

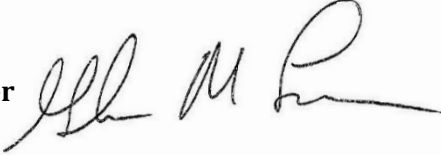
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: November 12, 2024

SUBJECT: Fiscal Impact Statement –Recidivism Reduction, Oversight, and
Accountability for DYRS Act of 2024 (ROAD Act)

REFERENCE: Bill 25-826, Draft Committee Print as provided to the Office of Revenue
Analysis on November 8, 2024

Conclusion

Funds are not sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill. The bill will cost \$968,000 in fiscal year 2025 and \$7.04 million over the financial plan to implement.

Background

The Department of Youth Rehabilitative Services (DYRS) is tasked with the supervision of young people who are being detained while awaiting adjudication or who are committed to DYRS by a Family Court (Court) judge following adjudication. Youth that are required to be in a secure facility by Court order are detained in the Youth Services Center (YSC).¹ If a youth is found involved in a delinquent act, either through a plea or a Court ruling, there is a hearing to determine the youth's disposition. At the dispositional hearing, the Court will determine whether the youth should be placed on probation with Superior Court of the District of Columbia's Family Court Social Services Division (CSSD) or committed to DYRS custody. This decision is informed by a pre-disposition report prepared by CSSD, which includes an assessment of the youth's emotional, social, educational, and delinquency history and recommends a plan for treatment and disposition. If CSSD plans to recommend the youth for commitment in the pre-disposition report, DYRS is provided with a notice to commit from the CSSD or the Office of the Attorney General (OAG) ahead of the disposition hearing.

¹ The YSC population consists of youth who are part of the Adult Transition Unit, Title 16 youth; awaiting court proceedings or hearings; adjudicated and pending court action; and committed to DYRS.

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DYRS conducts a risk and needs assessment on each youth committed to the custody of DYRS.² This assessment is used to develop an individualized rehabilitation plan (IRP) for each youth and to determine an appropriate rehabilitation placement. In the past, DYRS conducted risk and needs assessments before a youth's disposition hearing. However, since 2020, the risk and needs assessment has been completed after a youth's disposition hearing.

The bill moves forward the required risk and needs assessment so that it will be required prior to the disposition hearing. The new timeframe required under the bill is within ten days of receiving a notice to commit from CSSD or the OAG. DYRS must also convene a predisposition meeting with the child's attorney and parents or guardians³ to review the validated risk and needs assessment and any other information necessary to develop an IRP for the youth. The bill requires that IRPs be completed and provided to the Court, CSSD, OAG, the child, the child's attorney, and the child's parent, guardian, or custodian no later than two days before the child's disposition hearing. If the Court orders a child to be committed at the disposition hearing to the legal custody of DYRS, the bill requires DYRS to implement an IRP upon commitment and placement. DYRS may petition the court to extend all mandated time periods related to the completion of a risk-needs assessment and IRP if good cause is shown.

The bill prohibits children committed to DYRS to be placed in a secured facility in excess of 30 days after the entry of a disposition order that does not provide the services specified in the child's IRP. If a child continues to reside in a secure placement, the child may petition the Court for a post-disposition hearing to review whether there is good cause for the continued placement.

DYRS must also develop a discharge and reentry plan upon entry into a hardware secure facility,⁴ residential treatment facility, psychiatric residential treatment facility, staff secure facility, therapeutic foster care placement, or any other placement outside the child's, family's, guardian's, or custodian's residence.

The bill requires the Court, CSSD, or DYRS to conduct periodic assessments of a child at least once every 90 days to determine if rehabilitative progress has been made and if the services provided to the child have been effective. The periodic assessment must also determine what steps, if any, should be taken to ensure the child's rehabilitation and welfare and the public's safety. DYRS must update the child's IRP as necessary to reflect the periodic assessment findings. The bill allows a child, the child's parent, guardian, or custodian to petition the Court to modify a dispositional order on the grounds that the child is not receiving appropriate services or level of placement once every three months. Currently, the law allows for petitioning every six months.

² DYRS currently contracts with a vendor to use a risk-needs assessment tool called Youth Level of Service/Case Management Inventory (YLS/CMI). The bill requires this assessment tool to be an objective and statistically validated method to collect information.

³ After notifying the child, the child's attorney, the child's parent, guardian, or custodian, a DYRS representative, a CSSD representative, a Child and Family Services Agency representative, if relevant, and any other individual requested by the child or DYRS, of the date, time, and location of the predisposition meeting. The bill requires DYRS to allow all of these individuals to participate in the predisposition meeting.

⁴ Hardware secure facilities are congregate care facility with construction features and a staffing model designed to physically restrict the movements and activities of youth who are detained pending a final disposition of a petition.

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The bill requires⁵ DYRS to conduct oversight over any facility the Court or DYRS places a child in, including DYRS contracted shelter homes, group homes, residential facilities, and therapeutic foster care placements, whether within or outside the District. The current statute only requires DYRS to monitor its own facilities even though the agency monitors contracted facilities.

The bill also changes how DYRS services are independently monitored. Currently, the Office of Independent Juvenile Justice Facilities Oversight (OIJJFO) regularly monitors and publicly reports on the durability of reforms DYRS achieved under the Jerry M. Work Plan and Consent Decree. The OIJJFO operates as a program within the Office of the District of Columbia Auditor (ODCA).⁶ The funding for OIJJFO is set to expire at the end of fiscal year 2025.

The bill permanently requires⁷ the ODCA to conduct the functions currently assigned to the OIJJFO. Specifically, the bill requires ODCA to regularly monitor and publicly report on the durability of the reforms implemented by DYRS under the Work Plan and Jerry M. Consent Decree⁸ and DYRS's progress in achieving work plan goals. The bill also adds additional responsibilities to ODCA that go beyond the current OIJJFO functions, including the monitoring and reporting on the implementation of IRPs developed by DYRS and ensuring that all DYRS facilities,⁹ not just those that are owned and operated by the District, are safe and humane, and providing free and appropriate education.

Finally, the bill requires the Mayor to submit to the Council a proposed plan to create a unified juvenile justice system in the District. The plan must include detailed explanations of recommended actions that would enable DYRS to perform the intake and probation duties currently performed by CSSD. The report must include a timeline for when DYRS could reasonably perform intake and probation duties, and the resources needed to do so. In developing the plan, the Mayor must consult with and consider any recommendations of the Superior Court of the District of Columbia, OAG, and the Public Defenders Service for the District of Columbia. The plan must include, as an attachment, any written recommendations submitted by these agencies and organizations. The Office of the Deputy Mayor for Public Safety and Justice (DMPSJ) will take the lead on issuing the plan.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill. The bill will cost \$968,000 in fiscal year 2025 and \$7.04 million over the financial plan to implement.

⁵ By amending D.C. Official Code § 2-1515.04.

⁶ Juvenile Justice Facilities Oversight Act of 2024, effective September 18, 2024 (D.C. Law 25-217, Title V, Subtitle B; 71 DCR 011542).

⁷ By amending the District of Columbia Auditor Subpoena and Oath Authority Act of 2004, effective April 22, 2004 (D.C. Law 15-146; D.C. Official Code § 1-301.171 et seq.).

⁸ The Final Approved Amended Comprehensive Work 294 Plan approved by order dated December 12, 2007, as subsequently modified, in *Jerry M. v. 295 District of Columbia*, Civ. Action No. 1985-CA-001519 (D.C. Super. Ct.).

⁹ Including any youth residential facility, group home, foster home, shelter, secure residential or institutional placement owned by, operated by, under contract with, or otherwise used by DYRS to place a child outside the child's parent's or guardian's residence.

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Recidivism Reduction, Oversight, and Accountability for DYRS Act of 2024 (ROAD Act) Total Cost (\$ thousand)					
	FY 2025	FY 2026	FY 2027	FY 2028	Total
DYRS Costs	\$207	\$283	\$290	\$297	\$1,077
ODCA Costs	\$710	\$1,680	\$1,717	\$1,755	\$5,862
DMPSJ Costs	\$50	\$50	\$0	\$0	\$100
Total Cost	\$968	\$2,013	\$2,007	\$2,052	\$7,040

Department of Youth Rehabilitative Services

DYRS must hire one additional Management Analyst to coordinate and track the newly required pre-disposition meetings. This employee will reach out to the child’s attorney and parents or guardians to review the validated risk and needs assessment and any other information necessary to develop an IRP for the youth. DYRS also needs to hire an additional Attorney who will manage additional court proceedings that arise from the new statutory deadlines required in the bill. The salary and fringe benefit costs of these employees are \$207,000 in fiscal year 2025 and \$1.08 million over the financial plan.

DYRS already completes risk and needs assessments, IPRs, discharge and reentry plans, and placement facility oversight for all committed youth. The bill shifts within the adjudication and disposition process the point in time when the assessment and IRP are completed by DYRS. This shift may cause a slight, temporary increase in workload which can be absorbed by existing staff given that DYRS can petition the court for a deadline extension.

Recidivism Reduction, Oversight, and Accountability for DYRS Act of 2024 (ROAD Act) Department of Youth Rehabilitative Services - Total Cost (\$ thousand)					
	FY 2025	FY 2026	FY 2027	FY 2028	Total
Salary ^(a)	\$162	\$220	\$224	\$228	\$833
Fringe ^(b)	\$46	\$64	\$66	\$69	\$245
Total Cost	\$207	\$283	\$290	\$297	\$1,077

Tables Notes:

- (a) Includes salaries for one Grade-11, Step 5 Management Analyst and one Grade-13, Step 10 Attorney. Assumes cost growth of 1.9 percent and a start date of January 1, 2025.
- (b) Assumes fringe benefit rate of 28.3 percent and fringe benefit growth of 2.35 percent.

Office of the District of Columbia Auditor

ODCA will hire four additional employees in fiscal year 2025 to inspect treatment facilities and complete compliance reviews of all committed juvenile IRPs. These new employees' salary and fringe benefit costs are \$480,000 in fiscal year 2025 and \$2.4 million over the financial plan. ODCA will need a budget enhancement of \$414,000 in fiscal year 2026 and \$1.27 million over the financial plan to continue to pay the salary and fringe costs of the OIJFO Executive Director and Special Assistant that were funded on a one-time basis in FY 2025. The total ODCA salary and fringe costs are \$480,000 in fiscal year 2025 and \$3.76 million over the financial plan.

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ODCA will also need additional funding to contract with subject matter experts and cover the cost of out-of-state travel to inspect all placement facilities. The one-time fiscal year 2025 funding for facility inspection of \$292,000 must be funded throughout the financial plan. In addition, the cost of the expansion of inspection requirements is \$230,000. The total cost of non-personnel services that result from implementing the bill is \$230,000 in fiscal year 2025 and \$2.1 million over the financial plan.

The total cost of implementing the program changes at ODCA is \$710,000 in fiscal year 2025 and \$5.86 million over the financial plan.

Recidivism Reduction, Oversight, and Accountability for DYRS Act of 2024 (ROAD Act) Office of the District of Columbia Auditor - Total Cost (\$ thousand)					
	FY 2025 ^(a)	FY 2026	FY 2027	FY 2028	Total
Salary ^(b)	\$387	\$858	\$874	\$890	\$3,009
Fringe ^(c)	\$93	\$212	\$221	\$230	\$755
Non-personnel Services ^(d)	\$230	\$611	\$623	\$634	\$2,098
Total Cost	\$710	\$1,680	\$1,717	\$1,755	\$5,862

Tables Notes:

- (a) The fiscal year 2025 cost does not include one-time funding included in the approved budget and financial plan of \$711,000 for the OIJJFO. The cost of making this funding recurring begins in fiscal year 2026 and results in a large increase in costs.
- (b) Assumes salary cost for two MSS Grade-14 Supervisors and two Grade 14, Step 4 Specialists with a start date of January 1, 2025. Salaries for the ES-10 Executive Director and ES-8 Special Assistant are included beginning in fiscal year 2026. Assumes a cost growth rate of 1.9 percent.
- (c) Assumes fringe benefit rate of 24.1 percent and fringe benefit growth of 2.35 percent.
- (d) Includes additional contract support by subject matter specialists, supplies, and travel costs. Assumes implementation date of January 1, 2025. Assumes non-personnel services growth rate of 1.86 percent.

DMPSJ will complete the proposed plan to create a unified juvenile justice system in the District. DMPSJ will hire an outside consultant with expertise in the juvenile justice system to complete the plan. DMPSJ estimates that the cost of hiring this consultant will be \$50,000 in fiscal year 2025 and \$100,000 over the financial plan. The plan must be submitted to the Council by January 1, 2026.

Recidivism Reduction, Oversight, and Accountability for DYRS Act of 2024 (ROAD Act) Deputy Mayor for Public Safety and Justice - Total Cost (\$ thousand)					
	FY 2025	FY 2026	FY 2027	FY 2028	Total
Consultant Contract ^(a)	\$50	\$50	\$0	\$0	\$100
Total Cost	\$50	\$50	\$0	\$0	\$100

Table Notes:

- (a) Assumes the contract is split evenly over fiscal year 2025 and fiscal year 2026.