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Chairman Phil Mendelson  
at the request of the Attorney General

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend Title 16 of the District of Columbia Official Code to increase accountability and oversight of the Department of Youth Rehabilitation Services (“Department”) and to reform the Department’s supervision and intervention practices, to require the Department, prior to a dispositional hearing, to develop and complete an individualized rehabilitation plan to aid in decreased risk of recidivism, implement the plan within 3 days after entry of the order, and regularly update the plan as necessary, to require the Department to provide services to those in a secure placement within 30 days of entry of a disposition order, except for good cause shown, to require the Department to develop a discharge and reentry plan upon a child’s admittance into a placement outside the child’s family’s, guardian’s, or custodian’s home, and to allow a petition to modify a dispositional order to be filed no more frequently than every 4 months if the child is not receiving appropriate services or placement designed to reduce recidivism based on the individualized rehabilitation plan; to amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to expressly provide for the Department’s duties to include developing and updating individualized rehabilitation plans, monitoring and ensuring safety of contracted facilities, and conducting oversight of facility compliance; and to amend the District of Columbia Auditor Subpoena and Oath Authority Act of 2004 to establish a permanent and independent oversight function of the Department within the Office of the Auditor the Deputy Auditor for Independent Juvenile Justice Facilities Oversight.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Recidivism Reduction, Oversight and Accountability for DYRS Act of 2024 (“ROAD Act”).

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2301 is amended by adding new paragraphs (47), (48), (49), (50), and (51) to read as follows:

41           “(47) The term “hardware secure facility” shall have the same meaning as provided in  
42 section 101(9A) of the Department of Youth Rehabilitation Services Establishment Act of 2004,  
43 effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(9A)).

44           “(48) The term “staff secure facility” shall have the same meaning as provided in section  
45 101(11A) of the Department of Youth Rehabilitation Services Establishment Act of 2004,  
46 effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(11A)).

47           “(49) The term “individualized rehabilitation plan” shall have the same meaning as  
48 provided in section 101(9B) of the Department of Youth Rehabilitation Services Establishment  
49 Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(9B)).

50           “(50) The term “predisposition meeting” shall have the same meaning as provided in  
51 section 101(10A) of the Department of Youth Rehabilitation Services Establishment Act of  
52 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(10A)).

53           “(51) The term “validated risk-needs assessment” shall have the same meaning as  
54 provided in section 101(11B) of the Department of Youth Rehabilitation Services Establishment  
55 Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(11B)).”.

56           (b) Sections 16-2319 is amended as follows:

57                   (1) Subsection (d) is amended to read as follows:

58                   “(d) Following Court Social Services’ or the Office of the Attorney General’s notice to  
59 the Division of its recommendation to commit a child to the Department of Youth Rehabilitation  
60 Services (“Department”), and the Department receiving such notice, the Department shall:

61                           “(1) For a child detained or in shelter care pending the disposition hearing:

62                                   “(A) Within 72 hours (excluding Sundays and legal holidays), perform a  
63 validated risk-needs assessment;

64                   “(B) Prior to the predisposition meeting required by subparagraph (C) of  
65 this paragraph, notify the child, the child’s attorney, the child’s parent, guardian, or custodian, a  
66 Department representative, Court Social Services representative, a Child and Family Services  
67 Agency representative, if relevant, and any other individual requested by the child or by the  
68 Department, of the date, time, and location of the predisposition meeting;

69                   “(C) Convene a predisposition meeting to review the validated risk-needs  
70 assessment and any information on the child that the Department deems necessary, including  
71 evaluations, to develop an individualized rehabilitation plan for the child; and

72                   “(D) No later than 2 days (excluding Sundays and legal holidays) before  
73 the dispositional hearing, provide the completed individualized rehabilitation plan to the  
74 Division, the Office of the Attorney General, Court Social Services, the child, the child’s  
75 attorney, and the child’s parent, guardian, or custodian.

76                   “(2) For a child in the community pending the disposition hearing:

77                   “(A) Within 5 days (excluding Sundays and legal holidays), perform a  
78 validated risk-needs assessment;

79                   “(B) No later than 5 days (excluding Sundays and legal holidays) before the  
80 predisposition meeting required by subparagraph (C) of this paragraph, notify the child, the  
81 child’s attorney, the child’s parent, guardian, or custodian, a Department representative, a Court  
82 Social Services representative, a Child and Family Services Agency representative, if relevant,  
83 and any other individual requested by the child or by the Department, of the date, time, and  
84 location of the predisposition meeting;

85                   “(C) Within 25 days (excluding Sundays and legal holidays), convene a  
86 predisposition meeting to review the validated risk-needs assessment and any information on the

87 child that the Department deems necessary, including evaluations, to develop an individualized  
88 rehabilitation plan for the child; and

89                   “(D) No later than 2 days (excluding Sundays and legal holidays) before  
90 the dispositional hearing, provide the completed individualized rehabilitation plan to the  
91 Division, the Office of the Attorney General, Court Social Services, the child, the child’s  
92 attorney, and the child’s parent, guardian, or custodian.”.

93                   (2) A new subsection (d-1) is added to read as follows:

94                   “(d-1) For the validated risk-needs assessment required by subsection (d) of this section,  
95 the Department shall use an objective and statistically validated method through which  
96 information is collected and evaluated to determine:

97                   “(1) The static and dynamic risk factors that inform the likelihood that the child  
98 will continue to engage in delinquent acts or criminal offenses over a specific period of time;

99                   “(2) The protective factors relating to the child or their environment that reduce  
100 the likelihood that the child will continue to engage in delinquent acts or criminal offenses over a  
101 specific period of time;

102                   “(3) The criminogenic and noncriminogenic needs factors that, if identified,  
103 targeted, and properly treated, reduce the likelihood that the child will continue to engage in  
104 delinquent acts or criminal offenses over a specific period of time; and

105                   “(4) Any other factors that may bear on the nature, duration, components, and  
106 objectives of an individualized rehabilitation plan.”.

107                   (3) Subsections (e), (f), and (g) are amended to read as follows:

108                   “(e) At the predisposition meeting required by subsection (d) of this section, the  
109 Department shall:

110                   “(1) Allow the child, the child’s attorney, the child’s parent, guardian, or  
111 custodian, the Department representative, a Court Social Services representative, a Child Family  
112 Services Agency representative, if relevant, and any other individual requested by the child or by  
113 the Department an opportunity to participate; and

114                   “(2) Review all pertinent circumstances in the child’s background and shared by  
115 participants to develop the individualized rehabilitation plan, which shall include:

116                                 “(A) The child’s validated risk-needs assessment;

117                                 “(B) The child’s rehabilitative goals;

118                                 “(C) Rehabilitative services that should be provided for the child as  
119 needed, which may include those to address family engagement, education, disability, trauma  
120 history, mental and behavioral health, physical health, economic and housing needs; and

121                                 “(D) The level of placement and placement options.

122                   “(f) When a child has been adjudicated delinquent and a dispositional order has been  
123 entered by the Division under sections 16-2317 and 16-2320 transferring legal custody of a child  
124 to the custody of the Department, the Department shall, within 3 days after entry of the  
125 dispositional order, assign a case manager, and implement the individualized rehabilitation plan  
126 required by subsection (d) of this section.

127                   “(g) The Division may, on its own motion, the motion of any party, or at the request of  
128 the Department, for good cause shown, extend the time periods set forth in subsections (d) and  
129 (f) of this section for completion of the validated risk-needs assessment and the individualized  
130 rehabilitation plan.”.

131                   (b) Section 16-2320 is amended by adding new subsections (i) and (j) to read as follows:

132 “(i) A child who has been adjudicated delinquent or in need of supervision and who is committed  
133 to the Department of Youth Rehabilitation Services shall not be continued in a secure placement  
134 that does not provide the services specified in the child’s individualized rehabilitation plan in  
135 excess of 30 days after entry of a dispositional order pursuant to this section or a change in  
136 placement pursuant to Chapter 12 of Title 29 of the District of Columbia Municipal Regulations  
137 or any other provision of law, except for good cause shown. If a child is continued in a secure  
138 placement, the child may petition the Division for a post-disposition hearing to review whether  
139 there is good cause for the continued placement.

140 “(j) For a child adjudicated delinquent and committed to the Department of Youth  
141 Rehabilitation Services, the Department of Youth Rehabilitation Services shall develop a  
142 discharge and reentry plan upon the child’s admittance into a hardware secure facility, residential  
143 treatment facility, psychiatric residential treatment facility, staff secure facility, therapeutic foster  
144 care placement through the Department of Youth Rehabilitation Services, or any other placement  
145 outside the child’s family’s, guardian’s, or custodian’s residence through the Department of  
146 Youth Rehabilitation Services.”.

147 (c) Section 16-2323 is amended as follows:

148 (1) Subsections (g) and (h) are amended to read as follows:

149 “(g) When a child has been adjudicated delinquent and a dispositional order has been  
150 entered by the Division pursuant to section 16-2320, the Director of Court Social Services or the  
151 Department or Youth Rehabilitation Services, whichever is responsible for supervision of the  
152 disposition order, shall conduct periodic assessments of the child, and at least once every 90 days  
153 in the case of the Department of Youth Rehabilitation Services, to:

154 “(1) Determine if rehabilitative progress has been made and if the services  
155 provided to the child have been effective;

156 “(2) Determine, in conjunction with the child, the child’s attorney, and the Office  
157 of the Attorney General, what steps, if any, should be taken to ensure the rehabilitation and  
158 welfare of the child and the safety of the public; and

159 “(3) Update the child’s individualized rehabilitation plan completed pursuant to  
160 section 16-2319 as necessary.”.

161 “(h)(1) Not more than once in a 4-month period, the child, or the child’s parent, guardian,  
162 or custodian may petition the Division to modify a dispositional order, issued pursuant to section  
163 16-2320, on the grounds that the child is not receiving appropriate services or level of placement.

164

165 “(2) If the Division finds that the child is not receiving appropriate services or level of  
166 placement, the Division may specify a plan for services that will promote the rehabilitation and  
167 welfare of the child and the safety of the public, except that the Division may not specify the  
168 treatment provider or facility.

169 “(3) For a child adjudicated delinquent and committed to the Department of Youth  
170 Rehabilitation, the Division may consider whether the child is receiving appropriate services or  
171 level of placement consistent with the individualized rehabilitation plan developed pursuant to  
172 section 16-2319.”.Sec. 3. The Department of Youth Rehabilitation Services Establishment Act of  
173 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01 *et seq.*), is  
174 amended as follows:

175 (a) Section 101 (D.C. Official Code § 2-1515.01) is amended as follows:

176 (1) Paragraph (9B) is redesignated as paragraph (9C).

177 (2) A new paragraph (9B) is added to read as follows:

178 “(9B) “Individualized rehabilitation plan” means a plan developed and completed  
179 pursuant to section 16-2319 of the District of Columbia Official Code based upon a review of all  
180 pertinent circumstances in the child’s background, including:

181 “(A) The child’s validated risk-needs assessment;

182 “(B) The child’s rehabilitative goals;

183 “(C) Rehabilitative services that should be provided for the child as needed,  
184 which may include those to address family engagement, education, disability, trauma history,  
185 mental and behavioral health, physical health, economic and housing needs; and

186 “(D) The level of placement and placement options.”.

187 (4) A new paragraph (10A) is added to read as follows:

188 “(10A) “Predisposition meeting” means a meeting conducted pursuant to section 16-2319  
189 of the District of Columbia Official Code to review a child’s validated risk-needs assessment and  
190 develop an individualized rehabilitation plan for the child at which the Department shall:

191 “(A) Allow the child, the child’s attorney, the child’s parent, guardian, or  
192 custodian, the Department pre-commitment worker, a Court Social Services representative, a  
193 Child and Family Services Agency representative, if relevant, or any other individual requested  
194 by the child or by the Department the opportunity to participate; and

195 “(B) Review all pertinent circumstances in the child’s background and shared  
196 with participants to develop the individualized rehabilitation plan.”.

197 (5) Paragraph (11) is amended to read as follows:



198           “(11) “Rehabilitative services” means services designed to assist youth in acquiring,  
199 retaining, improving their socialization, behavioral, and generic competency skills, advancing  
200 accountability and reducing risk of recidivism.”.

201           (6) A new paragraph (11A) is added to read as follows:

202           “(11B) “Validated risk-needs assessment” means an assessment conducted pursuant to  
203 section 16-2319 of the District of Columbia Official Code using an objective and statistically  
204 validated method through which information is collected and evaluated to determine:

205           “(A) The static and dynamic risk factors that inform the likelihood that the child  
206 will continue to engage in delinquent acts or criminal offenses over a specific period of time;

207           “(B) The protective factors relating to the child or their environment that reduce  
208 the likelihood that the child will continue to engage in delinquent acts or criminal offenses over a  
209 specific period of time;

210           “(C) The criminogenic and noncriminogenic needs factors that, if identified,  
211 targeted, and properly treated, reduce the likelihood that the child will continue to engage in  
212 delinquent acts or criminal offenses over a specific period of time; and

213           “(D) Any other factors that may bear on the nature, duration, components, and  
214 objectives of an individualized rehabilitation plan.”.

215           (b) Section 104 (D.C. Official Code § 2-1515.04) is amended as follows:

216           (1) Paragraph (9) is amended by striking the phrase “and facilities;” and inserting  
217 the phrase “and facilities, including monitoring the conditions of Department-contracted  
218 community facilities, including shelter homes, group homes, residential facilities, and therapeutic  
219 foster care placements, whether within or outside the District, and those facilities’ obligation to  
220 provide for the health, safety, and welfare of youth;” in its place.

221 (2) Paragraph (12) is amended by striking the phrase “and the rehabilitative needs  
222 of youth in the juvenile justice system;” and inserting the phrase “and the rehabilitative needs of  
223 youth in the juvenile justice system, including by conducting regular oversight of the program  
224 and facility compliance;” in its place.

225 (3) Paragraph (17) is amended by striking the phrase “; and” and inserting a  
226 semicolon in its place.

227 (5) Paragraph 18(C) is amended by striking the period at the end and inserting a  
228 semicolon in its place.

229 (6) New paragraphs (19) and (20) are added to read as follows:

230 “(19) Performing validated risk-needs assessments, convening predisposition meetings,  
231 and developing, completing, and regularly updating individualized rehabilitation plans, pursuant  
232 to sections 16-2319 and 16-2323 of the District of Columbia Official Code; and

233 “(20) Cooperating with all reasonable requests of the Deputy Auditor for Independent  
234 Juvenile Justice Facilities Oversight pursuant to sections 4d and 4e of the District of Columbia  
235 Auditor Subpoena and Oath Authority Act of 2004, passed on 2nd reading on \_\_\_\_\_  
236 (Enrolled version of Bill 25-\_\_\_\_), including by providing:

237 “(A) Access to all facilities and youth confined in facilities, through unannounced  
238 and scheduled visits, subject to legitimate institutional needs based on safety considerations; and

239 “(B) Access to all books, records, video, and data pertaining to any facility and  
240 youth at any time, to the maximum extent such access is afforded to Department personnel and  
241 subject to any District or federal law related to the protection of personally identifiable or  
242 otherwise confidential information in such books, records, video, and data; provided that if such

243 books, records, video, and data are under the control and possession of a Department vendor,  
244 access shall be subject to reasonable prior notice.”.

245 (c) Section 105 (D.C. Official Code § 2-1515.05) is amended by adding new subsections  
246 (j-1) and (j-2) to read as follows:

247 “(j-1) The Department shall not retaliate against any Department employee for their  
248 report or submission of information to the Deputy Auditor for Independent Juvenile Justice  
249 Facilities Oversight in accordance with section 4e of the District of Columbia Auditor Subpoena  
250 and Oath Authority Act of 2004, passed on 2nd reading on \_\_\_\_\_ (Enrolled version of Bill  
251 25-\_\_\_\_\_).

252 “(j-2) The Department shall not discipline or otherwise retaliate against a person who is  
253 or was previously detained by, in the custody of, or committed to the Department solely because  
254 the person provided information to the Deputy Auditor for Independent Juvenile Justice  
255 Facilities Oversight that the person reasonably believed to be true.”.

256 (d) Section 106(c) (D.C. Official Code § 2-1515.06(c)) is amended by striking the phrase  
257 “the District of Columbia Auditor, and the District of Columbia Inspector General” and inserting  
258 the phrase “the District of Columbia Auditor, the Deputy Auditor for Independent Juvenile  
259 Justice Facilities Oversight, and the District of Columbia Inspector General” in its place.

260 Sec. 4. The District of Columbia Auditor Subpoena and Oath Authority Act of 2004,  
261 effective April 22, 2004 (D.C. Law 15-146; D.C. Official Code § 1-301.171 *et seq.*), is amended  
262 by adding new sections 4d and 4e to read as follows:

263 “Sec. 4d. Deputy Auditor for Independent Juvenile Justice Facilities Oversight.

264           “(a) There is established within the Office of the District of Columbia Auditor the  
265 position of Deputy Auditor for Independent Juvenile Justice Facilities Oversight (“Deputy  
266 Auditor”).

267           “(b) The Deputy Auditor shall be appointed by the Auditor.

268           “(c) The Deputy Auditor shall have experience relevant to monitoring and assessing  
269 conditions of confinement in secure juvenile facilities.

270           “(d) A person shall not serve as Deputy Auditor if the person or the person’s spouse:

271                   “(1) Is employed by or participates in the management of the Department of  
272 Youth Rehabilitation Services (“Department”) or Department facilities;

273                   “(2) Owns or controls or has owned or controlled, directly or indirectly, any  
274 interest in a business entity or other organization receiving funds from the Department;

275                   “(3) Is an officer, employee, or manager of a trade association in the field of  
276 criminal or juvenile justice; or

277                   “(4) Uses or receives any amount of goods, services, or funds from the  
278 Department.

279           “Sec. 4e. Authority of Deputy Auditor for Independent Juvenile Justice Facilities  
280 Oversight.

281           “(a) For purposes of this section, the term:

282                   “(1) “Consent Decree” means the consent decree approved on July 24, 1986 in  
283 *Jerry M. v. District of Columbia*, Civ. Action No. 1519-85 (IFP) (D.C. Super. Ct.).

284                   “(2) “Deputy Auditor” means the Deputy Auditor for Independent Juvenile  
285 Justice Facilities Oversight established by section 4d.

286 “(3) “Department” means the Department of Youth Rehabilitation Services  
287 established by section 102 of the Department of Youth Rehabilitation Services Establishment  
288 Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.02).

289 “(4) “Facilities” means any youth residential facility, group home, foster home,  
290 shelter, secure residential or institutional placement owned by, operated by, under contract with,  
291 or otherwise used by the Department to place a child outside the child’s parent’s or guardian’s  
292 residence.

293 “(5) “Work Plan” means 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.).

296 “(b) The Deputy Auditor shall:

297 “(1) Regularly monitor and publicly report on the durability of the reforms  
298 implemented by the Department under the Work Plan and Consent Decree;

299 “(2) Investigate and report on any complaints the Deputy Auditor receives, or  
300 information he or she acquires, that are deemed potentially meritorious and that allege or indicate  
301 that the Department is not maintaining these reforms;

302 “(3) Monitor and report on any systemic problem identified in any of his or her  
303 reports, and any response by the Department, including the progress made in resolving the  
304 systemic problem, until the problem is resolved;

305 “(4) Monitor and report on the implementation of individualized rehabilitation  
306 plans developed by the Department pursuant to section 16-2319 of the District of Columbia  
307 Official Code; and

308                   “(5) Issue reports with the frequency and level of detail that the Deputy Auditor  
309 concludes, in his or her discretion, will assist the District of Columbia, which shall:

310                   “(A) Consider legal requirements, best juvenile-justice practices, and other  
311 criteria to objectively and accurately review and assess the Department’s policies, procedures,  
312 programs, and practices; and

313                   “(B) Identify any systemic problems, the reasons for the systemic  
314 problems, and, if possible, suggest possible solutions to those problems;

315                   “(C) Be promptly posted on a publicly accessible website; and

316                   “(D) Be issued without prior approval from the Department; provided, that  
317 the Deputy Auditor may, in his or her discretion, obtain Department’s review and comment  
318 before publication of a report.

319                   “(c) The Deputy Auditor may:

320                   “(1) Consult with other organizations with appropriate expertise as necessary to  
321 inform itself of best practices and gather information about the Department.

322                   “(2) Request from any District agency such assistance, information, and data as  
323 will enable the Deputy Auditor to carry out the position’s purpose, functions, and duties;

324                   “(3) Conduct confidential interviews with Department personnel, detained and  
325 committed youth confined to the facilities, and others with knowledge of matters affecting  
326 Department operations or facilities; and

327                   “(4) Receive information from the public about any matters within its authority.

328                   “(d) Each District agency shall cooperate with all reasonable requests of the Deputy  
329 Auditor, and individual employees who fail to so cooperate may be subject to discipline by the  
330 applicable personnel authority.

331           “(e) The Deputy Auditor shall keep confidential any personally identifiable information it  
332 receives from a District agency or youth confined in a facility and any information that may  
333 cause a risk to the public health, safety, or welfare or the health, safety, or welfare of an  
334 individual, unless the individual lawfully consents to the disclosure of the information.”.

335           Sec. 5. Fiscal impact statement.

336           The Council adopts the fiscal impact statement in the committee report as the fiscal  
337 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
338 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

339           Sec. 6. Effective date.

340           This act shall take effect following approval by the Mayor (or in the event of veto by the  
341 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
342 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
343 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
344 Columbia Register.