

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



May 24, 2012

The Honorable Vincent C. Gray
Mayor
District of Columbia
Mayor's Correspondence Unit, Suite 316
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Mayor Gray:

Enclosed please find a copy of a Management Alert Report (MAR 12-I-003), entitled *Juvenile Abscondence Review Committee Has Not Convened in Accordance with A District Law That Went Into Effect in March 2011*, that the Office of the Inspector General (OIG) issued on April 30, 2012, to the Executive Office of the Mayor and the Department of Youth Rehabilitation Services (DYRS). DYRS's response to the MAR, dated May 17, 2012, also is enclosed.

Established under a District law enacted in March 2011, the Juvenile Abscondence Review Committee (JARC) should review cases of serious crimes committed by juveniles in abscondence; determine what measures might have prevented the abscondences; and recommend ways to identify and locate youths in abscondence who may commit serious crimes. However, a year later, the JARC has not been staffed and has not convened. In its response, DYRS cited a number of planned actions aimed at forming the JARC.

Although the OIG is conducting an ongoing special evaluation of DYRS and the abscondence issue, and a report will be completed later this year, we are providing this information to you now so that you will be aware of the issue and the actions proposed by DYRS.

If you have questions, please contact Alvin Wright, Jr., Assistant Inspector General for Inspections and Evaluations, at (202) 727-2540.

Sincerely,

A handwritten signature in black ink that reads "Charles J. Willoughby". The signature is written in a cursive style with a large initial "C".

Charles J. Willoughby
Inspector General

CJW/ebs

Enclosures

cc: See distribution list

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Letter to Mayor Gray

May 24, 2012

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The Honorable Jo Ann Emerson, Chairman, House Subcommittee on Financial Services and General Government, Attention: John Martens (via email)

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DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL
CHARLES J. WILLOUGHBY
INSPECTOR GENERAL

INSPECTIONS AND EVALUATIONS DIVISION
MANAGEMENT ALERT REPORT

EXECUTIVE OFFICE OF THE MAYOR
AND
DEPARTMENT OF YOUTH
REHABILITATION SERVICES

**JUVENILE ABSCONDENCE REVIEW COMMITTEE
HAS NOT CONVENED IN ACCORDANCE
WITH A DISTRICT LAW THAT WENT
INTO EFFECT IN MARCH 2011**

Inspections and Evaluations Division

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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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



April 30, 2012

Via Hand Delivery and Email

The Honorable Vincent C. Gray
Mayor
District of Columbia
The John A. Wilson Building
Mayor's Correspondence Unit
1350 Pennsylvania Avenue, N.W., Suite 316
Washington, D.C. 20004

Neil Stanley
Director
Department of Youth Rehabilitation Services
450 H Street, N.W., 10th Floor
Washington, D.C. 20001

Dear Mayor Gray and Mr. Stanley:

This is a Management Alert Report (MAR 12-I-003) to inform you that during our special evaluation of the Department of Youth Rehabilitation Services (DYRS), the Office of the Inspector General (OIG) learned that the Juvenile Abscondence Review Committee ("JARC"), established by D.C. law, effective March 2011, has not been staffed with members and has not convened. The law requires JARC to review cases of serious crimes, such as homicide and armed assault, committed by juveniles in abscondence; determine what measures might have prevented the abscondences; and recommend ways to identify and locate high-risk youths in abscondence who may commit such crimes. The OIG provides these reports when it believes a matter requires the immediate attention of District government officials.

Background

DYRS is the District's cabinet level, juvenile justice agency responsible for the supervision, custody, and care of youths charged with a delinquent act in the District and who are either detained while awaiting adjudication or committed to DYRS following adjudication.¹ According to its website, the mission of DYRS is "to improve public safety and give court-involved youths the opportunity to become more productive citizens by building on the strengths of youths and their families in the least restrictive, most homelike environment consistent with public safety."²

¹ 2011 D.C. DEP'T OF YOUTH REHAB. SERVICES ANN. PERF. REP. 6.

² [Http://dyrs.dc.gov/DC/DYRS/About+DYRS/Who+We+Are](http://dyrs.dc.gov/DC/DYRS/About+DYRS/Who+We+Are) (last visited Mar. 6, 2012).

On June 16, 2009, Councilmembers Tommy Wells and Jim Graham introduced Bill 18-344, the “Information Sharing to Improve Services for Children and Families Act of 2009.” On November 3, 2010, the D.C. Council passed the legislation, now titled the Expanding Access to Juvenile Records Amendment Act of 2010 (D.C. Law 18-0284) (the Act), with an effective date of March 8, 2011.³ The Act, among other provisions, established a Juvenile Abscondence Review Committee (JARC) and codified that establishment in D.C. Code § 16-2333.02 (Supp. 2011). Under the Act, the JARC shall:

- A) Identify cases in which a homicide, assault with intent to kill, or assault with a deadly weapon (firearm), was committed by or to a juvenile in abscondence;
- B) Examine what steps could have been taken to prevent the juvenile from absconding; and
- C) Recommend systemic improvements to identify and locate high risk youth that are in abscondence and have the propensity to commit or be involved in a homicide, assault with intent to kill, or assault with a deadly weapon.^[4]

The JARC is responsible for publishing a report of its findings and information related to a juvenile absconder within 6 months of the occurrence of the crime for which the youth was a victim or an alleged perpetrator. *Id.* § 16-2333.02(d)(1). The report must conform to the requirements for confidentiality of juvenile records. *Id.* § 16-2333.02(d)(2).

According to the Act, the JARC shall be composed of the following members, all of whom must “have expertise in programs providing services to children or in locating high-risk youths who are in abscondence and who have a propensity to commit or be involved in a violent crime”:⁵

- the Director of the DYRS, or his or her designee;
- the Chief of the Metropolitan Police Department (MPD), or his or her designee;
- the Chief Judge of the Superior Court, or his or her designee;
- the United States Attorney for the District of Columbia, or his or her designee; and
- a public member, appointed by the Mayor, with the advice and consent of the Council, who shall serve a 2-year term.

Id. § 16-2333.02(c)(1).

In addition, the chairperson of the Committee on Human Services, which oversees DYRS, and the chairperson of the D.C. Council Committee on the Judiciary (but not their designees) shall serve as *ex officio* members. *Id.* §16-2333.02(c)(3).

³ Then-Chairman Vincent Gray and Councilmembers Mary Cheh, Kwame Brown, Muriel Bowser, Yvette Alexander, and Michael Brown co-sponsored the bill. The Committee on Public Safety and the Judiciary held a hearing on the bill on November 4, 2009, and a subsequent hearing on the revised bill on June 29, 2010.

⁴ D.C. Code § 16-2333.02(b)(2).

⁵*Id.* § 16-2333.02(c)(2).

The OIG team reviewed a June 2010 Committee on Public Safety and the Judiciary report that analyzed the legislation ultimately establishing the JARC, but it did not reveal the impetus for forming the JARC. Written testimony from hearings held to discuss the bill focused on the benefits and disadvantages of revealing juvenile records, but not the JARC's formation. The OIG team asked a staff member from one of the sponsoring council member's offices about the reason for this provision. He/she speculated that the council members included the JARC provision to help illuminate why abscondences were occurring, and opined that it may have been introduced in response to several high-profile acts of violence committed by DYRS wards at the time.

Observations

The Juvenile Abscondence Review Committee has not yet been organized, and its members' roles and responsibilities are unclear.

In written responses to inquiries by the Committee on Human Services in advance of a March 9, 2012, Public Oversight Hearing, DYRS stated that it was "working with the Executive Office of the Mayor [EOM] to establish [the] Committee." During interviews with the OIG team, three DYRS senior officials, as well as a staff member of the chairperson of the Committee on Human Services, stated that JARC members have not yet come together as a group. One interviewee stated that he/she did not believe that DYRS even was aware of the requirement for the JARC.

None of the interviewees could explain the delay in forming the JARC. DYRS officials stated that they had contacted the Mayor's Office, but there had been no follow-up by the Mayor.⁶ DYRS staff members also stated that the Mayor has not yet appointed a public member as required by the Act, but is currently vetting possible nominees. One staff member added that DYRS's director has not decided if he will be the DYRS member of the JARC or if he will appoint someone else. Two DYRS senior officials were unsure as to who is responsible for the initial convening of the JARC members. The Act does not specify which entity is in charge.

The OIG team found some evidence of preliminary activities to get JARC operations going. In March 2012, a DYRS official provided the OIG team with two draft Mayor's Orders. One is for the Mayor's appointment of a yet-to-be named public member to the JARC. The other directs DYRS to provide facilities and other administrative support to the JARC. The OIG found the latter order to be too general, as it does not specify the nature and types of facilities and administrative support to be provided by DYRS, or the assignment of costs and personnel. The official who provided these orders stated that they had not yet been reviewed for legal sufficiency. The EOM reportedly wants to issue both orders at once but is waiting for the Mayor's decision on whom to appoint as the public member. The OIG team contacted the EOM several times to inquire about the status of the JARC, but the EOM did not respond.

⁶ The OIG team also learned that a DYRS staff member contacted the Office of the Attorney General (OAG) in late February 2012 and asked whether a Mayor's Order was required to delineate the JARC's composition and duties. The OAG attorney apprised the OIG team that he/she advised the DYRS staff member that such a Mayor's Order is not required because the Act already defines the JARC's duties, composition, and functions.

Neither the Act's provisions that govern the JARC nor the draft Mayor's Orders articulate which agency is to identify the applicable incidents that will trigger the JARC to convene. The OIG team sought to determine whether the JARC should have already convened due to incidents involving absconders who allegedly committed or were victims of crimes cited in the Act. On March 2, 2012, the OIG team contacted DYRS to ascertain whether DYRS could provide the OIG team with a list of all relevant incidents since the March 8, 2011, effective date of the legislation. A DYRS official with research responsibilities was unaware of this statute. When the OIG team apprised him/her of the JARC, he/she said that DYRS had not identified the applicable incidents for the JARC. He/she initially opined that DYRS would have a role in identifying these incidents for the JARC. Later, he/she stated that the Criminal Justice Coordinating Council (CJCC)⁷ may be best suited to spearhead identifying the applicable incidents from the Justice Information System (JUSTIS) database, as CJCC maintains JUSTIS.

On March 13, 2012, DYRS provided the OIG team with data related to incidents occurring from March 1, 2011, through December 31, 2011. The DYRS official noted that, at the request of the D.C. Council, DYRS had previously compiled data on all arrests of youths in abscondence during calendar year 2011, and the data given to the OIG team on those crimes cited in the JARC statute came from the results of that request. The official added that it would be "time intensive" to pull JARC-specific data from January 1, 2012, to the present because DYRS would have to manually review each youth's file in JUSTIS.

According to the data provided by DYRS, one incident (between March 1, 2011, and December 31, 2011) met the Act's criteria for a JARC meeting. This incident related to a DYRS ward who absconded in September 2011 and became a homicide victim in October 2011. The DYRS staff member who provided this information stated that no youths in abscondence during this period were arrested and charged with homicide, assault with intent to kill, or assault with a deadly weapon (firearm).

The OIG team conducted Internet research to verify the incidents provided by DYRS, as the OIG team could not verify this information by reviewing the youths' records due to regulations related to the confidentiality of juvenile records.⁸ The OIG team found a potential discrepancy between DYRS data and media reports about the number of DYRS youth homicide victims and the number of DYRS youths charged with homicide while in abscondence. The *Washington Examiner* reported on October 24, 2011, that a DYRS ward, who, according to a law enforcement source, absconded from a group home for a month, was accused of killing a taxi

⁷ The CJCC is responsible for "identifying issues and their solutions, proposing actions, and facilitating cooperation that will improve public safety and the related criminal and juvenile justice services for District of Columbia residents, visitors, victims and offenders." http://cjcc.dc.gov/cjcc/cwp/view,a,3,q,537344,cjccNav_GID,1518,cjccNav.%7C31315%7C,.asp (last visited Mar. 22, 2012). The DYRS official said that the CJCC meets monthly and includes representatives from many of the same agencies that comprise the JARC, such as representatives from the OAG, MPD, Court Social Services (CSS), and DYRS.

⁸ Bill 18-0344, the same bill that eventually established the Juvenile Abscondence Review Committee, conferred to "persons who have a professional interest in the protection, welfare, treatment and rehabilitation of the child" the ability to observe "information contained in juvenile case records, social records, and law enforcement records pertaining to a child." D.C. Code §§ 16-2331-33 (Supp. 2011). However, this access was not conferred to the OIG. The Inspector General submitted a letter to Councilmembers Graham, Mendelson, and Wells on February 1, 2010, seeking an amendment to this clause to grant the OIG similar access, but no action has been taken.

driver the weekend before.⁹ *The Washington Times* reported earlier this year that eight DYRS wards were victims of homicides in 2011, and although no DYRS wards were found guilty of committing a homicide in 2011, five DYRS wards were charged with homicide.¹⁰ The article did not say whether the victims or perpetrators were in abscondence at the time of the homicides, or whether the homicides occurred on or after March 8, 2011. In addition, *The Washington Times* reported on January 30, 2012, that one of three people involved in a fatal police chase was a DYRS ward. Reportedly, the chase ensued because the men involved, including the DYRS ward, were suspected of firing shots at a man.¹¹ When the OIG team questioned the DYRS official who provided the data about these discrepancies, he/she stated that he/she identified all of the incidents when youths were recorded as being in abscondence at the time of the incident.

Conclusion

Because neither the Mayor nor any affected agency has taken the initiative to form the JARC, it has not convened to study the cases cited herein, nor any others that should be reviewed in accordance with the Act. Consequently, there have been no findings and recommendations since the Act's implementation that might have helped prevent abscondence-related victimization or that address the continuing threat to the safety and well-being of both at-risk absconding youths and all other District residents.

Recommendations

The OIG recommends:

1. That the Mayor and the D.C. Council determine and document all essential roles and individual responsibilities of the members of the JARC; and
2. That the Mayor ensure that DYRS expeditiously identifies office space sufficient for JARC meetings and provides administrative support.

Please provide your comments to this MAR by May 15, 2012. 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 MAR only to those who will be directly involved in preparing your response.

⁹ Scott McCabe, *Man Charged with Cabbie Murder was Escapee from D.C. Youth Home*, WASH. EXAMINER, Oct. 24, 2011, available at https://washingtonexaminer.com/local/crime/2011/10/man-charged-cabbie-murder-was-escapee-dc-youth-home/119665?quicktabs_1=0 (last visited Mar. 7, 2012).

¹⁰ Jeffrey Anderson, *53 Youths in Killings were D.C. Wards on 'At Risk' List*, WASH. TIMES, Jan. 23, 2012, available at <http://www.washingtontimes.com/news/2012/jan/23/53-youths-in-killings-were-dc-wards-on-at-risk-lis/?page=all> (last visited Mar. 8, 2012).

¹¹ Jeffrey Anderson & Andrea Noble, *DYRS Ward Among Minivan Crash Victims*, WASH. TIMES, Jan. 30, 2012, available at <http://www.washingtontimes.com/news/2012/jan/30/dyrs-ward-among-minivan-crash-victims/?page=all> (last visited Mar. 8, 2012). We note that the date of this incident was outside the range of dates for which DYRS provided data.

Should you have any questions prior to preparing your response, please contact [REDACTED],
Director of Planning and Inspections, at [REDACTED]

Sincerely,



Charles J. Willoughby
Inspector General

CJW/bc

cc: Mr. Allen Y. Lew, City Administrator, District of Columbia
The Honorable Kwame R. Brown, Chairman, Council of the District of Columbia
The Honorable Muriel Bowser, Chairperson, Committee on Government Operations
The Honorable Jim Graham, Chairperson, Committee on Human Services
The Honorable Yvette Alexander, Councilmember, Committee on Human Services
The Honorable Marion Barry, Councilmember, Committee on Human Services
The Honorable Michael A. Brown, Councilmember, Committee on Human Services
The Honorable Tommy Wells, Councilmember, Committee on Human Services



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District of Columbia**

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717 14th Street, NW
Suite 500
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Web Page: www.oig.dc.gov

May 17, 2012

Dear Mr. Willoughby:

On April 30, 2012, the Office of the Inspector General (OIG), issued a Management Alert Report (MAR) to the Department of Youth Rehabilitation Services (DYRS) and the Executive Office of the Mayor (EOM), regarding the formation of the Juvenile Abscondence Review Committee (JARC).

DYRS is troubled by several of OIG's findings in the MAR and the approach OIG undertook to reach its conclusions. These concerns include the following:

- **The MAR Is Internally Inconsistent:** In the MAR's conclusion, OIG asserts that "neither the Mayor nor any affected agency has taken the initiative to form the JARC". This assertion is contradicted by the fact that DYRS and the Executive Office of the Mayor have taken affirmative steps to create the JARC—including the drafting of two orders establishing the committee and providing for facilities and administrative support. Concluding that the agency has not taken initiative to form the JARC is belied by the MAR's own acknowledgement of these efforts. *See* page 3 of the MAR ("The OIG Team found some evidence of preliminary efforts to get JARC operations going.")
- **The MAR's Recommended Action Steps Are Not Required By Law:** The MAR finds the draft mayoral orders on the formation of the JARC to be "too general" and recommends the following: "1. That the Mayor and the D.C. Council determine and document all essential roles and individual responsibilities of the members of the JARC; and 2. That the Mayor ensures that DYRS expeditiously identifies office space sufficient for JARC meetings and provides administrative support."¹ While specifying roles and office space may be helpful, including such language in a mayoral order is not required by law.² Ultimately, the most relevant question is whether the JARC has been established and is operating pursuant to the requirements of the law—objectives DYRS and EOM are committed to achieving.
- **The MAR Relies on "Internet Research" to Reach Conclusions:** The MAR cites unverified news sources, including the *Washington Times*, to question data provided by DYRS to OIG. DYRS has fully complied with OIG's special evaluation, has made staff readily available for interviews, has provided OIG with office space in DYRS

¹ Page 5 of the MAR.

² D.C. Code 16-2333.02(b)(1) states: "There is established, as part of the District of Columbia government, a Juvenile Abscondence Review Committee ("Committee"). Facilities and other administrative support *may* be provided in a specific department or directly to the Committee, as determined by the Mayor." (emphasis added).



headquarters, and has acted in good faith in responding to the various and voluminous requests for information.

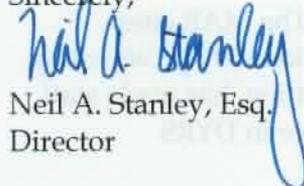
- **OIG Could Have Extended More Courtesy to DYRS:** According to the OIG Special Evaluation "Terms of Reference" document, OIG may "[r]eport findings of immediate concern to management in Management Alert Reports (MARs), if necessary." In this case, OIG apparently felt it was necessary to issue a MAR, rather than contacting DYRS informally, despite the fact that OIG knows well that DYRS is working on the formation of the JARC. DYRS hopes for improved communication going forward.

Despite the concerns with the OIG report, DYRS and EOM remain committed to forming the JARC. Action steps include:

1. The mayoral order will clearly articulate that DYRS is the agency which will trigger the JARC to convene, the office space to be used, and the assignment of costs and personnel;
2. The mayoral order will specify a public member to serve a two year term;
3. Once legal sufficiency is established, the mayoral order assigning DYRS as the coordinating agency will be enacted;
4. The mayoral order naming the public member for the JARC will be submitted to the Council for approval.

DYRS has made tremendous progress in preventing and responding to abscondence. In recent years, the agency has significantly reduced the abscondence rate of youth committed to the agency—from 26% in 2003 to approximately 6% in FY 2011. The average length of time in abscondence has dropped as well. The median length of abscondence in FY 2010 was 22 days, and in FY 2011 it was 11 days—a full 50% reduction. These successes have resulted from various initiatives, including a DYRS unit dedicated to abscondence prevention and recovery, a joint partnership with the Metropolitan Police Department, the use of Global Positioning Systems (GPS), and enhanced community supervision and programming. DYRS hopes that going forward OIG will acknowledge all of the efforts the agency is undertaking to prevent abscondences, protect the public, and help youth become productive members of the community.

Sincerely,


Neil A. Stanley, Esq.
Director

