

## **ADDRESSING THE REPORT'S METHODOLOGY**

### **REPORT IS NOT OBJECTIVE**

- An “investigation” is not a study and as such inherently lacks objectivity. Prosecutors are charged with representing a certain aspect of the community’s needs in public safety. There is dynamic tension between that role and the role of an objective and scientific reviewer of all the evidence on how our practices and procedures work in the aggregate.
- The roles of OAG and DYRS are different. The prosecutor is the legitimate representative of the state in public safety, seeking to make a case based on the facts available. DYRS’ role is to rehabilitate the young people that the courts have decided need services beyond what probation offers. Those are different roles, and there is dynamic tension between them: the solution isn’t for one part of the system to absorb the other. The executive’s role is arbitrate competing missions into a singular public will.

### **LITTLE TO NO INPUT FROM DYRS**

- Unfortunately, OAG did not ask DYRS about the vast majority of these issues prior to submitting this report to the Mayor. Rob Hildum of OAG had one brief meeting with David Muhammad from DYRS and that meeting focused almost entirely on one youth's case, [REDACTED]

### **REPORT TAINTED BY INVESTIGATOR AND SAMPLING BIAS**

- This investigation handpicked cases that that investigators already believed to have bad outcomes and then worked backwards to “prove” their point. This is inappropriate because it brings in investigator bias and sampling bias which makes the finding statistically invalid.
  - o A better approach would have been for the case to be selected randomly from the universe of all committed youth cases.
- In sum, it appears that the investigators began with a set of predetermined “findings and recommendations” already in hand and then worked backwards to “prove” them. They made this easy by cherry picking an inadequate number of cases, by only looking at certain data and by biased analysis.

### **SAMPLE SIZE IS TOO SMALL**

- Further compromising the validity of the findings is the small number of cases comprising the sample. DYRS has case management responsibility for nearly 1000 committed youth. The non-random sample used (between 3 and 19 cases) by OAG at most represents 1.9% of the universe of cases. Generalizing from this small a non-random sample is irresponsible.

### **INVESTIGATORS LACKED UNDERSTANDING OF THE DYRS PROCESS**

### **AND YES!**

- The investigator's lack of understanding of the DYRS process and the information used throughout was obvious and clouded the analysis and findings.
- Many of the erroneous conclusions were due to the investigators' inability to navigate YES! There is much discussion in the OAG report about missing information and missing reports that were in fact in the youth's DYRS file. OAG did not know how to access the youth's "Documents" section in YES where many of these files are stored. For example: DYRS files have reports detailing youths prior arrest histories.
- In addition, contrary to what the report states, DYRS' Risk Assessment process does take into account
  - o prior adjudications,
  - o age at first adjudication,
  - o prior abscondences, and
  - o many other criminogenic factors that are standard in the field for risk assessments.

### **DATA COLLECTION WAS INADEQUATE AND INCOMPLETE**

- The data collection was inadequate with key data points being left out of the analysis (Jacket information, other court documents, etc). This also contributes to errors in the reliability of the findings.

### **INAPPROPRIATE FOCUS ON ARRESTS AS OPPOSED TO ADJUDICATIONS OR CONVICTIONS**

- The "study" is based on young people arrested for homicide, or assault with intent. It does not look at the number of young people convicted of either offense. As we have seen from recent events (i.e. Malik), an arrest does not necessarily equal involvement in the crime or conviction.

### **BASES OF SUMMARY FINDINGS ARE UNKNOWN BUT APPEAR TO COME FROM 3 CASES AS OPPOSED TO A DATA-DRIVEN AGGREGATE COUNT**

- The way these files were reviewed and red-lined, it isn't clear which information came from what source, though much of the information in red was already in YES!
- The summary findings are generalizations, based on an unknown number of items they may have come from the 19 cases. The majority of what is in the report appears to be from 3 cases. These findings are not based on a data-driven aggregate count, even among the 19 arrestees that were reviewed.

### **NO RELATIONSHIP BETWEEN THE 19 CASES REVIEWED AND THE RECOMMENDATIONS**

- There is no relationship between the "study" of 19 cases, and recommendations made. There are some recommendations worth looking at. There isn't a clear line between what the study has purported to find and the recommendations. (i.e. confidentiality, girls' program)

## **WHAT A SOUND METHODOLOGY CONSISTS OF**

A methodology to improve our case planning and placement protocols.

Have a study conducted by an unbiased organization with experience and knowledge of how to construct and carry out an analysis based on solid scientific principles and analytical procedures.

The researchers would look at statistically significant sample of cases. The sample would be randomly selected so there is no known or unknown bias brought into the analysis. The sampling plan could be set up using either a pure random sample or a stratified random sample (based on risk level or other variables that the sample could be stratified by).

The researchers would construct a data collection protocol to systematically extract data from case files in a way that ensures the validity and reliability of the data. This means that agreed upon definitions and reliability checks across researchers to ensure that the data being pulled from one case file is the same as that pulled from another. These are simple but vital research methods (taught to all social scientists in Research 101) to ensure that the analysis, findings and subsequent recommendations are driven by the data, not by bias.

Ideally the research would also contain a qualitative aspect so that interviews with those involved in the processes. This would provide context to the aggregate findings.

The findings of the research would be based on appropriate statistical analysis. This is important to be able to generalize about the findings and truly determine if policies and procedures are in fact being followed and the desired outcomes are being achieved. Having statistical significance (based on sound research methodologies) substantially increased the confidence one can have in the findings of any study.

Further, DYRS, like CFSA and DMH, has invested in a the type of analytical case review process that is the gold standard in the field, "Quality Service Review." As part of the review of the case files, the process includes interviewing people involved in each case, including staff, the young person, the family, and other public safety stakeholders. It painstakingly plums the depth of the case to see if policies, procedures and practices have been followed and what services have and have not been effective for the youth. Unfortunately, DYRS has not been able to deploy this methodology because the staff trained are working full time on Jerry M. compliance.

DYRS is also actively involved in two other evaluation process that examine our case planning and case management processes. First, we are validating our risk assessment tool to see if it is making the right decisions. This research will be conducted by the National Council on Crime and Delinquency. That validation study will be based on the actual outcomes of the thousand or so youth the instrument has been used to classify.

Second, DYRS is of course conducting its recidivism study of newly committed youth which tells us the level of recidivism, the trajectory of youth's recidivism and what programs and services are most/least effective in protecting public safety.

## **CORRECTING THE REPORT'S FACTUAL MISSTATEMENTS**

### **DYRS HAS A SYSTEMIC AND UNIFORM RESPONSE TO ABSCONDENCE**

- Despite the report's representations to the contrary (pages 4-5), DYRS has a very systematic and uniform response to abscondence, partially dictated by statute. DYRS can work to improve some of its contractors' responsiveness and DYRS has already taken other measures to improve communication with the court. Ironically, OAG opposes a major potential improvement to the process which would allow DYRS to immediately issue a custody order instead of waiting for the courts.
- DYRS has recently increased its use of sanctions for abscondence. DYRS has begun using secure and staff secure residential treatment for the 30-60 day sanctions for abscondence so that New Beginnings is not utilized.
  - o That being said, DYRS could improve its use of intermediate sanctions with youth.

### **DYRS' RISK ASSESSMENT PROCESS TAKES INTO VARIOUS FACTORS, INCLUDING PRIOR OFFENSES, AND WAS DEVELOPED AFTER DISCUSSIONS WITH OAG AND OTHER PARTNERS**

- Contrary to what is represented in the report (page 4), DYRS' Risk Assessment process does take into account many factors including:
  - o prior adjudications,
  - o age at first adjudication,
  - o prior abscondences, and
  - o many other criminogenic factors that are standard in the field for risk assessments.
- The assessment tool accounts for prior convictions. Tools that have used arrests have not been shown to be valid indicators of risk – more and more juvenile justice systems do it this way (Chicago, Houston)
- DYRS' Structured Decision Making Risk Assessment was developed in partnership with the National Council on Crime and Delinquency, a well respected agencies that developed risk assessments for jurisdictions across the country. In developing the risk assessment, DYRS and NCCD had numerous meetings and discussions with OAG, the Family Court, PDS, and other stakeholders. The risk assessment was even changed to accommodate several of the stakeholders' concerns.

- The risk-assessment tool pays close attention to the young person's needs, and their likelihood to reoffend, based on the risk of young people with similar offense backgrounds, and their success in community placement. The tool does need to be validated -- we are in partnership with the Casey foundation/NCCD to get that done.
- Arrests are considered as part of the family team planning, which can override the risk assessment tool in placement decisions -- if the people who know these kids best think something else needs to happen, they override.

### **A YOUNG PERSON'S RISK LEVEL IS ACCOUNTED FOR IN PLACEMENT DECISIONS**

- The lengths of stay of youth in certain programs do take into consideration their risk level. Extending youth's placement and placing all youth who are released from secure confinement into a less secure residential option as a step down, while may be a good idea, would have huge resource ramifications.

### **DYRS' FILES CONTAIN PRIOR ARREST HISTORIES AND OTHER INFORMATION**

- There is much discussion in the OAG report about missing information and missing reports that were in fact in the youth's DYRS file. OAG did not know how to access the youth's "Documents" section in YES where many of these files are stored. Contrary to what is represented in the report, for example, DYRS files have reports detailing youths prior arrest histories.

### **THERE IS NO SIGNIFICANT INFORMATION SUPPOSEDLY "ADDED" BY OAG (i.e. listed in red) THAT IS NOT IN DYRS' FILES OR WAS MISSING AS SIGNIFICANT DECISION FACTORS**

- There was an obvious miscommunication between the Attorney General and his staff. Much of the information in red is taken directly out of the YES system, sometimes even put in quotes from YES notes. Other information in red pertains to arrests of youth that OAG later declined to prosecute themselves. There is no significant information in red that is not in DYRS' files or was missing as significant decision factors, with the possible exception of information that was many years old.

## **PROSECUTORS ARE INVITED TO YFTMS BUT CHOOSE NOT TO ATTEND**

- The report claims that there is “no one at the family team meetings who advocates for public safety or for the victim” (page 4). Prosecutors and defense attorneys are all invited to the YFTMs. OAG's absence is their choice.
- There is an information gap that the District has with other jurisdictions as well as non-Executive branch agencies within the District. DYRS has been working to close those gaps with Maryland's DJS, CSOSA, Pre-Trial Services, and CSS. But OAG, MPD and other District agencies also have this same gap that needs to be closed.

## **DYRS ROUTINELY PLACES HOLDS ON YOUTH WHEN DETAINED IN OTHER CASES**

- Contrary to the report's implication otherwise (page 5), DYRS already routinely places holds on youth when detained in other cases.

## **DYRS ALREADY USES GPS/ELECTRONIC MONITORING**

- The report recommends uses GPS and Electronic Monitoring (page 5). DYRS already uses GPS/EM, though it is currently exploring increased use and having the Regional Service Coalitions use the devices, instead of our current reliance on CSS. (MPD also pledged to assist DYRS in this area)

## **DYRS IS WORKING TO IMPROVE THE DOCUMENTATION IN YES! BY THIRD PARTY MONITORS**

- Though OAG was unable to properly navigate the YES system to get access to all the youth's information in the file, DYRS is improving the documentation Third Party Monitors enter into YES. DYRS has vastly improved the documentation case managers enter into the system though this still has room for further improvement.

## **DYRS IS WORKING WELL WITH CFSA, CSS, CSOSA, and PSA**

- The report claims that there is a lack of coordination between DYRS and CSS and CFSA (page 3). In reality, DYRS has significantly improved its coordination with sister agencies, including a MOA with CFSA and is currently preparing a court order to share information with CSS, CSOSA, and Pre-Trial Services.

## **DYRS REGULARLY GETS INFORMATION FROM MARYLAND ABOUT DYRS YOUTH WHO ARE ARRESTED**

- While the report recommends that DYRS get information from Maryland to determine how many DYRS youth are arrested in Maryland (page 5), the truth is

that DYRS already gets regular information on DYRS youth arrested in nearby MD jurisdictions.

**THE CURRENT CITY REGULATIONS ALLOW FOR YOUTH TO BE DETAINED DURING THE REVOCATION PROCESS**

- While the report recommends that the revocation regulations be re-written (page 5), the current City regulations governing revocations already allow for a youth to be immediately held and detained for up to five days prior to a revocation hearing. Holding the hearing within 5 days has not been a challenge for DYRS.

**DYRS HAS DONE MORE TO IMPROVE ITS MANAGEMENT AND OPERATIONS IN FIVE YEARS THAN THE AGENCY DID IN ITS PREVIOUS 20 YEARS**

- In the past five years, DYRS has significantly improved the management, data collection, and overall programming within the agency. The agency's old data management system was archaic and operated much like a blog where staff simply typed in narrative information without guidance. Today's YES system is among the best MIS' in the country where much more and quality information is stored. Further improvements are needed though.
- There was no systematic case management system in YSA and DYRS until a series of new case management manuals were produced and staff were trained in and held accountable to. There had been NO disciplinary action taken against case managers for several years prior to the introduction of the new case management standards beginning in 2007. Since then, there has been more than 30 disciplinary actions taken, and there has been nearly a complete turn over in the case management division.
- Of course the old, horrific Oak Hill has been shuttered and a new, well functioning New Beginnings Youth Development Center is in operation.

DYRS has done more to improve its management and operations in five years than YSA did in its previous 20 years. To that end, DYRS is very close to performing its way out from under the Jerry M lawsuit that has plagued the agency for more than two decades.