft Absconders Outreach Initiative document.

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<sup>7</sup> According to the 1997 agreement, the Youth and Family Services Division of MPD has assigned four officers to the MPD Abscondence Unit whose working hours are 5 a.m. to 1 p.m., Monday through Friday. In addition, the agreement states that MPD will provide pagers to the officers on duty with the Abscondence Unit to expedite communication with social workers, guardians, parents, caretakers, and other appropriate individuals.

<sup>8</sup> According to YSA and MPD officials, this MOU is being developed among YSA, MPD, the District of Columbia Superior Court, and the Attorney General for the District of Columbia.

6. That the A/YSA seek to expedite approval among all concerned agencies of the draft MOU on abscondence policies and procedures, so that ALC and MPD roles and responsibilities regarding locating and apprehending absconders can be clarified and implemented quickly.

Please provide your comments on this MAR by Monday, August 16, 2004. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreement with the concerns and recommendations presented. Please distribute this Management Alert Report to only those personnel who will be directly involved in preparing your response. Should you have questions or if you desire a conference before responding, please contact [REDACTED] Director of Planning and Inspections, at 202-727-8490.

Sincerely,



Austin A. Andersen  
Interim Inspector General

AAA/lp

cc: Mr. Robert C. Bobb, Deputy Mayor and City Administrator  
Mr. Tony Bullock, Director, Office of Communications  
Neil O. Albert, Deputy Mayor for Children, Youth, Families and Elders  
Charles H. Ramsey, Chief of Police, Metropolitan Police Department  
Mr. Robert Spagnoletti, Attorney General for the District of Columbia  
The Honorable Linda W. Cropp, Chairman, Committee of the Whole,  
Council of the District of Columbia  
The Honorable Sandra Allen, Chairman, Committee on Human Services  
The Honorable Vincent B. Orange, Sr., Chairperson, Committee on  
Government Operations, Council of the District of Columbia  
The Honorable Kathy Patterson, Chairman, Committee on the Judiciary  
The Honorable Lee F. Satterfield, Chief Judge, Family Court,  
District of Columbia Superior Court  
Michelle Bragg, Ph.D., Center for Innovation and Reform

# ATTACHMENT 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES



Youth Services Administration



YSA/DCCP/ABSCONDENCE  
COMMITTED-ABSCONDED DESCRIPTION OF OFFENSE

No.	Description Of Offense
1	BURGLARY II, RECEIVING STOLEN PROPERTY.
2	UUV- USE OF UNAUTHORIZED VEHICLE.
3	MARIJUANA (POSS) DISMISSED 6-04-02
4	UUV-DRIVER AND RECEIVING STOLEN PROPERTY.
5	ATTEMPT TO COMMIT. CRIME- UUV
6	MARIJUANA AND CRACK COCAINE (POSS)
7	ROBBERY ARMED -UUV- DRIVER
8	UUV-DRIVER. (USE OF UNAUTHORIZED VEHICLE).
9	ATTEMPT TO COMMIT. CRIME- UUV
10	MARIJUANA SALE
11	UUV-DRIVER, NO PERMIT
12	NO PERMIT- DRIVER
13	PWID-COCAINE. (POSSESSION WITH INTENT TO DISTRIBUTE).
14	ROBBERY- FEAR
15	PWID COCAINE-MARIJUANA (POSS)
16	CONTROL SUBSTANCE ACT-MARIJUANA (PWID) WHILE ARMED.
17	UUV-PASS.(COUNT B)
18	ROBBERY-PURSE SNATCH
19	UUV-CONTROL SUBSTANCE ACT- MARIJUANA (POSS.)
20	MURDER 1- ARMED GUN
21	UUV-PASS, DISMISSED 5-29-02
22	COCAINE AND PARAPHENALIA (POSS.)
23	UUV-DRIVER, RECKLESS DRIVING, NO PERMIT
24	ASSAULT ON POLICE OFFICER.
25	CONTROL SUBSTANCE ACT- MARIJUANA (POSS W/I DIST.)
26	CONTROL SUBSTANCE ACT- COCAINE (POSS.)
27	PWID- COCAINE, CARRYING PISTOL WITHOUT LICENSE, UNREG. FIREARM
28	UUV-DRIVER, NO PERMIT, RECKLESS DRIVING.
29	ASSAULT ON CORRECTIONAL OFFICER
30	UUV-USE OF UNAUTHORIZED VEHICLE.
31	CONTROL SUBSTANCE ACT-(CSA) COCAINE (DIST.)
32	POSSESSION PROH. WEAPON (MANCHINE GUN) CDW (GUN) POSS. UNREG.AMMO.
33	CONTROL SUBSTANCE ACT- HEROIN (POSS. W/I DIST.)
34	NO PERMIT
35	DISTRIBUTION OF COCAINE.
36	CONTROL SUBSTANCE ACT- HEROIN (SALE)
37	SIMPLE ASSLT.
38	PWID- CRACK COCAINE
39	UUV-DRIVER
40	DEST. PROP. -OVER \$200. UUV-DRIVER, ASSAULT ON OFFICER
41	CSA COCAINE.(POSS.W/IDIST.)
42	ASSAULT WITH DEADLY WEAPON-FIRE EXT. SIMPLE ASSAULT.

No	Description Of Offense
43	ROBBERY CAR. WEAPON, POSS. UNREG. AMMO.
44	POSS. UNREGISTERED AMMO. -COCAINE,(PWID) MARJ.(PWID) MURDER 2
45	PROSTITUTION SOLICITS. LEWD PURPOSE
46	DESTRUCTION OF PROPERTY- UNDER S200
47	ROBBERY ARMED
48	CARRYING A DEADLY WEAPON-GUN,POSS. OF PROHIBITED WEAPON, UNREGISTERED AMMO.,FIREARMS.
49	MARIJUANA SALE
50	PWID COCAINE SALE
51	CSA HEROIN (POSSW/IDIST.)
52	CARRY DAN. WEAPON (GUN)
53	SIMPLE ASSAULT-ADW BOTTLE.
54	ROBBERY
55	UUV-PASS.
56	CSA COCAINE (POSS.)
57	COCAINE (SALE)
58	CARRYING PISTOL WITHOUT LICENSE, POSS. UNREGISTERED RIFLE, UNREGISTERED AMMO.
59	POSSESSION PROHIBITED WEAPON
60	UUV-DRIVER, RECEIVING STOLEN PROP. - FELONY
61	CARRY DANG. WEAPON- KNIFE
62	CARRYING PISTOL WITHOUT LICENSE, UNREGISTERED FIREARM, AMMO.,UUV-DRIVER.
63	CONTROL SUBSTANCE ACT- HEROIN (POSS.W/IDIST.)
64	CSA MARJ. (DIST.) UUV-DRIVER
65	DC CONTROL SUBSTANCE ACT- COCAINE & MARIJUANA (POSS.)
66	HEROIN (POSS.W/IDIST.) AND COCAINE
67	SEXUAL ABUSE THIRD DEGREE
68	DISORDERLY CONDUCT
69	THEFT IN THE 2 <sup>nd</sup> DEGREE

# Appendix 4

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Human Services  
Youth Services Administration



Marceline D. Alexander  
Interim Administrator

August 27, 2004

Mr. Austin A. Anderson  
Interim Inspector General  
Office of the Inspector General  
717 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

RE: *Management Alert Report 04-I-010 (Absconders from YSA Custody)*

Dear Mr. Anderson:

This correspondence is transmitted to you in response to Management Alert Report 04-I-010 dated July 30, 2004, in which the Office of the Inspector General ("OIG") makes three sets of observations and six recommendations to the Youth Services Administration ("YSA") in connection with efforts to locate youths who have absconded from YSA group and shelter homes. Although much of the report's observations and conclusions are valid, the report in other respects demonstrates some misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. YSA responds below to OIG's observations and recommendations.

YSA'S RESPONSE TO OIG'S OBSERVATIONS

YSA has identified three main problems with OIG's observations in the report.

*Detained vs. Committed:* Throughout much of the report, detained and committed youth are intertwined. Other than the fact that YSA provides secure and non-secure housing to both of these groups, detained and committed youth have little in common with respect to the absconder issue. Group homes are for youth committed by the Superior Court to the care and custody of the Department of Human Services (i.e. YSA) following an adjudication of delinquency and shelter homes are for youth who have been detained by the Superior Court prior to adjudication. While the timing of community placements, the authority to place youth in a specific type of facility, and the case management responsibility vary greatly between detained and committed youth, the report rarely considers these two groups separately. By conceptualizing these groups as similar parts of a larger group, some of the report's factual conclusions and recommendations are much

too general, therefore failing to capture the nuances of how YSA and other parties ought to approach the absconder problem.

For example, Superior Court judges, not YSA, determine whether youth are placed in a shelter home. YSA does not place youth in shelter homes unless the court issues a detention order that specifies such a placement. Some youth are ordered to a shelter home at their initial hearing, while others are stepped down to a shelter home at a later date. In all cases, YSA does not place a youth in a shelter home without an order from the court. By contrast, YSA is solely responsible for the placement decisions of committed youth. Judges can recommend placements, but YSA has no obligation to follow the judge's recommendations.

The majority of youths are not placed in a group home by YSA soon after commitment. Rather, youths are most often placed in a group home while transitioning back into their communities after an extended stay at a residential treatment center and/or the Oak Hill Youth Center ("Oak Hill"). The report appears to suggest that some committed youth ought never to be transitioned to the community because of their offense histories. This is a practice that some states adhere to (*i.e.* commitment equates with incarceration), but it is certainly not the model that most interested parties recommend in the District. YSA continues to operate under the goal of placing youth in the "least restrictive setting" necessary considering the youth's individualized needs and public safety. Part of YSA's responsibilities for committed youth is to reintegrate them into life outside of an institutional facility. Therefore, committed youth with virtually all kinds of offenses are placed in the community, whether group home or other setting (*e.g.* independent living, transitional living, parents' home, etc.), at some point during their period of commitment. Ultimately, the issue is not whether youths with certain backgrounds should be placed in the community, but the timing of that placement at the end of their commitment in accordance with a pre-release program. The timing of a committed youth's placement in the community is a function of the youth's progress meeting the goals and objectives of his or her individualized service plan and the clinical opinions of qualified staff at Oak Hill and other residential treatment centers.

*Other Factual Errors:* In addition to incorrect statements that are a function of considering detained and committed youth as two parts of a bigger group, the report contains other factual errors. It is not true that arrestees between the age of 18 and 20 are placed in YSA custody (see page 2) as these cases would be handled in adult court and, if appropriate, a youth would be sent to adult jail. Although some youth may fit the description, group homes are not utilized for the purpose of housing youth from abusive or unstable home environments (see page 2). Youth are not usually committed to YSA for months as years are more common (see page 2). Since Oak Hill typically houses about twice as many detained as committed youth, it is misleading to categorize Oak Hill as housing youth committed for serious offenses and "some" detained youth as well (see page 2). In fact, many detained youth are housed at Oak Hill not because there is no room in a shelter home (see page 2), but because the judge orders them to be detained at Oak Hill. Youth charged with delinquent (not criminal) offenses are not given a risk assessment score after being found guilty in court, but rather after a judge issues a detention order (see page 3).

Similarly, the risk assessment is not used to determine whether a detained youth should be placed at Oak Hill or a shelter home (that decision is made by the youth's judge), but rather is used by Oak Hill staff when deciding in which unit the youth should be placed.

In the "Observations" section, it is reported that there has been little contact between YSA's Absconder Locator Component (ALC) staff and the Metropolitan Police Department. The report makes a convincing argument that there needs to be far more coordination between ALC staff and MPD, but it leaves the false impression that MPD only knows of an absconder if YSA staff notify them. The report states, "In order for MPD to apprehend a youth, it is imperative that YSA notify MPD as soon as a custody order has been signed." But MPD is notified when a custody order is signed by its WALES system, and YSA does not supply the information to this system. Rather, D.C. Superior Court employees enter this information into WALES, which is then accessed by MPD officers. Moreover, both shelter and group homes are required to notify MPD directly of an absconder from their facility. That YSA staff should nonetheless contact MPD about an absconder is certainly a good suggestion, especially because, as the report states, YSA can provide MPD with important information about the youth, but MPD at least receives notification of the custody order even if this contact is not made.

The Report Fails to Properly Consider Context: YSA provided OIG with the materials attached to the report several months ago. YSA has spent most of the summer dealing with crowded conditions at the Oak Hill. Oak Hill's detention population has skyrocketed this summer, causing the overall population to meet or exceed the facility's capacity. Between mid-June and mid-July of this year, the number of detained youth at Oak Hill increased from 98 to 157, a level not experienced in at least three years. But the report fails to consider the population surge that occurred just prior to the report being written. The failure to recognize Oak Hill's population surge is demonstrated by the repeated insinuation that too many youth are being stepped down to shelter or group homes. These sentiments are in direct contrast with the principles of "least restrictive setting" and community-based services that underlie the *Jerry M.* Consent Decree and implementation of Order B. It is inevitable that youths in detained and committed status will be returned to the community so the question is one of timing. For detained youths, those decisions are made by judges with the input of defense counsel, the Office of the Attorney General (OAG), and the Court's Social Services Division (CSS). For committed youths, those decisions are made by YSA, with input from the OAG, based on the youth's individualized needs and public safety considerations.

#### YSA'S RESPONSE TO RECOMMENDATIONS

In response to your specific recommendations, please be advised as follows:

1. *YSA seek to collaborate with the Superior Court Social Services Division, including probation officers, on a qualitative review of the intake placement process.*

YSA generally agrees with this recommendation. While it fails to differentiate between committed and detained youth, its mention of the Superior Court Social Services Division suggests that the recommendation refers to detained youth. As mentioned above, individual judges, not YSA or CSS staff, determine whether a youth should be detained and the level of security the youth requires. YSA and CSS staff can make recommendations to reduce the level of detention for a youth who is already at Oak Hill or a shelter home, but the decision still lies within the discretion of the judge.

At the time of a youth's initial detention hearing, CSS has conducted an intake screening with the youth, and so both a CSS representative and an Assistant Attorney General will usually make a detention recommendation in court. It is only after the judge decides whether to detain a youth and the level of detention that is required that YSA's Court Liaison Unit staffs meet with the youth and conduct an intake screening. In sum, while we agree with the recommendation for a collaborative effort for a qualitative review of the intake placement process, it is unclear how the OIG would like YSA to improve decision-making on detention placements when YSA plays no part in making these decisions.

During the past six months, YSA has participated in standing monthly meetings with the Presiding and Deputy Presiding Judges of the Family Court, the Acting CSS Director, and OAG's Chief for the Juvenile Section. These standing meetings have been used on occasion to discuss the current intake assessment and decision-making process for youth alleged to have committed either a status or serious juvenile offense. It is important to note that YSA does not determine whether or not youths entering the juvenile justice system following an arrest are permitted to return home under the supervision of his/her guardian, placed in an overnight bed in the community, remanded to a shelter home, or remanded to Oak Hill. CSS, operating under the supervision of the court, makes the determination whether the youth is returned home, placed in an overnight bed, remanded to a shelter home, or remand to Oak Hill. A number of factors contribute to this determination by CSS including the nature of the alleged offense and the availability and/or willingness of the parent/guardian to pick up the youth. For those parents/guardians unable or unwilling to take custody of the youth, CSS makes the determination that the youth must be remanded, at which point YSA is *charged with the task of locating a placement in the community or transporting the youth to Oak Hill.* If a youth is remanded to a shelter home, an available bed must be secured. In the absence of the available bed, the youth may be sent to Oak Hill and placed on a waiting list to be stepped down to shelter care in order to secure his/her attendance at the disposition hearing following the alleged offense. YSA's responsibility is limited to payment of shelter care services for such youth under the supervision of the CSS. Essentially, YSA provides housing with no ability to weigh-in on the appropriateness of placement in either shelter care or secure detention. Moreover, in most instances, such placements occur absent important background information compiled by CSS in the form of a social history for each youth vetted from CSS Intake and then Diagnostic Units, a process that can take up to two weeks for completion. Thus, YSA shelter homes are entrusted to care for a youth whose background information important to support a least restrictive placement may not be present at the initial point of placement.

YSA has been working with various state District agencies, the Court and CSS exploring the feasibility of a unified assessment instrument, and increased involvement on the part of YSA at the point of the initial assessment and consideration for placement of each youth. In addition to several simultaneous efforts underway involving CSS and YSA, including pre-commitment case management of youth as a means to reducing the number of youth unnecessarily committed to YSA, we believe that an increased role in the early decision of each youth will reduce the likelihood of inappropriately placing youth in shelter homes of secure detention.

2. *YSA review security and monitoring practices in all group and shelter homes and ensure that day-to-day operations minimize the risk of abscondences, while meeting requirements to provide residential care, treatment, and services for the youths.*

Beginning in April 2004, YSA conducted an assessment of each group home serving committed youth and shelter home serving detained youth in the District of Columbia. The purpose of these assessments was to determine the physical, programmatic and security/monitoring status and practices in each home and the extent to which additional measures and precautions were necessary to improve the health, safety and rehabilitation of each youth. Our analysis of group and shelter homes showed that YSA had not monitored its contacted homes with a consistent set of standards for years. Additionally, YSA found that protocols developed and implemented by YSA with buy-in from existing contract providers had not been consistently followed across all homes among providers. Of even greater concern, YSA determined a series of physical, programmatic and security concerns warranting immediate attention including staff supervision or youth.

To address our observations, YSA instituted an aggressive monitoring and technical assistance effort involving increased meetings with group and shelter homes, both collectively and individually. Additionally, YSA increased its contract monitoring efforts for all group and shelter homes serving delinquent youth to include random site visits, a standardized monthly reporting format including pertinent information germane to the daily life of each youth (see attachment), enhanced program scheduling and upgraded unusual incidents report forms. While YSA's intent at the inception of these aggressive efforts was to preserve and improve its group and shelter homes, within the past four months, YSA has found it necessary to remove youth from one group home and three shelter homes. Prior to removing youth, each vendor was extended 45 days to address deficiencies noted prior to removing youth (varying from structural to programmatic, supervision security and monitoring).

To sustain our efforts as we work to license all group and shelter homes serving detained youth, YSA conducts a monthly program and licensing technical support meeting with all group and shelter home vendors. This forum provides a venue in which contracted providers are given technical support to address areas specific to statutes and codes in the District of Columbia Licensing Regulations. Since the inception of YSA's licensing technical support meetings with

vendors, more than ten additional new vendors vested in operating a group or shelter home in the District have joined the process.

3. *YSA review the feasibility of automatically placing youths who abscond from a group or shelter home into more secure facilities once they have been apprehended.*

While YSA understands the objective of this recommendation, it fails to distinguish between committed (*i.e.* group home) and detained (*i.e.* shelter home) youth. There cannot be an automatic placement for a detained youth. When a youth who absconds from a shelter home is picked up by MPD and appears before a judge, YSA has no input into the detention decision; the youth has a probation officer who can recommend secure placement for the youth. Instances in which detained youth abscond from shelter home placements or probation status, YSA's extent of involvement in the retrieval of the youth is far more limited, and to some extent restricted based on our lack of statutory authority over detained and/or probation youth under the case management and supervisions of CSS. While the initial process for reporting the absconder mirrors the process for adjudicated committed youth, CSS and its probation officers and MPD have arresting authority. YSA cannot compel a youth on probation to surrender him or herself and return to custody. The current intake and assessment process does not lend itself to input from YSA once a detained youth is brought back before the court. Consequently, a judge presiding over the case may (as has frequently been the case) order a detained or probation youth back to the same shelter home from which the youth absconded, or place the youth in a neighboring or remote shelter home from the original shelter home placement.

As for committed youth, the group home contacts MPD and forwards the police report to the Court. YSA's Absconder Outreach Locator staffs then retrieve a signed custody order based on the police report and commence contacting the parent/guardian of the youth by way of telephone calls, corresponding letters and home visits. Outreach efforts are conducted in tandem with case management contact efforts led by YSA Aftercare case management staff. Youth absconders are brought back into the juvenile justice system either voluntarily and through revocation of community placement. While YSA could adopt a policy which states that in all cases when a youth is picked up on a custody order that he or she be detained at Oak Hill, but it is unclear why such a policy is necessary. After being placed at Oak Hill, it is the responsibility of the youth's aftercare case manager to determine an appropriate placement, whether it is a residential treatment center, a community placement, or Oak Hill.

4. *YSA take immediate steps to ensure that all youths are photographed; that photos are placed in each case file; and that photos of absconders are forwarded to the MPD absconders unit.*

YSA agrees with the recommendation that "all youths are photographed" at intake and that those photographs are placed in the youths' file. However, as we recently discussed, current District confidentiality laws regarding youths' social files preclude YSA from sharing such photographs

with the MPD absconders unit. While legislation pending before the Council would likely ameliorate this situation, the MPD absconder unit may use its intake photograph of the absconders.

5. *YSA immediately institute the procedures and protocols contained to the draft Absconders Outreach Initiative document.*

While YSA recognizes the intent of this recommendation by the OIG, a number of immediate issues present major obstacles to instituting draft procedures and protocols recently developed. The current Absconder Outreach staff consists of full-time, unionized, Youth Correction Officers (YCOs) initially employed to work in YSA-run group and shelter homes. Following the closure of the Kenyon Street more than one year ago, the current staff volunteered to work in the Absconder Outreach initiative with an understanding that these YCOs would return to their position of record when other homes were opened. To date, the YCOs volunteering for the Absconder Outreach initiative have refused to work flexible schedules to locate youth, and have also refused to return to their position of record in the group homes built by YSA, and scheduled to open in Fiscal Year 2005. Accordingly, YSA cannot institute the procedures and protocols with its current staffing.

6. *YSA seek to expedite approval among all concerned agencies of the draft MOU on abscondence policies and procedures, so that ALC and MPD roles and responsibilities regarding locating and apprehending absconders can be clarified and implemented quickly.*

YSA agrees with the recommendation that it “seek to expedite approval among all concerned agencies of the draft [Memorandum of Understanding (MOU)]” to clarify the respective roles and responsibilities. In January 2004, YSA spearheaded the effort to bring OAG, MPD, CSS, the Child and Family Services Agency (CFSA) together to coordinate our respective measures to assess and locate the total population of delinquent (*i.e.* detained, probation and committed) and child welfare (*i.e.* abuse and neglect) youth. The draft MOU that resulted is undergoing legal sufficiency review and the agencies are assembling resources to begin jointly-located operations with MPD’s Youth Division in September 2004. Additionally, participating agencies forwarded demographic data relative to youth either committed, or under the supervision of the agency to support an analysis of the total number of absconders. While the total number of delinquent absconders represents some two hundred and fifty (250) youth from these three agencies (*i.e.* CSS, CFSA and YSA), on average less than seventy-five (75) youth represent individuals committed to the care and custody of YSA at any given time. CSS reports 180 detained youths in absconder status, but there is no breakdown of whether these youths absconded from electronic monitoring, home detention, shelter homes or residential treatment centers. YSA currently reports 74 committed youths in absconder status from group homes, but indicate that 22 of these youths are already in adult jails on other charges, leaving 52 total absconders. And CFSA reports 84 youths in absconder status with pending neglect custody orders, but cautions

Mr. Austin A. Anderson  
Interim Inspector General  
August 27, 2004  
Page 8

that these are not arrest warrants and that MPD's only function is to return these youths to CFSA for placement.

Should you have any questions regarding these responses, please contact [REDACTED], Deputy Administrator for Court & Community Programs, Youth Services Administration, at (202) 724-5071.

Sincerely,

Marceline D. Alexander  
Interim Administrator

MDA/to

cc: Robert C. Bobb, City Administrator  
Neil O. Albert, Deputy Mayor for Children, Youth, Families and Elders  
Yvonne D. Gilchrist, DHS Director  
Vanessa Chappell-Lee, DHS Deputy Director  
Mark D. Back, YSA Interim Special Counsel  
Councilmember Sandra Allen, Chairperson, Committee on Human Services  
Councilmember Kathy Patterson, Chairperson, Committee on the Judiciary

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES



Youth Services Administration



Youth Services Administration  
Group and Shelter Home Monthly Report Format

Cover Page                      Address  
   Submitted To:  
   Submitted From:  
   Date:

**Report:**

**Area I:**

**Overview of Activities for the Month:** (This section includes two or three paragraphs).  
Included within are program highlights encasing psycho-educational sessions covering substance abuse, conflict resolution, life skills, HIV/AIDS/STD prevention education, weekly evening group meetings, morning affirmation activities, and home visits. For this section, please be specific to include those services provided by shelter home staff and outside referral sources.

Also include general highlights for school attendance curfew monitoring. Indicate the percentage of school attendance (using a table matrix) as well as the percentage of truancy and absences from schools (YSA requires all vendors to work toward 100% school attendance of all youth enrolled in school who are not excused do to medical or legal reasons.

**School Attendance Monitoring Sample Table Matrix**

Name of Youth	Date of Truancy	Name of School and Phone Number

**Curfew School Attendance Monitoring Sample Table Matrix**

Name of Youth	Date of Curfew Violation	Graduated Sanction Proposed to PO

**Area II:**

**New Admissions and Abscondence:** Indicate referral source for admission. Also indicate (using a table matrix) and date, time for abscondence and whether or not youth returned in advance of custody order being signed. Note: a cumulative table matrix for this section of the report must be included in the annual report.

**Abscondence Sample Table Matrix**

Name of Youth	Date and Time of Abscondence	Name of Parent and Phone Number

**Area III:**

**Program Activities:** Include recreation, movies, field trips, in-house activities i.e., guest speakers,

**Area IV:**

**Progress Update for Each Youth:** Note: include brief summary on current issues for each youth, i.e., compliance or non-compliance and the specific behavior.

**Area V:**

**Modifications in Personnel and/or Management:** Include list of names and titles for full-time and part-time staff.

**Area VI:**

**Trainings and Staff Meetings:** Brief summary.

**Required Attachments:**

Monthly statistical report, resident activity log, monthly school attendance log, clothing and allowance receipt log and house population summary.

# Appendix 5

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



September 23, 2004

Marceline D. Alexander  
Interim Administrator  
Department of Human Services  
Youth Services Administration  
8300 Riverton Court  
Laurel, MD 20724

Dear Ms. Alexander:

Thank you for your response to our Management Alert Report (MAR 04-I-010) dated July 30, 2004 (Attachment 1). This letter responds to your concerns regarding portions of the MAR that you believe demonstrate "some misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves."

Although the Office of the Inspector General (OIG) appreciates your concerns, we believe that the facts gathered during our inspection support the substance of our findings and recommendations as presented, and provide the basis for the issuance of the MAR. However, in order to clarify the intent of our findings and recommendations in the areas you have questioned, we will address the concerns stated in your response letter (Attachment 2), as excerpted or repeated verbatim in bold italics below.

**Concerns Regarding Findings in the MAR**

1. ***YSA Response, Page 1: Detained vs. Committed: Throughout the report, detained and committed youth are intertwined. Other than the fact that YSA provides secure and non-secure housing to both of these groups, detained and committed youth have little in common with respect to the absconder issue.***

OIG: We believe that our differentiation between detained and committed youths as summarized on Page 2 of the MAR was accurately conveyed to us by YSA Case Workers. Be that as it may, however, the focus of the OIG MAR was on District youths, whether detained in shelter homes or committed to group homes, who are under YSA's supervision but abscond back into the community where they might be harmed or harm others. We believe YSA has primary responsibility for taking the initial actions to help locate these youths.

2. ***YSA Response, Page 1: While the timing of community placements, the authority to place youth in a specific type of facility, and the case management responsibility vary***

*greatly between detained and committed youth, the report rarely considers these two groups separately. By conceptualizing these groups as similar parts of a larger group, some of the report's factual conclusions and recommendations are much too general, therefore failing to capture the nuances of how YSA and other parties ought to approach the absconder problem.*

OIG: Again, the OIG believes that YSA should be the primary "first responder" regarding youths under YSA supervision who abscond back into the community, regardless of the role of judges and YSA in their placement in group and shelter homes. The OIG stands by its judgment that the quality of assessments and placement decisions, whether made by judges or YSA officials, needs improvement for the sake of both the youths in YSA custody and the community.

3. **YSA Response, Page 2**: *The report appears to suggest that some committed youth ought never to be transitioned to the community because of their offense histories.*

OIG: The OIG did not intend to suggest that committed youths should not ever be transitioned to the community because of their offense histories. However, based on statements and opinions provided by YSA case managers, our own research, and cases reported in the media, it is clear that some youths with extensive backgrounds of serious and repetitive criminal charges have hardened antisocial attitudes, and are inappropriately sent to loosely supervised group home situations from which they can abscond within a short time after their arrival. The OIG urges both YSA and the Court to consider more restrictive options in the initial placement of high risk youths, given the potential danger they pose to the community if they abscond before receiving the treatment and rehabilitative care they need.

4. **YSA Response, Page 2**: *It is not true that arrestees between the age of 18 and 20 are placed in YSA custody (see page 2) as these cases would be handled in adult court and, if appropriate, a youth would be sent to adult jail.*

OIG: You are correct in observing that arrestees between the ages of 18 and 20 are handled in adult court, and our reference to age in the MAR's *Background* paragraph on Page Two was not worded as clearly as it should have been. Our intent was to note that youths below age 18 who are remanded to YSA's custody may remain under YSA's supervision until age 21.

5. **YSA Response, Page 3**: *The Report Fails to Properly Consider Context: YSA provided OIG with the materials attached to the report several months ago. YSA has spent most of the summer dealing with crowded conditions at the Oak Hill. Oak Hill's detention population has skyrocketed this summer, causing the overall population to meet or exceed the facility's capacity. Between mid-June and mid-July of this year, the number of detained youth at Oak Hill increased from 98 to 157, a level not experienced in at least three years. But the report fails to consider the population surge that occurred just prior to the report being written. The failure to recognize Oak Hill's population surge is demonstrated by the repeated insinuation that too many youth are being stepped down to shelter or group homes.*

OIG: Overcrowding at Oak Hill is not relevant to OIG's observations that YSA has not taken sufficient steps to (a) more closely supervise and restrain youths in its custody who have significant criminal backgrounds, and (b) promptly help locate those same youths who abscond back into the community where they may commit more crimes and otherwise endanger District citizens and themselves.

#### **Concerns Regarding OIG Recommendation 1:**

***YSA Response, Page 4: YSA generally agrees with this recommendation. While it fails to differentiate between committed and detained youth, its mention of the Superior Court Social Services Division suggests that the recommendation refers to detained ... youth. In sum, while we agree with the recommendation for a collaborative effort for a qualitative review of the intake placement process, it is unclear how the OIG would like YSA to improve decision-making on detention placements when YSA plays no part in making these decisions.***

OIG: The OIG agrees that the mention of the Superior Court Social Services Division does imply a reference to detained youth. The point of our recommendation however is for YSA to seek collaboration with all persons involved in the placement of all youth in any YSA facilities. The OIG especially recommends this collaboration and a thorough review of the intake process in light of the following statement on Page 4 of your response:

*“Moreover, in most instances, such placements occur absent important background information compiled by CSS in the form of a social history for each youth vetted from CSS Intake and then Diagnostic Units, a process that can take up to two weeks for completion. Thus, YSA shelter homes are entrusted to care for a youth whose background information important to support a least restrictive placement may not be present at the initial point of placement.”*

Consequently, we would broaden our original recommendation to suggest that YSA review its own placement processes, particularly the step-down process from the Oak Hill Youth Center, to ensure that placements of committed youths to group homes do not place youths and citizens in the community at risk. We also ask, as noted in our MAR, that YSA provide this Office with information on actions taken or planned, and dates for completion of planned actions.

#### **Concerns Regarding OIG Recommendation 3:**

***YSA Response, Page 6: While YSA could adopt a policy which states that in all cases when a youth is picked up on a custody order that he or she be detained at Oak Hill, but [sic] it is unclear why such a policy is necessary.***

OIG: The OIG stands by this recommendation and believes this policy is necessary for three reasons: 1) youths who abscond (particularly high-risk youths with criminal histories) obviously require a more restrictive living environment; 2) abscondence indicates that a youth is not ready

to be transitioned peacefully back into the community; and 3) as noted in the MAR, such a policy would

- reduce the likelihood that high-risk youths who have a history of absconding will be housed in loosely supervised and unmonitored facilities from which they can easily abscond and get into additional trouble in the community;
- reduce the risk of their being injured, or injuring others; and
- minimize the interruption of YSA-sponsored services, such as substance abuse treatment, medical treatment, counseling, and education.

#### **Concerns Regarding OIG Recommendation 4:**

***YSA Response, Page 6:*** *YSA agrees with the recommendation that “all youths are photographed” at intake and that those photographs are placed in the youths’ file. However, as we recently discussed, current District confidentiality laws regarding youths’ social files preclude YSA from sharing such photographs with the MPD absconders unit. While legislation pending before the Council would likely ameliorate this situation, the MPD absconder unit may use its intake photograph of the absconders.*

**OIG:** The OIG stands by this recommendation and emphasizes that the photographing of youths at group and shelter homes is required by District regulations.

#### **Concerns Regarding OIG Recommendation 5:**

***YSA Response, Page 7:*** *While YSA recognizes the intent of this recommendation by the OIG, a number of immediate issues present major obstacles to instituting draft procedures and protocols recently developed. The current Absconder Outreach staff consists of full-time, unionized, Youth Correction Officers (YCOs) initially employed to work in YSA-run group and shelter homes. Following the closure of the Kenyon Street [shelter home] more than one year ago, the current staff volunteered to work in the Absconder Outreach initiative with an understanding that these YCOs would return to their position of record when other homes were opened. To date, the YCOs volunteering for the Absconder Outreach initiative have refused to work flexible schedules to locate youth, and have also refused to return to their position of record in the group homes built by YSA, and scheduled to open in Fiscal Year 2005. Accordingly, YSA cannot institute the procedures and protocols with its current staffing.*

**OIG:** The OIG stands by this recommendation, and does not understand why the lack of flexible YCO schedules or problems with internal controls should prevent a creative implementation of the basic procedures necessary for locating absconders as outlined in YSA's draft Absconder Outreach initiative. The OIG recommends that YSA develop interim, but formal, operating procedures for Absconder Unit employees that will better assist MPD in locating absconders while you attempt to resolve the YCO problems.

If you have questions concerning this letter or additional comments regarding the referenced MAR, please contact Alvin Wright, Jr., Assistant IG for Inspections and Evaluations, at 202-727-9249.

Sincerely,



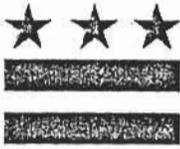
Austin A. Andersen  
Interim Inspector General

Attachments

AAA/AW/LP/ld

cc: Robert C. Bobb, Deputy Mayor and City Administrator  
Neil O. Albert, Deputy Mayor for Children, Youth, Families and Elders  
Charles H. Ramsey, Chief of Police, Metropolitan Police Department  
Yvonne D. Gilchrist, Director, Department of Human Services  
Mark D. Back, Interim Special Counsel, Youth Services Administration  
Robert Spagnoletti, Attorney General for the District of Columbia  
The Honorable Linda w. Cropp, Chairman, committee on the Whole,  
Council of the District of Columbia  
The Honorable Sandra Allen, Chairman, Committee on Human Services  
The Honorable Vincent B. Orange, Sr., Chairperson, Committee on  
Government Operations, Council of the District of Columbia  
The Honorable Kathy Patterson, Chairman, Committee on the Judiciary  
The Honorable Lee F. Satterfield, Chief Judge, Family Court,  
District of Columbia Superior Court  
Michelle Bragg, Ph.D., Center for Innovation and Reform

# ATTACHMENT 1



DISTRICT OF COLUMBIA  
OFFICE OF THE INSPECTOR GENERAL

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AUSTIN A. ANDERSEN  
INTERIM INSPECTOR GENERAL

INSPECTIONS AND EVALUATIONS DIVISION  
*MANAGEMENT ALERT REPORT*

DEPARTMENT OF HUMAN SERVICES

YOUTH SERVICES ADMINISTRATION  
DIVISION OF COURT AND COMMUNITY PROGRAMS

ABSCONDERS FROM YSA CUSTODY POSE  
SERIOUS RISKS TO THE COMMUNITY

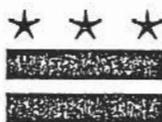
MAR 04 – I - 010

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JULY 30, 2004

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



July 30, 2004

Yvonne D. Gilchrist  
Director  
Department of Human Services  
64 New York Avenue, NE  
6<sup>th</sup> Floor  
Washington, DC 20032

Marceline D. Alexander  
Acting Administrator  
Youth Services Administration  
8300 Riverton Court  
Laurel, MD 20724

Dear Ms. Gilchrist and Ms. Alexander:

This is a Management Alert Report (MAR-04-I-010) to inform you of a significant issue that has come to our attention as a result of our inspection of the Department of Human Services, Youth Services Administration (YSA), Division of Court and Community Programs (DCCP). The Office of the Inspector General (OIG) provides these reports when we believe a serious matter requires the immediate attention of District of Columbia government officials.

Efforts to locate youths who have absconded<sup>1</sup> from YSA-sponsored group and shelter homes have been minimal and ineffective. These youths are guilty of offenses ranging from unauthorized use of a vehicle to murder (Attachment 1), and may pose serious and immediate risks to both the community and to themselves. DCCP documents show that since June 2001, 223 youths have absconded from YSA group and shelter homes. Sixty-nine<sup>2</sup> are still listed in absconder status, and 23 have been missing for over 2 years. Quick and determined action should be taken to:

- better evaluate the risks associated with assigning youths who have committed numerous serious crimes to a group or shelter home in the community;

<sup>1</sup> Absconders are youths who leave a YSA facility and do not return by a designated curfew hour or who do not return at all, and are considered to be missing.

<sup>2</sup> One youth on YSA's most recent absconder list of 69 was killed in June 2004.

- improve the supervision, oversight, and security of group and shelter home operations; and
- develop an active and effective absconder program to assist law enforcement authorities in locating and returning absconded youths.

We believe that taking these actions will:

- reduce the likelihood that high-risk youths will be housed in non-secure facilities from which they can easily abscond and get into additional trouble in the community, be injured, or injure others;
- minimize the interruption of YSA-sponsored services to troubled youths, such as substance abuse treatment, medical treatment, counseling, and education; and
- increase the number of absconders who are located and returned to YSA or court custody.

## Background

Youths under 21 years old who are arrested and found guilty of criminal acts may be remanded by the court to the custody of YSA. During what is called the "intake" process, YSA may assign a youth to his or her family home, a group or shelter home sponsored by YSA, a residential treatment facility, or to the District's Oak Hill Youth Center (OHYC) in Laurel, Maryland. A youth's placement is determined by various factors, such as the seriousness of the offense, an assessment by the Superior Court Social Services Division and YSA case managers of the youth's background and needs, facility and resource availability, and the risk of endangerment to the youth and the community. YSA operates or has contracts for the following facilities for youths in the juvenile justice system:

- Shelter homes that house youths who are being detained on a short-term basis (days to weeks), such as runaways who are returned to their parents or youths awaiting a court appearance for minor offenses.
- Residential treatment facilities that provide intensive and specialized treatment services in a secure environment.
- Group homes that house youths who have more serious delinquency problems; who come from abusive or unstable home environments; and who exhibit antisocial behavior or have other issues that require a more restrictive living arrangement for a longer period of time. These youths are committed to YSA's custody for more extended periods, usually months.
- OHYC, which is self-contained and physically secure. It houses youths guilty of serious offenses who are committed for extended terms, as well as some youths whose cases have not been adjudicated by the court and for whom there is no room in a shelter home. OHYC has a school, and provides medical, psychiatric, and drug

treatment services, as well as counseling and training. There have been no abscondences from OHYC in the past 8 years.

## Observations

1. Inaccurate risk assessments and subsequent assignments to non-secure community facilities, ineffective monitoring of youths' movement into and out of a facility, and deficient monitoring of youths' activities outside of a facility increase the risk of abscondences.

- a. *Initial risk assessments of some youthful offenders may not accurately reflect the seriousness of their offenses, their extensive criminal backgrounds, or their potential danger to the community.*

After youths charged with criminal offenses have been found guilty by the court, YSA's Court Liaison Unit gives them a Risk Assessment Score based on evaluations of family life, psychological state, and criminal history. Scores of 5-16 represent low to medium risk, and scores of 17-30 reflect high risk. High risk youths typically will be recommended for placement in a secure detention facility, like OHYC, while low to medium risk youths may be sent to a community group home or treatment facility.<sup>3</sup> According to some case managers, however, some youths with extensive criminal backgrounds, serious or repetitive charges, and hardened attitudes are inappropriately evaluated at this stage of the process as low to medium risk rather than high risk. They are subsequently sent to non-secure group homes from which they can easily abscond and resume their criminal behavior or engage in other antisocial activities. These inappropriate placements endanger community residents as well as the youthful offenders themselves.

The case of "Mike,"<sup>4</sup> a 16-year-old absconder, exemplifies the risk created by inadequate assessments. According to media reports, Mike had a history juvenile arrests, including heroin possession. In spite of his record, he was assigned to a non-secure, YSA community group home and allowed to leave each day for school and trusted to return. Mike absconded, shot and killed an individual he attempted to rob, and was himself shot and killed by his intended victim. We found no evidence that YSA had taken any significant action beyond a few telephone calls and a letter to his parents to locate Mike and return him to YSA custody. In addition to Mike's case, local media have recently reported another killing involving an absconder from a group home under YSA authority. This absconder also had a reported history of serious criminal charges.

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<sup>3</sup> The Risk Assessment Score is also used to determine the types of services a youth will receive, such as individual and group counseling, psychological and medical treatment, and anger management classes.

<sup>4</sup> Not his real name.

*b. Monitoring procedures in some group and shelter homes are reportedly lax and inconsistent, and increase the risk of abscondences.*

Also critical to the problem of abscondence is the quality of security and oversight of youths by employees of the group and shelter homes. During our inspection, the team found or was notified that:

- some youths are often permitted to enter and leave facilities at will;
- curfew times are sometimes inappropriate (youths at one group home who attend school are given an 8 p.m. curfew time, although schools normally let out between 3 p.m. and 4 p.m.);
- some facility operators reportedly are not monitoring or locking the doors of the facilities at night;
- some employees reportedly sleep during the evening when they should be monitoring the activities of youths;
- some youths who abscond are returned to the same group home after they are apprehended, which may result in repeated abscondences;
- some group home operators reportedly provide weekend and evening passes to youths without notifying the social workers or case managers responsible for those youths;
- an allegation was made that in some facilities, employees give out home passes indiscriminately to youths so they can shut down the group or shelter home over the weekend; and
- there are credible allegations that some youths are using illegal substances inside the group homes.

The purpose of placing troubled youths in group and shelter homes is to provide them with a stable and secure environment that ensures their welfare and the safety and protection of the public. Inadequate monitoring, ineffective security measures, improper placement of youths with a history of absconding, and inappropriate curfews increase the likelihood of abscondences and provide youths with opportunities to resume their criminal activities in the community.

2. Absconder Locator Component (ALC) employees have not been provided the procedures or training to make more than minimal efforts to locate absconders, some of whom pose a threat to the community and to themselves.

In 2003, YSA drafted an Absconder Outreach Initiative (AOI)<sup>5</sup> (Attachment 2), and created the ALC, a five-person unit to locate absconded youth and assist the Metropolitan Police Department (MPD) in returning them to YSA custody. Although the AOI document contains procedures and protocols to guide the ALC in locating absconders, at the time of this writing, the

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<sup>5</sup> The function of locating absconders was established in August 2003 as an initiative directed at committed youths of YSA who abscond from their assigned or mandated YSA operated or contracted community based facilities. On January 15, 2004, this initiative was expanded to include the compilation of information and data on detained youths.

document had not been finalized and approved by senior YSA management. Consequently, ALC employees have been working without a clearly articulated mission, position descriptions, policies and procedures, or written performance standards. Employees had no prior experience with tracking and locating absconders, and have not received any specific training since assuming their positions.

Employees stated that when the ALC was created, its duties consisted only of compiling data on absconded youths, such as the number who have absconded from group and shelter homes, the number who have returned to their group or shelter homes, absconded youths who have "aged" out of YSA's system by turning 21, and absconded youths incarcerated in state or federal prisons, or out-of-state juvenile detention centers. These tasks were performed telephonically, and no field investigations were conducted.

*a. ALC employees do not conduct field investigations on every youth who absconds.*

The AOI draft document requires that a field investigation be conducted on all youths who abscond from government custody. Such an investigation should include in-person as well as telephonic inquiries at the last known residence; notification of family; questioning of friends and officials at schools, local jails, hospitals, welfare and service agencies, as well as other agencies with whom a juvenile may have had contact. The investigation also should include canvassing the youth's former neighborhood, schools, and places of employment.

Between August 2003 and April 2004, the ALC documented only 20 instances when field investigations were conducted to locate the 68 youths currently in absconder status. Although procedures are in draft, ALC employees stated that they have not been required by YSA management to conduct field investigations to locate absconded youths. They have conducted some field investigations on their own initiative, but stated that they are hesitant to do so routinely because they are untrained and lack detention or arrest authority.

*b. There does not appear to be an adequate exchange of information or close coordination between YSA and MPD in attempts to locate absconders.*

YSA and MPD have a 1997 agreement (Attachment 3) stipulating that MPD will attempt to locate children in coordination with YSA.<sup>6</sup> In order for MPD to apprehend a youth, it is imperative that YSA notify MPD as soon as a custody order has been signed. However, DCCP Abscondence Tracking Reports from August 2003 to April 2004 show that ALC made only 14 contacts with MPD, although custody orders had been signed for all 68 youths currently in abscondence status. Employees stated that they only contact MPD when a judge has signed a custody order *and* they can confirm the location of a youth. Such confirmation, however, is clearly unlikely because ALC makes only minimal efforts to locate absconded youths. This breakdown in coordination and communication makes it difficult for MPD to locate and apprehend absconded youths in a timely manner.

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<sup>6</sup> Agreement between the Superior Court, Metropolitan Police Department, the Corporation Counsel, the LaShawn General Receivership on Behalf of Child and Family Services Agency of the Department of Human Services, and the Department of Human Services' Youth Services Administration.

YSA's notifications to MPD on absconders should include background information, physical descriptions, contact information on family and friends, and photographs. The team could not determine exactly what identifying information YSA transmits to MPD on absconded youths, but did conclude that no photographs are sent, because none are taken during the intake process. Title 29 DCMR § 6257.3 (g) states, in part, that not more than 48 hours after a youth's admission, a YSA facility shall complete an admissions record that includes a current photograph of the resident. Without photographs, both ALC employees and law enforcement officers must rely on unreliable physical descriptions of absconded youths.

MPD's Youth and Family Services Division<sup>7</sup> also does not appear to have up-to-date written policies and procedures regarding coordination with YSA or that specify MPD actions to locate absconded youths. Both YSA and MPD employees stated that a Memorandum of Understanding (MOU) is being developed by the two agencies to increase communication and coordination, but no target date for its completion was identified.<sup>8</sup>

#### Recommendations:

1. That the A/YSA seek to collaborate with the Superior Court Social Services Division, including probation officers, on a qualitative review of the intake placement process. The objectives would be to (a) improve the decision making that leads to the assignment of youths to either secure or non-secure facilities; and (b) lower the risk of dangerous youth offenders absconding back into the community where they might harm others or be harmed.
2. That the A/YSA review security and monitoring practices in all group and shelter homes and ensure that day-to-day operations minimize the risk of abscondences, while meeting the requirements to provide residential care, treatment, and services for the youths.
3. That the A/YSA review the feasibility of automatically placing youths who abscond from a group or shelter home into more secure facilities once they have been apprehended.
4. That the A/YSA take immediate steps to ensure that all youths are photographed; that photos are placed in each case file; and that photos of absconders are forwarded to the MPD absconders unit.
5. That the A/YSA immediately institute the procedures and protocols contained in the draft Absconders Outreach Initiative document.

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<sup>7</sup> According to the 1997 agreement, the Youth and Family Services Division of MPD has assigned four officers to the MPD Abscondence Unit whose working hours are 5 a.m. to 1 p.m., Monday through Friday. In addition, the agreement states that MPD will provide pagers to the officers on duty with the Abscondence Unit to expedite communication with social workers, guardians, parents, caretakers, and other appropriate individuals.

<sup>8</sup> According to YSA and MPD officials, this MOU is being developed among YSA, MPD, the District of Columbia Superior Court, and the Attorney General for the District of Columbia.

6. That the A/YSA seek to expedite approval among all concerned agencies of the draft MOU on abscondence policies and procedures, so that ALC and MPD roles and responsibilities regarding locating and apprehending absconders can be clarified and implemented quickly.

Please provide your comments on this MAR by Monday, August 16, 2004. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreement with the concerns and recommendations presented. Please distribute this Management Alert Report to only those personnel who will be directly involved in preparing your response. Should you have questions or if you desire a conference before responding, please contact [REDACTED], Director of Planning and Inspections, at 202-727-8490.

Sincerely,



Austin A. Andersen  
Interim Inspector General

AAA/lp

cc: Mr. Robert C. Bobb, Deputy Mayor and City Administrator  
Mr. Tony Bullock, Director, Office of Communications  
Neil O. Albert, Deputy Mayor for Children, Youth, Families and Elders  
Charles H. Ramsey, Chief of Police, Metropolitan Police Department  
Mr. Robert Spagnoletti, Attorney General for the District of Columbia  
The Honorable Linda W. Cropp, Chairman, Committee of the Whole,  
Council of the District of Columbia  
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Government Operations, Council of the District of Columbia  
The Honorable Kathy Patterson, Chairman, Committee on the Judiciary  
The Honorable Lee F. Satterfield, Chief Judge, Family Court,  
District of Columbia Superior Court  
Michelle Bragg, Ph.D., Center for Innovation and Reform

# ATTACHMENT 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES



Youth Services Administration



YSA/DCCP/ABSCONDENCE  
COMMITTED-ABSCONDED DESCRIPTION OF OFFENSE

No.	Description Of Offense
1	BURGLARY II, RECEIVING STOLEN PROPERTY.
2	UUV- USE OF UNAUTHORIZED VEHICLE.
3	MARIJUANA (POSS) DISMISSED 6-04-02
4	UUV-DRIVER AND RECEIVING STOLEN PROPERTY.
5	ATTEMPT TO COMMIT. CRIME- UUV
6	MARIJUANA AND CRACK COCAINE (POSS)
7	ROBBERY ARMED -UUV- DRIVER
8	UUV-DRIVER. (USE OF UNAUTHORIZED VEHICLE).
9	ATTEMPT TO COMMIT. CRIME- UUV
10	MARIJUANA SALE
11	UUV-DRIVER, NO PERMIT
12	NO PERMIT- DRIVER
13	PWID-COCAINE. (POSSESSION WITH INTENT TO DISTRIBUTE).
14	ROBBERY- FEAR
15	PWID COCAINE-MARIJUANA (POSS)
16	CONTROL SUBSTANCE ACT-MARIJUANA (PWID) WHILE ARMED.
17	UUV-PASS.(COUNT B)
18	ROBBERY-PURSE SNATCH
19	UUV-CONTROL SUBSTANCE ACT- MARIJUANA (POSS.)
20	MURDER 1- ARMED GUN
21	UUV-PASS, DISMISSED 5-29-02
22	COCAINE AND PARAPHENALIA (POSS.)
23	UUV-DRIVER, RECKLESS DRIVING, NO PERMIT
24	ASSAULT ON POLICE OFFICER.
25	CONTROL SUBSTANCE ACT- MARIJUANA (POSS W/I DIST.)
26	CONTROL SUBSTANCE ACT- COCAINE (POSS.)
27	PWID- COCAINE, CARRYING PISTOL WITHOUT LICENSE, UNREG. FIREARM
28	UUV-DRIVER, NO PERMIT, RECKLESS DRIVING.
29	ASSAULT ON CORRECTIONAL OFFICER
30	UUV-USE OF UNAUTHORIZED VEHICLE.
31	CONTROL SUBSTANCE ACT-(CSA) COCAINE (DIST.)
32	POSSESSION PROH. WEAPON (MANCHINE GUN) COW (GUN) POSS. UNREG.AMMO.
33	CONTROL SUBSTANCE ACT- HEROIN (POSS. W/I DIST.)
34	NO PERMIT
35	DISTRIBUTION OF COCAINE.
36	CONTROL SUBSTANCE ACT- HEROIN (SALE)
37	SIMPLE ASSLT.
38	PWID- CRACK COCAINE
39	UUV-DRIVER
40	DEST, PROP. -OVER \$200. UUV-DRIVER, ASSAULT ON OFFICER
41	CSA COCAINE. (POSS.W/IDIST.)
42	ASSAULT WITH DEADLY WEAPON-FIRE EXT. SIMPLE ASSAULT.

No	Description Of Offense
43	ROBBERY CAR. WEAPON, POSS. UNREG. AMMO.
44	POSS. UNREGISTERED AMMO. -COCAINE,(PWID) MARJ.(PWID) MURDER 2
45	PROSTITUTION SOLICITS. LEWD PURPOSE
46	DESTRUCTION OF PROPERTY- UNDER S200
47	ROBBERY ARMED
48	CARRYING A DEADLY WEAPON-GUN,POSS. OF PROHIBITED WEAPON, UNREGISTERED AMMO.,FIREARMS.
49	MARIJUANA SALE
50	PWID COCAINE SALE
51	CSA HEROIN (POSSW/IDIST.)
52	CARRY DAN. WEAPON (GUN)
53	SIMPLE ASSAULT-ADW BOTTLE.
54	ROBBERY
55	UUV-PASS.
56	CSA COCAINE (POSS.)
57	COCAINE (SALE)
58	CARRYING PISTOL WITHOUT LICENSE, POSS. UNREGISTERED RIFLE, UNREGISTERED AMMO.
59	POSSESSION PROHIBITED WEAPON
60	UUV-DRIVER, RECEIVING STOLEN PROP. - FELONY
61	CARRY DANG. WEAPON- KNIFE
62	CARRYING PISTOL WITHOUT LICENSE, UNREGISTERED FIREARM, AMMO.,UUV-DRIVER.
63	CONTROL SUBSTANCE ACT- HEROIN (POSS.W/IDIST.)
64	CSA MARJ. (DIST.) UUV-DRIVER
65	DC CONTROL SUBSTANCE ACT- COCAINE & MARIJUANA (POSS.)
66	HEROIN (POSS.W/IDIST.) AND COCAINE
67	SEXUAL ABUSE THIRD DEGREE
68	DISORDERLY CONDUCT
69	THEFT IN THE 2 <sup>nd</sup> DEGREE

# ATTACHMENT 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Human Services  
Youth Services Administration



Marceline D. Alexander  
Interim Administrator

August 27, 2004

Mr. Austin A. Anderson  
Interim Inspector General  
Office of the Inspector General  
717 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

RE: *Management Alert Report 04-I-010 (Absconders from YSA Custody)*

Dear Mr. Anderson:

This correspondence is transmitted to you in response to Management Alert Report 04-I-010 dated July 30, 2004, in which the Office of the Inspector General ("OIG") makes three sets of observations and six recommendations to the Youth Services Administration ("YSA") in connection with efforts to locate youths who have absconded from YSA group and shelter homes. Although much of the report's observations and conclusions are valid, the report in other respects demonstrates some misunderstandings of how the District of Columbia's juvenile justice system works, which ultimately affects the quality of the recommendations themselves. YSA responds below to OIG's observations and recommendations.

YSA'S RESPONSE TO OIG'S OBSERVATIONS

YSA has identified three main problems with OIG's observations in the report.

*Detained vs. Committed:* Throughout much of the report, detained and committed youth are intertwined. Other than the fact that YSA provides secure and non-secure housing to both of these groups, detained and committed youth have little in common with respect to the absconder issue. Group homes are for youth committed by the Superior Court to the care and custody of the Department of Human Services (i.e. YSA) following an adjudication of delinquency and shelter homes are for youth who have been detained by the Superior Court prior to adjudication. While the timing of community placements, the authority to place youth in a specific type of facility, and the case management responsibility vary greatly between detained and committed youth, the report rarely considers these two groups separately. By conceptualizing these groups as similar parts of a larger group, some of the report's factual conclusions and recommendations are much

too general, therefore failing to capture the nuances of how YSA and other parties ought to approach the absconder problem.

For example, Superior Court judges, not YSA, determine whether youth are placed in a shelter home. YSA does not place youth in shelter homes unless the court issues a detention order that specifies such a placement. Some youth are ordered to a shelter home at their initial hearing, while others are stepped down to a shelter home at a later date. In all cases, YSA does not place a youth in a shelter home without an order from the court. By contrast, YSA is solely responsible for the placement decisions of committed youth. Judges can recommend placements, but YSA has no obligation to follow the judge's recommendations.

The majority of youths are not placed in a group home by YSA soon after commitment. Rather, youths are most often placed in a group home while transitioning back into their communities after an extended stay at a residential treatment center and/or the Oak Hill Youth Center ("Oak Hill"). The report appears to suggest that some committed youth ought never to be transitioned to the community because of their offense histories. This is a practice that some states adhere to (*i.e.* commitment equates with incarceration), but it is certainly not the model that most interested parties recommend in the District. YSA continues to operate under the goal of placing youth in the "least restrictive setting" necessary considering the youth's individualized needs and public safety. Part of YSA's responsibilities for committed youth is to reintegrate them into life outside of an institutional facility. Therefore, committed youth with virtually all kinds of offenses are placed in the community, whether group home or other setting (*e.g.* independent living, transitional living, parents' home, etc.), at some point during their period of commitment. Ultimately, the issue is not whether youths with certain backgrounds should be placed in the community, but the timing of that placement at the end of their commitment in accordance with a pre-release program. The timing of a committed youth's placement in the community is a function of the youth's progress meeting the goals and objectives of his or her individualized service plan and the clinical opinions of qualified staff at Oak Hill and other residential treatment centers.

*Other Factual Errors:* In addition to incorrect statements that are a function of considering detained and committed youth as two parts of a bigger group, the report contains other factual errors. It is not true that arrestees between the age of 18 and 20 are placed in YSA custody (see page 2) as these cases would be handled in adult court and, if appropriate, a youth would be sent to adult jail. Although some youth may fit the description, group homes are not utilized for the purpose of housing youth from abusive or unstable home environments (see page 2). Youth are not usually committed to YSA for months as years are more common (see page 2). Since Oak Hill typically houses about twice as many detained as committed youth, it is misleading to categorize Oak Hill as housing youth committed for serious offenses and "some" detained youth as well (see page 2). In fact, many detained youth are housed at Oak Hill not because there is no room in a shelter home (see page 2), but because the judge orders them to be detained at Oak Hill. Youth charged with delinquent (not criminal) offenses are not given a risk assessment score after being found guilty in court, but rather after a judge issues a detention order (see page 3).

Similarly, the risk assessment is not used to determine whether a detained youth should be placed at Oak Hill or a shelter home (that decision is made by the youth's judge), but rather is used by Oak Hill staff when deciding in which unit the youth should be placed.

In the "Observations" section, it is reported that there has been little contact between YSA's Absconder Locator Component (ALC) staff and the Metropolitan Police Department. The report makes a convincing argument that there needs to be far more coordination between ALC staff and MPD, but it leaves the false impression that MPD only knows of an absconder if YSA staff notify them. The report states, "In order for MPD to apprehend a youth, it is imperative that YSA notify MPD as soon as a custody order has been signed." But MPD is notified when a custody order is signed by its WALES system, and YSA does not supply the information to this system. Rather, D.C. Superior Court employees enter this information into WALES, which is then accessed by MPD officers. Moreover, both shelter and group homes are required to notify MPD directly of an absconder from their facility. That YSA staff should nonetheless contact MPD about an absconder is certainly a good suggestion, especially because, as the report states, YSA can provide MPD with important information about the youth, but MPD at least receives notification of the custody order even if this contact is not made.

The Report Fails to Properly Consider Context: YSA provided OIG with the materials attached to the report several months ago. YSA has spent most of the summer dealing with crowded conditions at the Oak Hill. Oak Hill's detention population has skyrocketed this summer, causing the overall population to meet or exceed the facility's capacity. Between mid-June and mid-July of this year, the number of detained youth at Oak Hill increased from 98 to 157, a level not experienced in at least three years. But the report fails to consider the population surge that occurred just prior to the report being written. The failure to recognize Oak Hill's population surge is demonstrated by the repeated insinuation that too many youth are being stepped down to shelter or group homes. These sentiments are in direct contrast with the principles of "least restrictive setting" and community-based services that underlie the *Jerry M. Consent Decree* and implementation of Order B. It is inevitable that youths in detained and committed status will be returned to the community so the question is one of timing. For detained youths, those decisions are made by judges with the input of defense counsel, the Office of the Attorney General (OAG), and the Court's Social Services Division (CSS). For committed youths, those decisions are made by YSA, with input from the OAG, based on the youth's individualized needs and public safety considerations.

#### YSA'S RESPONSE TO RECOMMENDATIONS

In response to your specific recommendations, please be advised as follows:

1. *YSA seek to collaborate with the Superior Court Social Services Division, including probation officers, on a qualitative review of the intake placement process.*

YSA generally agrees with this recommendation. While it fails to differentiate between committed and detained youth, its mention of the Superior Court Social Services Division suggests that the recommendation refers to detained youth. As mentioned above, individual judges, not YSA or CSS staff, determine whether a youth should be detained and the level of security the youth requires. YSA and CSS staff can make recommendations to reduce the level of detention for a youth who is already at Oak Hill or a shelter home, but the decision still lies within the discretion of the judge.

At the time of a youth's initial detention hearing, CSS has conducted an intake screening with the youth, and so both a CSS representative and an Assistant Attorney General will usually make a detention recommendation in court. It is only after the judge decides whether to detain a youth and the level of detention that is required that YSA's Court Liaison Unit staffs meet with the youth and conduct an intake screening. In sum, while we agree with the recommendation for a collaborative effort for a qualitative review of the intake placement process, it is unclear how the OIG would like YSA to improve decision-making on detention placements when YSA plays no part in making these decisions.

During the past six months, YSA has participated in standing monthly meetings with the Presiding and Deputy Presiding Judges of the Family Court, the Acting CSS Director, and OAG's Chief for the Juvenile Section. These standing meetings have been used on occasion to discuss the current intake assessment and decision-making process for youth alleged to have committed either a status or serious juvenile offense. It is important to note that YSA does not determine whether or not youths entering the juvenile justice system following an arrest are permitted to return home under the supervision of his/her guardian, placed in an overnight bed in the community, remanded to a shelter home, or remanded to Oak Hill. CSS, operating under the supervision of the court, makes the determination whether the youth is returned home, placed in an overnight bed, remanded to a shelter home, or remand to Oak Hill. A number of factors contribute to this determination by CSS including the nature of the alleged offense and the availability and/or willingness of the parent/guardian to pick up the youth. For those parents/guardians unable or unwilling to take custody of the youth, CSS makes the determination that the youth must be remanded, at which point YSA is charged with the task of locating a placement in the community or transporting the youth to Oak Hill. If a youth is remanded to a shelter home, an available bed must be secured. In the absence of the available bed, the youth may be sent to Oak Hill and placed on a waiting list to be stepped down to shelter care in order to secure his/her attendance at the disposition hearing following the alleged offense. YSA's responsibility is limited to payment of shelter care services for such youth under the supervision of the CSS. Essentially, YSA provides housing with no ability to weigh-in on the appropriateness of placement in either shelter care or secure detention. Moreover, in most instances, such placements occur absent important background information compiled by CSS in the form of a social history for each youth vetted from CSS Intake and then Diagnostic Units, a process that can take up to two weeks for completion. Thus, YSA shelter homes are entrusted to care for a youth whose background information important to support a least restrictive placement may not be present at the initial point of placement.

YSA has been working with various state District agencies, the Court and CSS exploring the feasibility of a unified assessment instrument, and increased involvement on the part of YSA at the point of the initial assessment and consideration for placement of each youth. In addition to several simultaneous efforts underway involving CSS and YSA, including pre-commitment case management of youth as a means to reducing the number of youth unnecessarily committed to YSA, we believe that an increased role in the early decision of each youth will reduce the likelihood of inappropriately placing youth in shelter homes of secure detention.

2. *YSA review security and monitoring practices in all group and shelter homes and ensure that day-to-day operations minimize the risk of abscondences, while meeting requirements to provide residential care, treatment, and services for the youths.*

Beginning in April 2004, YSA conducted an assessment of each group home serving committed youth and shelter home serving detained youth in the District of Columbia. The purpose of these assessments was to determine the physical, programmatic and security/monitoring status and practices in each home and the extent to which additional measures and precautions were necessary to improve the health, safety and rehabilitation of each youth. Our analysis of group and shelter homes showed that YSA had not monitored its contacted homes with a consistent set of standards for years. Additionally, YSA found that protocols developed and implemented by YSA with buy-in from existing contract providers had not been consistently followed across all homes among providers. Of even greater concern, YSA determined a series of physical, programmatic and security concerns warranting immediate attention including staff supervision or youth.

To address our observations, YSA instituted an aggressive monitoring and technical assistance effort involving increased meetings with group and shelter homes, both collectively and individually. Additionally, YSA increased its contract monitoring efforts for all group and shelter homes serving delinquent youth to include random site visits, a standardized monthly reporting format including pertinent information germane to the daily life of each youth (see attachment), enhanced program scheduling and upgraded unusual incidents report forms. While YSA's intent at the inception of these aggressive efforts was to preserve and improve its group and shelter homes, within the past four months, YSA has found it necessary to remove youth from one group home and three shelter homes. Prior to removing youth, each vendor was extended 45 days to address deficiencies noted prior to removing youth (varying from structural to programmatic, supervision security and monitoring).

To sustain our efforts as we work to license all group and shelter homes serving detained youth, YSA conducts a monthly program and licensing technical support meeting with all group and shelter home vendors. This forum provides a venue in which contracted providers are given technical support to address areas specific to statutes and codes in the District of Columbia Licensing Regulations. Since the inception of YSA's licensing technical support meetings with

vendors, more than ten additional new vendors vested in operating a group or shelter home in the District have joined the process.

3. *YSA review the feasibility of automatically placing youths who abscond from a group or shelter home into more secure facilities once they have been apprehended.*

While YSA understands the objective of this recommendation, it fails to distinguish between committed (*i.e.* group home) and detained (*i.e.* shelter home) youth. There cannot be an automatic placement for a detained youth. When a youth who absconds from a shelter home is picked up by MPD and appears before a judge, YSA has no input into the detention decision; the youth has a probation officer who can recommend secure placement for the youth. Instances in which detained youth abscond from shelter home placements or probation status, YSA's extent of involvement in the retrieval of the youth is far more limited, and to some extent restricted based on our lack of statutory authority over detained and/or probation youth under the case management and supervision of CSS. While the initial process for reporting the absconder mirrors the process for adjudicated committed youth, CSS and its probation officers and MPD have arresting authority. YSA cannot compel a youth on probation to surrender him or herself and return to custody. The current intake and assessment process does not lend itself to input from YSA once a detained youth is brought back before the court. Consequently, a judge presiding over the case may (as has frequently been the case) order a detained or probation youth back to the same shelter home from which the youth absconded, or place the youth in a neighboring or remote shelter home from the original shelter home placement.

As for committed youth, the group home contacts MPD and forwards the police report to the Court. YSA's Absconder Outreach Locator staffs then retrieve a signed custody order based on the police report and commence contacting the parent/guardian of the youth by way of telephone calls, corresponding letters and home visits. Outreach efforts are conducted in tandem with case management contact efforts led by YSA Aftercare case management staff. Youth absconders are brought back into the juvenile justice system either voluntarily and through revocation of community placement. While YSA could adopt a policy which states that in all cases when a youth is picked up on a custody order that he or she be detained at Oak Hill, but it is unclear why such a policy is necessary. After being placed at Oak Hill, it is the responsibility of the youth's aftercare case manager to determine an appropriate placement, whether it is a residential treatment center, a community placement, or Oak Hill.

4. *YSA take immediate steps to ensure that all youths are photographed; that photos are placed in each case file; and that photos of absconders are forwarded to the MPD absconders unit.*

YSA agrees with the recommendation that "all youths are photographed" at intake and that those photographs are placed in the youths' file. However, as we recently discussed, current District confidentiality laws regarding youths' social files preclude YSA from sharing such photographs

with the MPD absconders unit. While legislation pending before the Council would likely ameliorate this situation, the MPD absconder unit may use its intake photograph of the absconders.

5. *YSA immediately institute the procedures and protocols contained to the draft Absconders Outreach Initiative document.*

While YSA recognizes the intent of this recommendation by the CIG, a number of immediate issues present major obstacles to instituting draft procedures and protocols recently developed. The current Absconder Outreach staff consists of full-time, unionized, Youth Correction Officers (YCOs) initially employed to work in YSA-run group and shelter homes. Following the closure of the Kenyon Street more than one year ago, the current staff volunteered to work in the Absconder Outreach initiative with an understanding that these YCOs would return to their position of record when other homes were opened. To date, the YCOs volunteering for the Absconder Outreach initiative have refused to work flexible schedules to locate youth, and have also refused to return to their position of record in the group homes built by YSA, and scheduled to open in Fiscal Year 2005. Accordingly, YSA cannot institute the procedures and protocols with its current staffing.

6. *YSA seek to expedite approval among all concerned agencies of the draft MOU on abscondence policies and procedures, so that ALC and MPD roles and responsibilities regarding locating and apprehending absconders can be clarified and implemented quickly.*

YSA agrees with the recommendation that it "seek to expedite approval among all concerned agencies of the draft [Memorandum of Understanding (MOU)]" to clarify the respective roles and responsibilities. In January 2004, YSA spearheaded the effort to bring OAG, MPD, CSS, the Child and Family Services Agency (CFSA) together to coordinate our respective measures to assess and locate the total population of delinquent (*i.e.* detained, probation and committed) and child welfare (*i.e.* abuse and neglect) youth. The draft MOU that resulted is undergoing legal sufficiency review and the agencies are assembling resources to begin jointly-located operations with MPD's Youth Division in September 2004. Additionally, participating agencies forwarded demographic data relative to youth either committed, or under the supervision of the agency to support an analysis of the total number of absconders. While the total number of delinquent absconders represents some two hundred and fifty (250) youth from these three agencies (*i.e.* CSS, CFSA and YSA), on average less than seventy-five (75) youth represent individuals committed to the care and custody of YSA at any given time. CSS reports 180 detained youths in absconder status, but there is no breakdown of whether these youths absconded from electronic monitoring, home detention, shelter homes or residential treatment centers. YSA currently reports 74 committed youths in absconder status from group homes, but indicate that 22 of these youths are already in adult jails on other charges, leaving 52 total absconders. And CFSA reports 84 youths in absconder status with pending neglect custody orders, but cautions

Mr. Austin A. Anderson  
Interim Inspector General  
August 27, 2004  
Page 8

that these are not arrest warrants and that MPD's only function is to return these youths to CFSA for placement.

Should you have any questions regarding these responses, please contact [REDACTED] Deputy Administrator for Court & Community Programs, Youth Services Administration, at (202) 724-5071.

Sincerely,

Marceline D. Alexander  
Interim Administrator

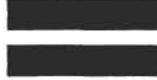
MDA/to

cc: Robert C. Bobb, City Administrator  
Neil O. Albert, Deputy Mayor for Children, Youth, Families and Elders  
Yvonne D. Gilchrist, DHS Director  
Vanessa Chappell-Lee, DHS Deputy Director  
Mark D. Back, YSA Interim Special Counsel  
Councilmember Sandra Allen, Chairperson, Committee on Human Services  
Councilmember Kathy Patterson, Chairperson, Committee on the Judiciary

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES



Youth Services Administration



Youth Services Administration  
Group and Shelter Home Monthly Report Format

Cover Page                      Address  
   Submitted To:  
   Submitted From:  
   Date:

**Report:**

**Area I:**

**Overview of Activities for the Month:** (This section includes two or three paragraphs).  
Included within are program highlights encasing psycho-educational sessions covering substance abuse, conflict resolution, life skills, HIV/AIDS/STD prevention education, weekly evening group meetings, morning affirmation activities, and home visits. For this section, please be specific to include those services provided by shelter home staff and outside referral sources.

Also include general highlights for school attendance curfew monitoring. Indicate the percentage of school attendance (using a table matrix) as well as the percentage of truancy and absences from schools (YSA requires all vendors to work toward 100% school attendance of all youth enrolled in school who are not excused do to medical or legal reasons.

**School Attendance Monitoring Sample Table Matrix**

Name of Youth	Date of Truancy	Name of School and Phone Number

**Curfew School Attendance Monitoring Sample Table Matrix**

Name of Youth	Date of Curfew Violation	Graduated Sanction Proposed to PO

**Area II:**

**New Admissions and Abscondence:** Indicate referral source for admission. Also indicate (using a table matrix) and date, time for abscondence and whether or not youth returned in advance of custody order being signed. Note: a cumulative table matrix for this section of the report must be included in the annual report.

**Abscondence Sample Table Matrix**

Name of Youth	Date and Time of Abscondence	Name of Parent and Phone Number

**Area III:**

**Program Activities:** Include recreation, movies, field trips, in-house activities i.e., guest speakers,

**Area IV:**

**Progress Update for Each Youth:** Note: include brief summary on current issues for each youth, i.e., compliance or non-compliance and the specific behavior.

**Area V:**

**Modifications in Personnel and/or Management:** Include list of names and titles for full-time and part-time staff.

**Area VI:**

**Trainings and Staff Meetings:** Brief summary.

**Required Attachments:**

Monthly statistical report, resident activity log, monthly school attendance log, clothing and allowance receipt log and house population summary.

# Appendix 6



JOS-ARZ THERAPEUTIC PUBLIC  
CHARTER SCHOOL  
& RESIDENTIAL TREATMENT CENTER

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July 21, 2004

Youth Services Administration  
Division of Court and Community Programs  
450 H Street NW  
Washington, DC 2001

In our effort to consider the provision of shelter services at Jos-Arz Academy, our zoning attorney identified a possible conflict with servicing committed and detained youth. We have learned that Jos-Arz Academy is zoned under the Federal Fair Housing Act, which has restrictions regarding servicing youth that are detained and committed.

As we further investigate the interpretation of these restrictions, we are temporarily holding the admittance of these youth. We hope to have the final clarification within the next 30 days and will inform you of the final determination when it is received.

We apologize for any inconvenience. If you have any questions, please feel free to contact me at 202-466-7172. We look forward to continuing our partnership with the District of Columbia.

Sincerely,

cc:

CRI Board