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 14th 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 other 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

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.

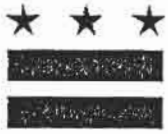
Sincerely,

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., guess 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.