

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