



**Council of the District of Columbia
Committee on the Judiciary
Performance Oversight Hearing
Pre-Hearing Questions and Answers**



Agency Operations 7,8,9,10,11,12

7. Please describe any policies or procedures used at the Youth Services Center or the New Beginnings Youth Development Center that result in a youth being separated from other youth or staff or otherwise isolated, for any significant period of time, for any reason, including punitive, protective, or administrative separation. For each procedure, please estimate the number of times the procedure was used in FY15 or FY16, to date, the reason for the procedure, and the maximum amount of time that a youth was kept separated or in isolation in FY15 or FY16.

In DYRS secure facilities, there are instances in which youth may be separated from other youth for limited periods of time. These instances of separation primarily occur as a result of safety concerns, discipline, or for health-related reasons.

First, a youth may be separated from other youth for disciplinary reasons. Discipline in DYRS secure facilities is governed by DYRS Rule 412, last revised 9/15/86.¹ Rule 412 establishes a disciplinary code for residents in DYRS secure facilities; requirements and guidelines within which the disciplinary procedure will be carried out; and allowable sanctions for the violation of minor and major rules. As DYRS views the use of disciplinary separation very seriously, the imposition of any such sanction may only occur for a youth's violation of a major rule. Major rule violations include: attempted escape; possession of weapons; assault, and rioting. DYRS cannot impose any disciplinary sanction for major rule violations, including extended separation from other youth, without the youth being given a due process disciplinary hearing, in which youth are generally represented by attorneys. If a youth is administratively separated from other youth prior to the hearing, the hearing will be held within 24-hours of the time of the incident. Following the hearing, if the youth is found to have violated a major rule, the hearing officer may order that the youth remain in his or her room on their assigned housing unit for up to 72 hours, including any time on which the youth remained in his or her room prior to the hearing. During the time in which the youth remains in his or her room, the youth is still allowed reasonable communication with other youth; access to legal services including telephone calls; communication with behavioral health staff; and daily exercise periods outside of his or her room

¹ Until the December 20014 partial settlement of the *Jerry M.* lawsuit, application of Rule 412 and disciplinary sanctions imposed thereof was subject to Court oversight and thus the policy remained unchanged. Pursuant to the settlement, discipline is no longer subject to Court oversight and DYRS is now in the process of revising this policy to reflect the vast number of changes that have occurred in DYRS facilities and accepted practices in juvenile detention facilities since 1986.



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Second, a youth may be separated from other youth as a result of concerns about the youth's safety while in the facility. Primarily this type of separation occurs at the Youth Services Center as a result of an order from the D.C. Superior Court directing the agency to keep certain youth separated from each other. In order to comply with these types of court orders, DYRS will first attempt to keep youth on separate housing units. If this is not possible due to issues like increased population, a youth may be housed separately on the intake unit or a youth may be assigned one-on-one supervising by a direct care staff Youth Development Representative during the time the youth remains at the facility. These types of protective orders and the corresponding need for youth separation are infrequent.

Third, a youth may be separated from other youth due to a youth's medical issue. If a youth has an acute medical need that requires continuous monitoring by medical staff, the youth may be housed separately from other youth on the medical unit in a status termed "medical hold." The youth will only remain on medical hold for as long as the youth requires continuous medical monitoring.

Finally, a youth may be separated if the youth has such severe behavioral and mental health needs that housing the youth with other youth poses a safety risk to the youth, other youth, and facility staff. This has only occurred in one instance in recent time periods and DYRS facility staff have made every effort to allow the youth continued to engage in programming with other youth in the facility but due to his violent outbursts, it is not safe for him to attend school or reside on a housing unit with other youth. Again, youth separation of this type is a very rare occurrence.

8. Please describe the policy of the agency regarding the use of restraints on youth in the custody of the agency. In particular, please describe what forms of restraint are permitted, the circumstances under which restraints may be utilized, and the locations in which restraints are utilized.

Mechanical restraints will only be used as a precaution against escape, during transit, to protect a youth from self-inflicted injury, prevent injury to others or prevention of property damage, and for medical/ mental health reasons under medical/mental authorization. The forms of restraints that are used are handcuffs, soft restraints (flex cuffs), leg irons, and chains.

Restraints can only be used within the facility and in vehicles transporting residents to appointments, court, and other scheduled events that requiring secure transport.



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9. Please describe the agency’s policy regarding the confidentiality of information relating to youth in the custody of the agency. In particular, please describe the extent to which information in a youth’s record is shared with other agencies, a youth’s family, service providers, and the public.

The confidentiality of Department records, including those containing youth information, is outlined by statute. Pursuant to D.C. Code §§ 2-1515.06 and 16-2332, all DYRS records are strictly confidential and are subject to release only in narrowly defined situations expressly stated in the statutes. In general, D.C. Code §§ 2-1515.06 and 16-2332, allow for the release of youth records to MPD when investigating a crime involving a DYRS youth; to the youth and any legal representative for the youth; OAG juvenile section; the D.C. Superior Court; District agencies explicitly listed in the statute, including DBH, DCPS, DHS, and CFSA; and DYRS contract providers. Parents of DYRS youth are not exempted from the prohibition on the confidentiality of youth information but DYRS believes that parents are an integral part of a youth’s rehabilitative process and limited information may be shared with the youth’s permission to the extent necessary for rehabilitation. It is highly unlikely given the confidential nature of DYRS youth information that there are many, if any, circumstances in which DYRS would release specific youth information to the public.

10. Please describe the policies for visitation of DYRS committed youth residing at the Youth Services Center, at New Beginnings Youth Development Center, in residential community placements in the District, and in residential placements outside the District.

The procedures for visitation at both facilities are similar. At both facilities, youth can have up to three visitors at a time. At YSC, approved visitors have two visiting days during the week (one weekday and weekend day) while at New Beginnings the visiting days are on the weekends. Each facility allows special visits for the youth as well.

11. Please describe any efforts undertaken by the agency in FY15 or FY16 to date to reduce the occurrence of violence, bullying, harassment, or intimidation among committed youth.

There is zero tolerance in the facility when any of the above mentioned acts are detected and found to be true. We have a disciplinary process by which sanctions are given to the youth are found to have been in violation of committing any of the above offenses. Also we have a mediation process that brings the residents who are having the issues so that they can potentially talk out their issues.



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Any DYRS youth who engages in violence, bullying, harassment, or intimidation receive a swift consequence through the use of our graduated sanctions program. All committed youth in the community sign a Community Placement Agreement (CPA), outlining the expectations for their conduct while in the community. Youth who do not abide by their CPA, including engaging in any violence, bullying, harassment, or intimidation, would receive consequences to modify their behaviors, including, but not limited to:

- *Certified letter notifying the youth of the noncompliance and expectation for improvement*
- *Meeting with the youth, parent, worker, and supervisor to discuss behavior*
- *Increasing face-to-face contact*
- *Imposing an earlier curfew*
- *Placing the youth on electronic monitoring*
- *Placing the youth on house arrest*
- *Sanctioning the youth for 3-5 days at the Awaiting Placement Units*
- *Filing a Community Status Review Hearing Request if the youth demonstrates the need for a more restrictive placement.*

Additionally, the DYRS social worker will refer the youth to appropriate mental health or behavior modification services, such as individual or group therapy, civic engagement, mentoring etc. to address the root cause of the behavior. DYRS has also implemented the “Grow Up, Grow Out” program at the Achievement Center, which offers essential life skills training focused on de-escalation techniques, compliance, effective decision making and gang prevention, all aimed at reducing violent and aggressive behavior for DYRS youth.

On November 20-22, 2015, DYRS held its first “Covenant of Peace” event for committed young men placed at New Beginnings Youth Development Center. “The Covenant of Peace” was a weekend long event which calls for youth to engage in conversations about violence and come up with solutions to help make a positive impact for change in their lives and in the community. “The Covenant of Peace” follows the agency’s mission of helping our young people identify alternative paths to the choices they made that resulted in them being committed or detained.

Throughout the weekend, the youth engaged in focus groups, workshops and activities with DYRS staff and credible messengers - grassroots leaders and individuals with relevant life experiences who are trusted and culturally competent with a proven track record of positive community involvement. At the end of the weekend, all youth signed a “Covenant,” agreeing to abstain from and speak against senseless acts of violence. On



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January 15-17, DYRS held another “Covenant of Peace” event with young ladies detained and committed at its Youth Services Center.

12. Please describe any policies or procedures utilized by the agency to hold youth accountable when they abscond or are otherwise noncompliant while in the community.

DYRS uses Positive Youth Development as the guiding principle to develop programs for children and youth. The purpose of the approach is to develop multi-faceted programs that help youth grow into mature and successful adults. Each youth placed at a medium or low level placement must have a Community Placement Agreement (CPA), which outlines the expectations of the youth while in the community. The CPA empowers the youth to be responsible for their actions and any resulting consequences. When a youth absconds from where he or she is placed, DYRS would request custody order from DC Superior court, and with the assistance of MPD, DYRS Abscondance Unit will attempt to locate the youth. Once a custody order is requested, the assigned professional in conjunction with his or her supervisor will complete and submit a Community Status Review Hearing Request packet for the youth’s level of restrictiveness to be raised or remain the same for sanctions and rehabilitations. DYRS has implemented a robust Graduated Sanctions, Revocation Matrix and Rewards System to address this issue.

When a youth is demonstrating difficulty complying with his or her Community Placement Agreement, graduated sanctions are being utilized as an intervention to modify behavior. Sanctions are determined based on the severity of the offense and frequency of the occurrence. The range of sanction options include, but are not limited to:

- Formal letter notifying the youth and family of their noncompliance and expectation for improvement*
- Meeting with the youth, worker, and supervisor to discuss behavior*
- Increasing face-to-face contact*
- Imposing an earlier curfew*
- Placing the youth on electronic monitoring*
- Placing the youth on house arrest*
- Sanctioning the youth for 3-5 days at the Awaiting Placement Units*
- Filing a Community Status Review Hearing if the youth demonstrates the need for a more restrictive placement*



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The Case Management Division continues to work with staff to implement rewards for youth that may have completed a program or achieved a significant accomplishment. DYRS continues to strive to reward youth for the hard work that they do.