

**REPORT ON STAFFING LEVELS AND DEPLOYMENT AT THE YOUTH SERVICES  
CENTER AND NEW BEGINNINGS YOUTH DEVELOPMENT CENTER**

REPORT 2022 – 1

FEBRUARY 9, 2022



OFFICE OF INDEPENDENT JUVENILE JUSTICE FACILITIES OVERSIGHT

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## **I. INTRODUCTION**

This report of the Office of Independent Juvenile Justice Facilities Oversight (OIJJFO) is produced pursuant to Mayor’s Order 2020-115, November 13, 2020. The Office was established to “regularly monitor and publicly report on ....[t]he durability of the reforms the Department of Youth Rehabilitation Services (“DYRS”) previously achieved under the Jerry M. Work Plan and Consent Decree; and DYRS’s progress in achieving Jerry M. Work Plan Goals, including critical Work Plan indicators, that DYRS did not achieve prior to the Superior Court’s termination of the Jerry M. lawsuit.”<sup>1</sup>

This report focuses on staffing levels at DYRS’ two secure facilities, the Youth Services Center (YSC) and the New Beginnings Youth Development Center (New Beginnings). OIJFO staff met with DYRS executives, including the DYRS Director and Deputy Director, on December 13, 2021 to discuss their preliminary findings. A draft version of this report was provided to DYRS for their review and comment on January 21, 2022. DYRS representatives submitted their comments on February 4, 2022, and a copy of those comments are attached this this report.<sup>2</sup>

## **II. BACKGROUND**

Appropriate staffing levels are foundational to ensuring the safety and wellbeing of youth and staff and to providing consistent delivery of services (*e.g.*, educational, medical, and behavioral health services) to youth in secure facilities. The record of the Jerry M. litigation documents recurring staffing deficits at DYRS-operated facilities over the course of decades.<sup>3</sup>

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<sup>1</sup> Mayor’s Order 2020-115, November 13, 2020, §§I.A.1.-2.

<sup>2</sup> Attachment 1, February 4, 2022 Memorandum from Hilary Cairns, DYRS Director to Mark Jordan, Executive Director, OIJFO.

<sup>3</sup> The Special Arbiter’s Report to the Court Regarding Defendants’ Progress Toward Meeting the Requirements of the Comprehensive Work Plan, July 16, 2008, at 35-42.

As noted in a February 2019 report of the Special Arbiter, “[h]istorically,... [DYRS] failed to provide consistent, adequate and direct supervision to youth in secure custody. Limitations in staffing and supervision were exacerbated by a workforce that was not large enough to appropriately and safely operate Oak Hill Youth Center (“Oak Hill”), and later, the YSC and New Beginnings.”<sup>4</sup> Consequently, the parties to the litigation agreed upon, and the court subsequently ordered, staff deployment plans and derivative workforce size requirements for each facility.

DYRS has experienced population levels well below the facilities’ capacities in recent years. This has enabled facility managers to close housing units and reduce the size of certain internal support operations, such as internal escorts (*e.g.*, to medical) and youth transports to outside appointments. The impact of the lower populations is a reduction in the number of staff necessary to operate the facilities.

At the same time, over the past two years the COVID-19 pandemic has impacted staffing levels at both facilities. Over time, staff have become infected with COVID-19 or have been in close contact with individuals infected with COVID-19 and have been unavailable for duty. Additionally, like many organizations, DYRS has had difficulty filling vacant positions as staff have left the agency during the pandemic.

This report documents staffing levels at the YSC and New Beginnings as of the beginning of December 2021. At that time, the highly contagious Omicron variant of COVID-19 had not caused a surge in COVID-19 cases among youth or staff. The rapid increase in COVID-

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<sup>4</sup> Notice of the Special Arbiter’s Findings Based on a Summary Review Conducted Pursuant to the May 8, 2018 Order Regarding Defendants’ Progress Toward Meeting Work Plan Requirements Related to the Current Goal I.A.7. Performance Standards, filed February 19, 2019 (February 19, 2019 Report), at 2.

19 cases that began in mid-December 2021 had a major impact on the DYRS workforce and thus is discussed separately from the staffing levels at the start of December 2021.

### **A. Post Analysis**

The starting point for the development of a staff deployment plan and calculation of workforce size (or “staffing complement”) is the creation of a facility-specific post analysis. A post analysis identifies the following: 1) every location or function<sup>5</sup> in a facility to which staff should be assigned; 2) the number of staff that should be assigned to each location or function; and 3) the times of day that staff should be assigned to the location or function.<sup>6</sup>

The number of posts within a facility depends on numerous factors, including: the facility’s architecture and design features (*e.g.*, the number, size, and configuration of housing units);<sup>7</sup> the function of the facility;<sup>8</sup> the amount, type, and location of programming within the facility; and, the treatment and security needs of the individuals housed in the facility.

### **B. Relief Factor**

Once the number of posts within a facility is established, in order to calculate the size of the workforce necessary to operate the facility around the clock, a “relief factor” must be applied to the number of posts. The relief factor is a multiplier representing the number of employees

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<sup>5</sup> Some posts in a facility are specific locations such as housing unit posts, while other posts require staff to move within the facility (*e.g.*, an escort post) or between the facility and locations outside of the facility (*e.g.*, a transportation post).

<sup>6</sup> Some posts within a facility do not need to be filled every day or can be filled by fewer staff during certain shifts or portions of shifts.

<sup>7</sup> Small 10 or 11 bed housing units like those at the YSC and New Beginnings may have different staffing needs than large, congregate dormitories at other facilities. Additionally, facility design features like “wet cells” that include toilets and sinks in the cell like those at the YSC do not require staff to release youth from their cells at night to access the bathroom. In contrast, at New Beginnings there are no toilets or sinks inside youth cells and staff must release youth to access the bathroom, which has staffing implications.

<sup>8</sup> The YSC, unlike New Beginnings, serves as the intake facility for DYRS. Because of this, there is a high volume of youth admitted and released on a daily basis, which requires sufficient staff to perform these processing functions. In contrast, New Beginnings has fewer admission and discharges, but youth are usually housed there for longer periods of time.

necessary to fill a post for a specified number of hours each day (e.g., an eight-hour shift).<sup>9</sup> In mathematical terms, it is calculated as the ratio of the number of hours that a post must be filled over some time period divided by the average number of hours facility staff actually work at the facility over the same time period (e.g., one year). The more hours employees work, the fewer the staff needed to fill a post, which translates into a lower relief factor. Conversely, fewer hours worked by employees translates into more staff needed to fill each post and a higher relief factor.<sup>10</sup>

In order to ensure appropriate staffing coverage while avoiding excessive overtime, a relief factor should be based on data reflecting employees' actual hours worked during a year. It must take into account regularly scheduled days off, holidays, annual leave, sick leave, as well as employees' time not working due to other forms of leave including, but not limited to, paid family leave, Family Medical Leave Act, workers' compensation, and administrative leave.

Based on actual leave usage, a relief factor is calculated and applied to the number of posts in the facility to derive an appropriate workforce size.

### **C. January 2014 Post Analyses and Staffing Complements**

The most current post analyses for the YSC and New Beginnings were developed as part of the Jerry M. Work Plan process and finalized in January 2014. The *Youth Services Center Modified Post Analysis and Staffing Complement, January 6, 2014* (YSC Post Analysis)<sup>11</sup> and the *New Beginnings Modified Interim Post Analysis and Staffing Complement, Revised January*

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<sup>9</sup> For example, the relief factor used by DYRS was intended to reflect the number of staff needed to fill each post eight hours per day, 365 days per year.

<sup>10</sup> To illustrate using extreme examples, if the average employee worked eight hour shifts 365 days per year, only one employee would be necessary to fill each post (i.e., a relief factor of 1.0). At the other extreme, if the average employee worked only one eight-hour shift per year, 365 employees would be needed to fill each post (i.e., a relief factor of 365.0).

<sup>11</sup> A copy of the YSC Post Analysis is included as Attachment 2 to this report.

6, 2014 (New Beginnings Post Analysis)<sup>12</sup> specify the total number of non-supervisory and supervisory posts in each facility during each of the three daily shifts (AM, PM, and midnight).<sup>13</sup> The post analyses also include facility-specific relief factors, used to calculate a workforce size for each facility.

Since the termination of the Jerry M. lawsuit, the YSC and New Beginnings post analyses are no longer required by court order to be implemented. Nevertheless, the post analyses completed in 2014 were informed by a staffing and security expert, as well as the input of DYRS executives and managers and the plaintiffs in Jerry M. Those post analyses were designed to represent the staffing needs at the YSC and New Beginnings on an ongoing basis as dictated by the facilities' physical structures, programming, populations served, and other operational functions. They provide specific guidance to facility managers regarding expected levels of staff deployment in order to ensure youth and staff safety.

Although the post analyses are no longer required to be implemented, OIJFO staff used them as a reference point because they reflect a considered and rationalized system of staff deployment and management. Furthermore, DYRS has not developed written post analyses updating the January 2014 analyses.

#### **D. 2019 Staffing Analysis**

The Office of the Special Arbiter conducted a structured staffing assessment of both the YSC and New Beginnings in January 2019, which is the most recent assessment prior to this staffing analysis.<sup>14</sup> The Special Arbiter found that that the Work Plan staffing requirements had been met at that time at both facilities.

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<sup>12</sup> A copy of the New Beginnings Post Analysis is included as Attachment 3 to this report.

<sup>13</sup> The AM shift is from 6:30 AM - 2:30 PM, the PM shift is from 2:30 PM - 10:30 PM, and the midnight shift is from 10:30 PM - 6:30 AM.

<sup>14</sup> The findings of that assessment were presented in the February 19, 2019 Report.

At the YSC, the Special Arbiter found that DYRS met Work Plan deployment requirements. While there were identified examples of unfilled posts during certain observations, “the deployment deficits identified during the summary review did not compromise the objectives of the required deployment plan. Youth appeared to be adequately supervised and there was no evidence that access to required services was undercut.”<sup>15</sup> With respect to the size of the staffing complement at the YSC, the Special Arbiter found that DYRS did not meet the requirements, but also found that sustained decreases in population levels and fewer associated posts enabled the YSC to operate with fewer youth development representatives (YDRs) than the total number contemplated by the YSC Post Analysis. However, the Special Arbiter also cautioned that an “excessive number of staff on not available for duty [status] ... is a longstanding issue, which when combined with vacancies and long-term details, substantially dilutes the YSC workforce. If the YSC were operating at or above its single-cell capacity, this diminution in the workforce would present significant operational challenges for [DYRS].”<sup>16</sup>

At New Beginnings, the Special Arbiter found that deployment requirements for both supervisory and non-supervisory positions were met during every structured observation.<sup>17</sup> Furthermore, in contrast to the YSC, the New Beginnings staffing complement met Work Plan requirements and many fewer staff were not available for duty than at the YSC.<sup>18</sup>

### **III. METHODOLOGY**

For historical comparison purposes, this report adopts a methodology similar to that employed by the Special Arbiter in January 2019. The size of the staffing complement at each

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<sup>15</sup> February 19, 2019 Report at 11.

<sup>16</sup> February 19, 2019 Report at 12.

<sup>17</sup> February 19, 2019 Report at 15.

<sup>18</sup> February 19, 2019 Report at 15-16.



facility was analyzed and an analysis of the number of staff who were not available for duty was conducted and compared with 14 dates between October 5, 2011 and December 6, 2021.<sup>19</sup>

In order to determine the number of YDRs and supervisory youth development representatives (SYDRs) assigned to the YSC and New Beginnings, OIJFO staff obtained a copy of the agency's December 6, 2021 Schedule A,<sup>20</sup> a document that lists every agency employee and includes each employee's work location. Because the Schedule A does not always include accurate data regarding employee work assignments, OIJFO staff obtained an independent data source from each facility that listed each YDR and SYDR assigned to the facility and whether they were available for duty. In any case in which there was a conflict between the data on the Schedule A and the data in the report provided by facility staff, OIJFO staff interviewed facility managers to reconcile the discrepancy. The reconciled data was used as the basis of the analysis of the number of YDRs and SYDRs assigned to each facility as well as the number of YDRs and SYDRs who were available for duty.

In addition to assessing the size of the workforce at both facilities, OIJFO staff used data from the District's payroll database<sup>21</sup> to analyze how many hours YDRs and SYDRs at the YSC and New Beginnings worked at the facilities over a four-week period between October 24 and November 20, 2021. The analysis was conducted to assess staff availability for duty, which directly impacts staffing levels at the facilities. While this is not the basis of a calculation of a relief factor, it may indicate that the relief factor should be reassessed, or if measures need to be implemented to reduce the amount of time staff are unavailable to work.

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<sup>19</sup> The approximately 10-year period was adopted for historical comparison purposes. The specific dates selected were those for which historical data was maintained by the Office of the Special Arbiter.

<sup>20</sup> The Schedule A is the agency's official personnel record that includes every position in the agency.

<sup>21</sup> The data was extracted from PeopleSoft, the data system used by the District Government to collect and report employee time and attendance.

To assess staff deployment, direct observations were conducted on every day of the week and on every shift at both facilities over a one-week period. OIJJFO staff toured the entire facility and observed every post on the post analysis and compared observations with daily staff assignment data provided by SYDRs on duty at the facility at the time of the observations. This allowed OIJJFO staff to observe staffing practices over a broad range of operating conditions and enabled OIJJFO staff to interview a variety of different staff working on each shift.

When conducting the analysis of staff deployment, OIJJFO staff adjusted the calculation of the number of posts that should be filled to account for the operating status of the facility. For example, YDR posts in closed housing units were excluded from the analysis because they did not need to be filled. Conversely, posts were added for analytical purposes in those locations or for those functions that were not reflected on the post analysis, but which were created and filled by facility managers at the time of OIJJFO staff’s site visits.<sup>22</sup>

Table 1, below, summarizes the dates, days of the week, and shifts that OIJJFO staff conducted staffing observations at the YSC.

**Table 1: Structured Staffing Observations at the Youth Services Center, by Date, Day of Week, and Shift December 1 - December 7, 2021**

YSC Observations							
	Monday (All Staff)	Tuesday	Wednesday (All Staff)	Thursday (All Staff)	Friday	Saturday	Sunday
AM (6:30 - 2:30)			12/1/2021		12/3/2021	12/4/2021	
PM (2:30 - 10:30)		12/7/2021		12/2/2021			12/5/2021
MID (10:30 - 6:30)	12/6/2021						

<sup>22</sup> For example, at the YSC, posts were created to supervise hearings that were conducted at the YSC. According to YSC staff, two YDRs were required to supervise every virtual hearing conducted at the facility. At New Beginnings, an additional post was created on multiple days for required one-on-one supervision of youth on suicide precaution status. Also at New Beginnings, an additional post was created one day in the school to supervise GED testing.

Table 2, below, summarizes the dates, days of the week, and shifts that OIJFO staff conducted staffing observations at New Beginnings.

*Table 2: Structured Staffing Observations at New Beginnings, by Date, Day of Week, and Shift  
December 1 - December 7, 2021*

New Beginnings Observations							
	Monday (All Staff)	Tuesday	Wednesday (All Staff)	Thursday (All Staff)	Friday	Saturday	Sunday
AM (6:30 - 2:30)			12/1/2021		12/3/2021	12/4/2021	
PM (2:30 - 10:30)		12/7/2021		12/2/2021			12/5/2021
MID (10:30 - 6:30)	12/6/2021						

#### IV. FINDINGS

At both the YSC and New Beginnings, staff are assigned to one of two schedules, an “A” schedule or “B” schedule, and remain on their assigned schedule A or B from week to week. Each week, staff on one schedule have Sunday and Friday off while staff on the other schedule have Tuesday and Saturday off. Furthermore, every week, the schedules alternate the two days off so that staff assigned to each schedule have consecutive Saturdays and Sundays off twice per month.

Due to the design of the two-schedule system, on three days per week – Monday, Wednesday, and Thursday – no staff have regularly scheduled days off. These days are known as “all staff days” and more staff are scheduled to be present at the facilities on these days than on the other four days of the week. When more staff are scheduled to work on a given day than the number of posts that are required to be filled, which most frequently occurs on all staff days, the agency is able to send staff to training or perform other essential duties outside of the facility. At the same time, however, the uneven distribution of staff across days of the week can also create cycles of days with fewer staff than posts that should be filled.

## A. Youth Services Center

The YSC serves as the intake processing facility for youth who are ordered to be securely confined in DYRS custody. The YSC is a single structure that includes eight, 11-single-cell housing units on two floors (four housing units per floor), for a maximum single-cell capacity of 88 youth. It also includes an intake processing suite with five holding cells, a medical and dental suite,<sup>23</sup> a multi-room education suite, and a large gymnasium.<sup>24</sup>

When it opened in December 2004, the YSC was intended to house principally detained youth and overnighters (*i.e.*, youth who are securely confined pending presentation at court) who, prior to that time, were housed at the now-closed Oak Hill Youth Center in Laurel, Maryland. Because the YSC serves as DYRS's intake processing facility and detention center, there is a significant flow of youth into and out of the facility on a daily basis, which creates high levels of staffing demands at the facility.<sup>25</sup>

Over the years, the mission of the YSC has changed. Since its opening, in addition to detained youth and overnigher youth, youth with various other legal statuses have been housed at the YSC, including committed youth, committed youth awaiting placement at a different facility, and, most recently, Title 16 youth.<sup>26</sup> Since its opening in December 2004, population levels at the YSC also have varied dramatically from a high of 156 youth in November 2009 to a low of 14 youth in April 2020. In more recent years, since approximately the beginning of 2018,

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<sup>23</sup> There are two observation rooms in the medical suite at the YSC where youth can be housed for close observation.

<sup>24</sup> The facility also includes a culinary area, laundry room, warehouse, and mechanical equipment rooms in a below-grade floor; however, youth do not have access to this floor and there are no regular security posts on the floor.

<sup>25</sup> For example, court-ordered admissions or releases of youth must be processed in and out of the facility and youth traveling to court for hearings must be escorted and transported each day. Furthermore, the routine flow of youth into the facility creates significant movement *within* the facility as newly admitted youth are escorted to medical, dental, and behavioral health screenings and assessments and moved between shorter and longer-term housing units at the facility.

<sup>26</sup> Title 16 youth are individuals between 16 and 18 years old who are charged pursuant to D.C. Code §16-2301(3)(A).

the YSC has operated well below its 88-bed capacity, generally with fewer than 60 youth. As of mid-January 2022, the YSC housed approximately 50 youth, approximately 20 of whom, 41 percent, are Title 16 youth and 13 of whom, 27 percent, are detained youth.

Since the beginning of the COVID-19 epidemic in Spring 2020, several key functions have changed at the YSC. First, with lower population levels and reduced trips to court and outside appointments, the demand for transports to and from the YSC has decreased.<sup>27</sup> Additionally, YSC youth who presented at court historically were held in an “at-risk unit” located inside the Superior Court of the District of Columbia and supervised by DYRS staff. Since the start of the pandemic, the at-risk unit has not been open and the staff normally assigned to that unit have been reassigned to the YSC.<sup>28</sup>

While lower population levels decrease demand for certain staffing functions (*e.g.*, transportation), lower population levels *per se* do not decrease the number of YDRs needed at the YSC. For example, the number of housing unit posts is driven principally by the number of open housing units. Once a housing unit is open, YDR staff must be assigned to the unit, irrespective of the number of youth housed in the housing unit. Furthermore, according to the YSC Post Analysis, any open housing unit should have a minimum of two YDRs assigned

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<sup>27</sup> For example, certain hearings that used to occur at the court building are now conducted virtually with youth remaining at the YSC. While this reduces staffing demand for transportation, it simultaneously requires posts to be filled within the facility in locations where virtual hearings are conducted while still ensuring all other facility operations continue to function.

<sup>28</sup> In their comments on the draft version of this report, DYRS note that “[s]ince the pandemic's beginning, the Agency absorbed many of the Superior Court’s duties, resulting in our staff creating an onsite virtual court to ensure minimal delays with the residents’ legal proceedings. The creation of an onsite court resulted in the deployment of numerous staff to cover this post, impacting coverage throughout YSC.” See Attachment 1 at page 2. This phenomenon is described in greater detail, below, in the discussion on deployment practices at the YSC. It is true that DYRS absorbed duties typically performed at Superior Court, which created the need for additional posts at the YSC. It is also true, however, that the DYRS staff assigned to Superior Court were redeployed to the YSC. Further, as noted, the absence of in court hearings reduced the number of transport trips that had encumbered DYRS staff. Thus, the net effect of the transfer of the duties and the staff to the YSC is complex and at times to DYRS’s staffing advantage and at times to its disadvantage.

during the AM and PM shifts,<sup>29</sup> and the makeup of the unit in some circumstances may warrant more than two YDRs to be assigned to the unit.

Notwithstanding lower population levels, YSC managers frequently have to separate youth into small cohorts on different housing units (*e.g.*, new admissions, boys, girls, detained youth, committed youth, and Title 16 youth). This has only been amplified by the periodic need to isolate youth with COVID-19, which further increases the need to fill additional posts.

### **1. Workforce Size**

OIJFO staff analyzed the size of the YSC workforce relative to both the YSC Post Analysis and historical levels. Chart 1, below, presents staffing levels on 14 days between October 5, 2011 and December 6, 2021, an approximately 10-year period. As the chart reflects, staffing requirements increased at the YSC in 2014 with the development of the January 6, 2014 post analysis and shortly thereafter DYRS began to hire to fill the additional required positions.<sup>30</sup>

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<sup>29</sup> Hypothetically, eight youth housed on a single housing unit would require two YDRs according to the YSC Post Analysis; however, housing the same eight youth on eight different housing units would require 16 YDRs.

<sup>30</sup> Some portion of the increase in positions was attributable to a consolidation of certain staffing functions, such as at-risk unit staff and transportation staff, on the YSC Post Analysis.

**Chart 1: Snapshots of Filled and Vacant YDR and SYDR Positions at the YSC Relative to January 6, 2014 YSC Post Analysis  
14 Dates Between October 5, 2011 and December 6, 2021<sup>31</sup>**



As of December 6, 2021, the YSC had 28 fewer YDRs (22 funded and six unfunded) and one fewer SYDR than the number deemed necessary by the YSC Post Analysis. Notably, this is the fewest number of staff at the YSC since shortly after the YSC Post Analysis was developed in January 2014.

<sup>31</sup> This chart is an update to a version of this chart previously produced by the Office of the Special Arbitrator that included data prior to December 2021.

A significantly diminished workforce size may require facility managers to choose between using overtime to fill posts, or to leave posts unfilled. This is particularly risky in secure facilities that operate around the clock, where the safety and wellbeing of youth and staff must be maintained at all times. As described in more detail in the sections below, on non-all staff days at the YSC managers at times adopt both strategies.

In their comments on the draft version of this report, DYRS reported that a District-wide hiring freeze imposed during Fiscal Year 2021 (*i.e.*, October 1, 2020 – September 30, 2021) contributed to their staffing shortage.<sup>32</sup> Certainly, an inability to hire new staff would prevent the agency from replenishing the ranks of the workforce; however, it appears that DYRS may have had at least a limited exemption from the hiring freeze. According to the agency Schedule A, five YDRs assigned to the YSC as of January 12, 2022 started their employment with DYRS during Fiscal Year 2021.

## **2. Hours Worked**

As noted above regarding the relief factor,<sup>33</sup> it is not only the size of the workforce that impacts facility managers' ability to fill posts, but also the number of hours that employees work. OIJFO staff analyzed payroll data over a four-week period ending November 20, 2021 to assess staff availability for work, shortly before the start of the seven-day on-site observations at the YSC. Chart 2, below, presents the total number of hours worked by YDRs and SYDRs over that four-week period, by individual, broken down by regular hours worked (*i.e.*, non-overtime hours) and overtime hours worked at the facility.

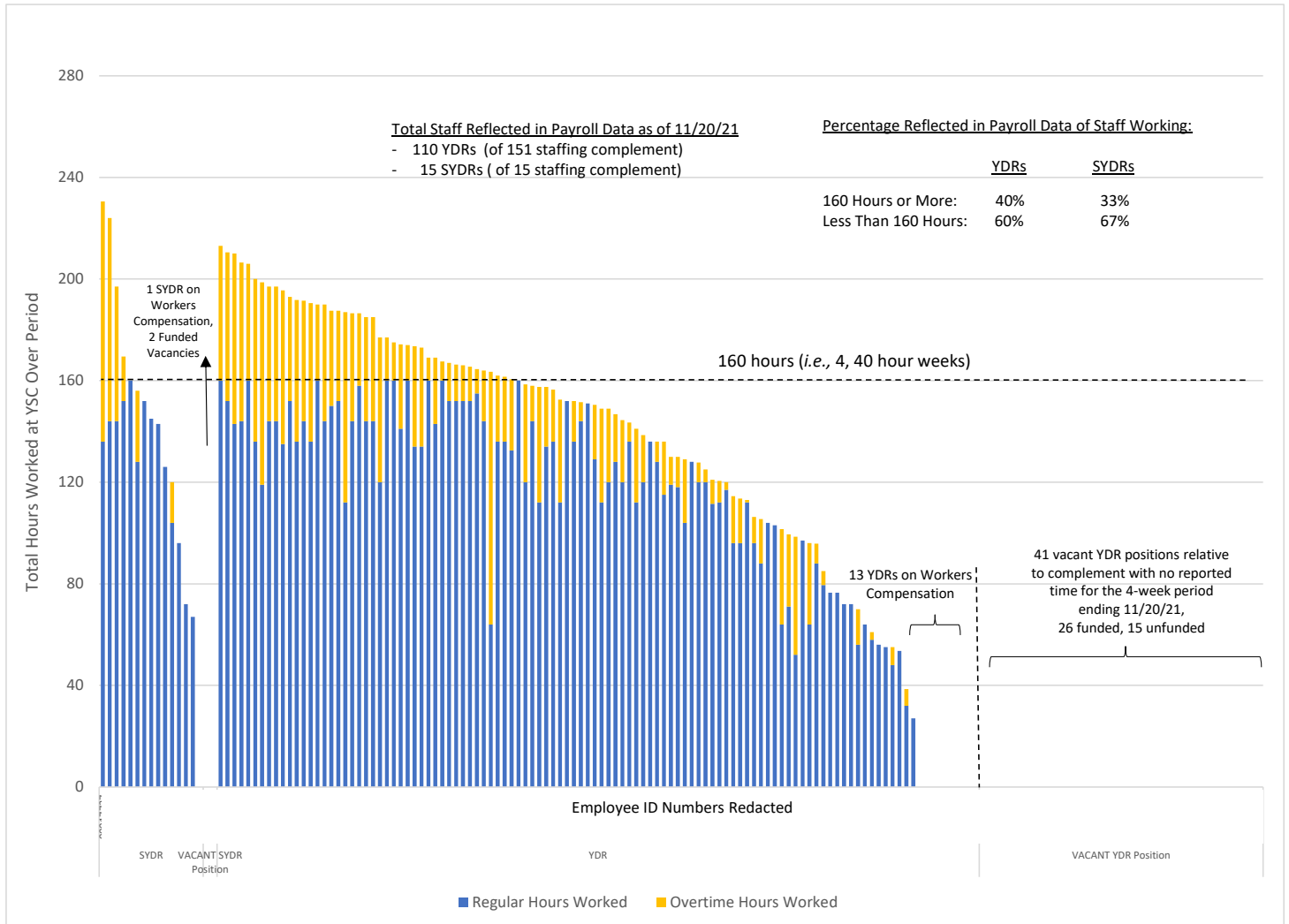
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<sup>32</sup> See Attachment 1 at pages 1-2.

<sup>33</sup> See pages 3-4.



**Chart 2: Total Hours Worked by YDRs and SYDRs at the YSC, by Individual Four-Week Period Ending November 20, 2021, Based on Payroll Data**



A reference line is included in the chart to indicate the equivalent of four, 40-hour weeks.

Employees are entitled to benefits that include various categories of leave and thus there is no expectation that employees will work 40 hours every week; however, the line is included as a reference point for the equivalent of 20, eight-hour workdays over four weeks.

As the chart illustrates, among YDR staff, 40 percent of the workforce worked 160 hours or more over the analyzed period and 60 percent worked fewer than 160 hours. In fact, one third

of the YSC YDR workforce worked fewer than 120 hours (*i.e.*, three 40-hour workweeks) over the period.

Analysis of the number of reported hours in the payroll data of staff not working at the facility indicated that the following were the most frequent reasons:<sup>34</sup> 1) leave without pay (32 percent); 2) annual leave (25 percent); 3) sick leave (17 percent); and 4) paid family leave (12 percent).

It is noteworthy that the four-week period analyzed ended on November 20, 2021, before the Omicron variant spread widely and, as discussed below, more greatly impacted the DYRS workforce. Chart 3, below, illustrates, by day, the number of YDR and SYDR staff who were unavailable for duty because of COVID-19 over the same period.<sup>35</sup> Between October 24 and November 20, 2021, at various points, between one and 11 YDR or SYDR staff were unavailable for duty because they tested positive for COVID-19 and two staff members were unavailable because they were quarantining.<sup>36</sup>

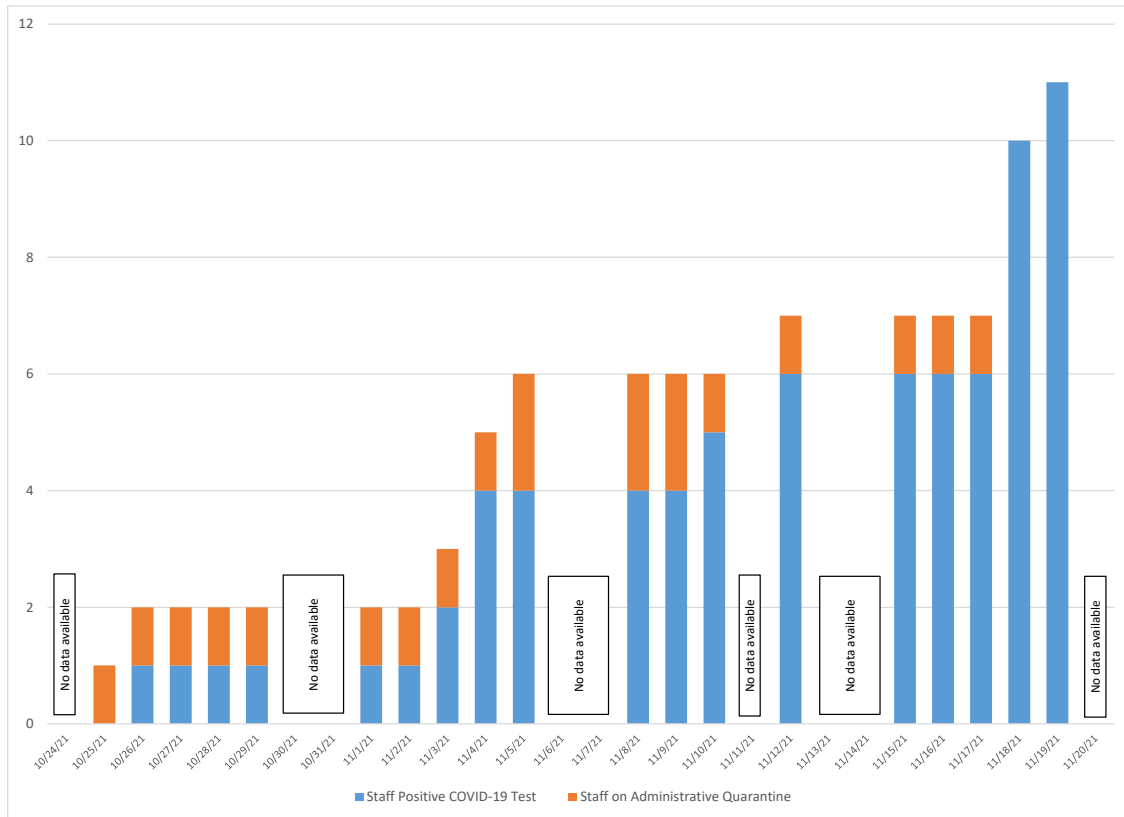
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<sup>34</sup> This analysis excludes the 13 YDRs who were not available because they were on workers compensation status.

<sup>35</sup> Data were not available for weekend days or holidays.

<sup>36</sup> Staff who were unavailable for duty due to COVID-19 were included in the analysis of payroll data presented in Chart 2. Chart 3 is intended to isolate those staff who were unavailable due to COVID-19 in order to assess its specific impact on the workforce.

**Chart 3: YDRs and SYDRs Unavailable for Duty Because of COVID-19 at the YSC, by Day  
Four-Week Period Ending November 20, 2021**



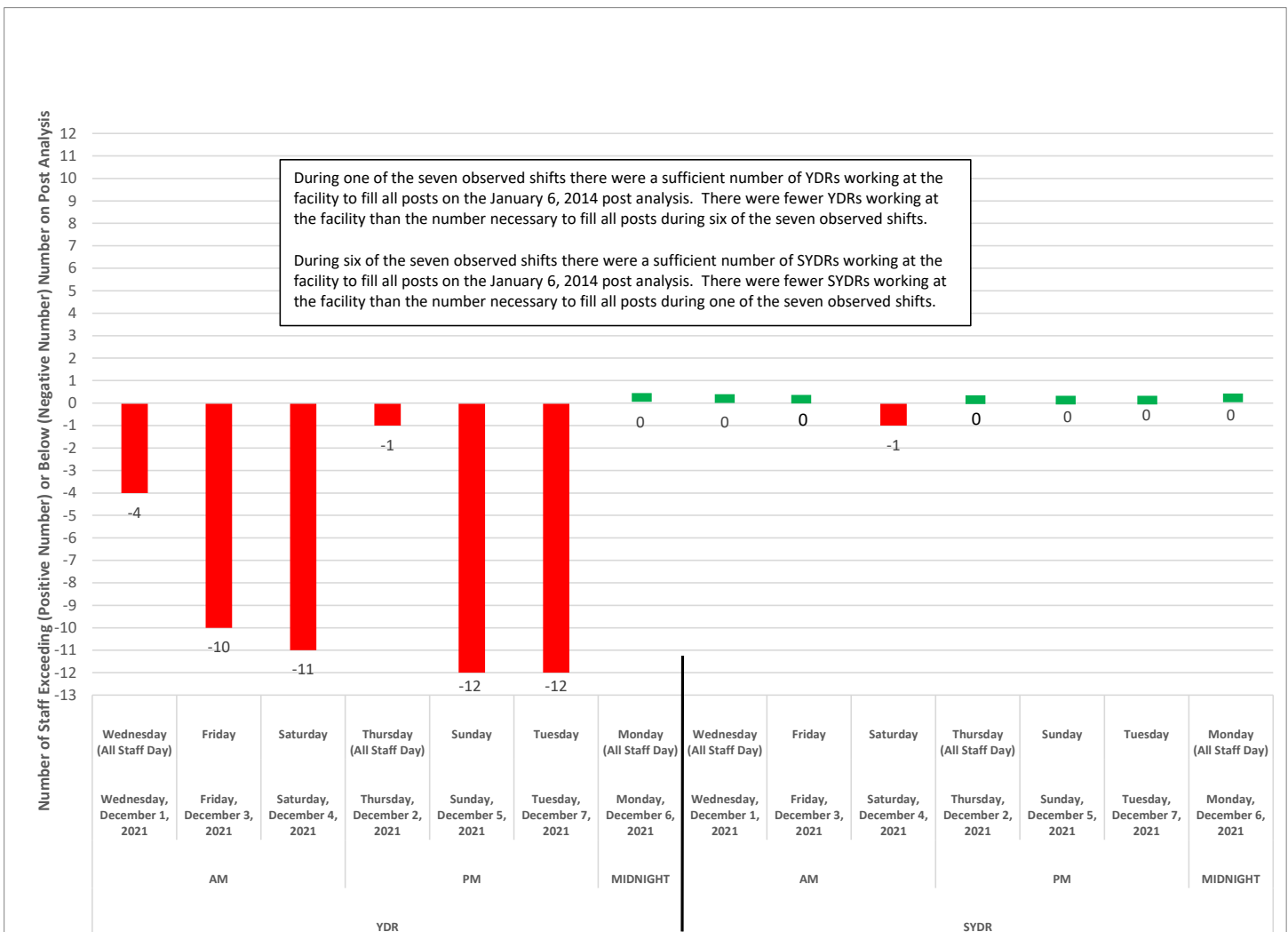
The findings in this section regarding staff workforce availability are consistent with DYRS accounts. In their comments on the draft version of this report, DYRS stated that “COVID-19’s impact on our staff and their families also resulted in increased leave utilization. In addition to more usage of annual and sick leave, staff have stated that COVID-19’s disruption to their personal lives, and the fatigue associated with an increased workload, resulted in increased use of other Workman’s Compensation, Family Medical Leave Act, and Paid Family Leave.”<sup>37</sup> When combined with the already diminished workforce reflected in the significant number of vacancies, the significant levels of staff unavailable for duty has created, at times, acute staffing shortages at the YSC, which are discussed in the next section.

<sup>37</sup> See Attachment 1 at page 2.

### 3. Deployment Practices

In order to assess the impact of the workforce size and staff availability for work, OIJFO staff conducted structured observations on seven consecutive days in December 2021. Chart 4, below, summarizes, in the aggregate, the number of staff who were present in the facility compared to the number of staff who were prescribed by the YSC Post Analysis.

**Chart 4: Youth Services Center, Analysis of YDR and SYDR Staffing Levels Relative to Posts Reflected in the January 6, 2014 Post Analysis, 3 AM Shifts, 3 PM Shifts and 1 Midnight Shift Between December 1 and December 7, 2021**

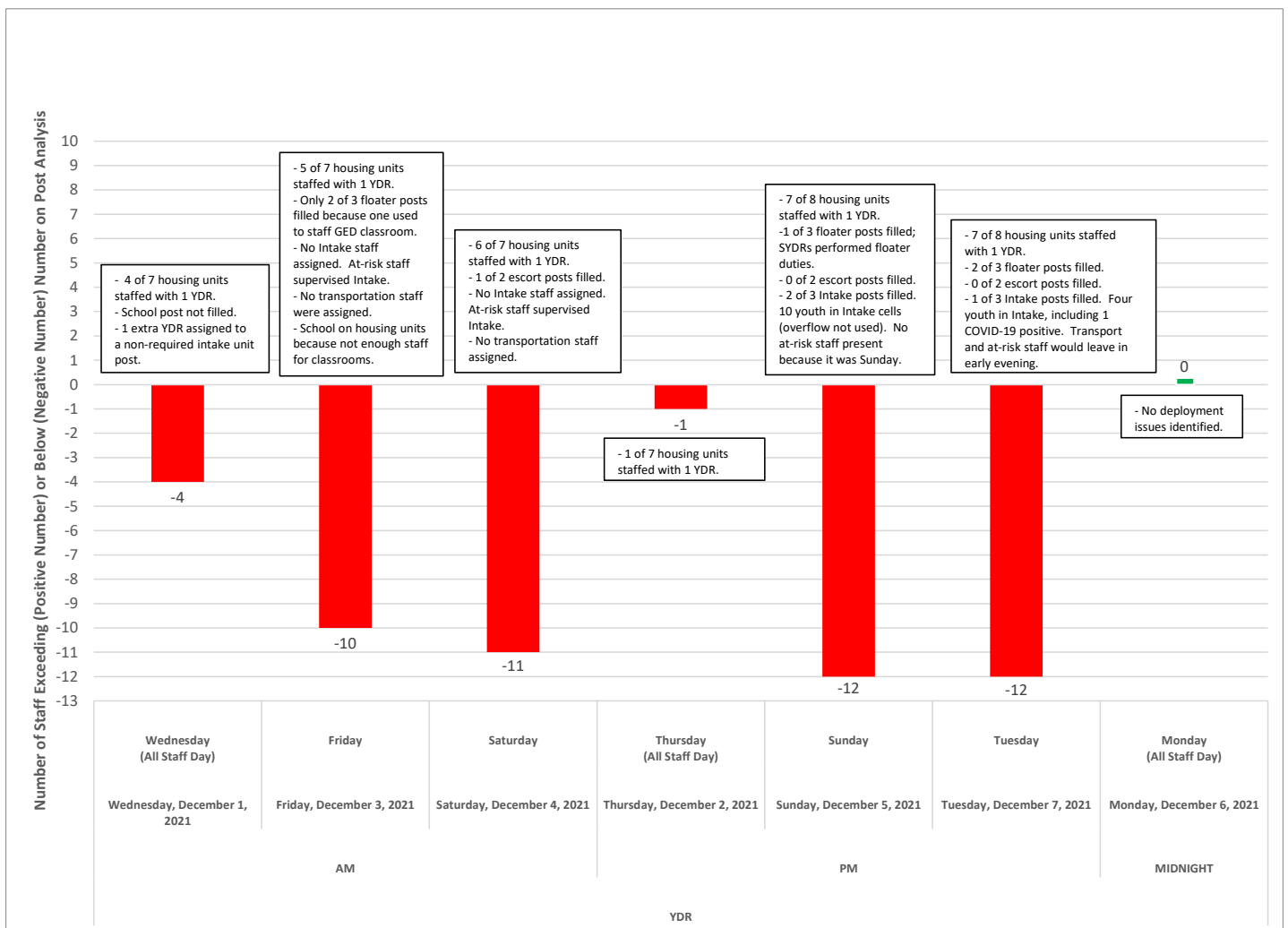


The chart reflects that fewer YDR staff were present at the facility than the number prescribed by the YSC Post Analysis on six of seven shifts. More significantly, on the four non-

all staff days (Friday, Saturday, Sunday, and Tuesday), there were between 10 and 12 fewer staff at the facility than the number prescribed by the post analysis, and even two of the all staff days had fewer staff than specified in the post analysis. In contrast, supervisory staffing levels were generally adequate: On six of the seven observed shifts there were the number of SYDRs prescribed by the post analysis.

Chart 5, below, provides a more detailed accounting of the YDR posts that were not filled on each of the observed shifts.

**Chart 5: Youth Services Center, Analysis of YDR Staffing Levels Relative to Numbers on January 6, 2014 Post Analysis, Annotated to Identify Variances  
3 AM Shifts, 3 PM Shifts and 1 Midnight Shift Between December 1 and December 7, 2021**



Over the course of the observations, recurring deployment practices that were inconsistent with the YSC Post Analysis were observed. First, frequently housing units were staffed with one YDR on the AM and PM shifts rather than two. The YSC Post Analysis contemplates assigning at least two YDR staff to each housing unit on the AM and PM shifts, which include times of day when youth are typically out of their cells programming. Facility managers stated that, at least during this period of low staff levels, they assign staff to housing units consistent with a one staff to eight youth ratio. These staffing levels are inconsistent with the YSC Post Analysis.<sup>38</sup> They also raise safety issues for youth and staff, as staff have no backup immediately available in the event of an emergency, as discussed below.

Second, OIJFO staff observed recurring instances of intake posts not being filled. As explained above,<sup>39</sup> because staff from the at-risk unit were reassigned from the court to the YSC, managers often rely on at-risk unit staff to fill intake posts. At times, this arrangement works; however, two at-risk unit YDR staff are required to be present at all virtual hearings conducted at the YSC and they are responsible for transporting youth to any hearings at court. Thus, there are times when at-risk staff are not able to perform duties in intake.

Third, during numerous observations fewer transportation staff were assigned to posts than the number reflected on the post analysis and at times no transportation staff were assigned.

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<sup>38</sup> Footnote 1 of the YSC Post Analysis makes reference to a 1:8 staff to youth ratio. See Attachment 2, note 1. Specifically, the footnote states, “Except as noted in this footnote, in all areas of the facility where youth are housed in a dormitory setting, ...[DYRS] shall maintain a 1:8 staff to youth ratio. The medical unit shall be staffed as required above. In the gym and Room 1600...[DYRS] shall maintain a 1:8 staff to youth ratio with a minimum of two YDRs in these locations. Supervisory authorization by the YSC Program Manager, Deputy Program Manager, or an SYDR shall be required for every youth who is selected to be housed in a dormitory setting (except for the medical unit) and selections shall be based on a youth’s incident history and developmental level and shall be made in such a manner as to ensure continued safety and security.” This provision would only apply to housing units after they exceeded their 11-cell capacity, which would already require two YDRs to be present. In the gym and Room 1600, the multipurpose room, where YSC staff opened dormitories as needed in the past, the footnote is clear that “a minimum of two YDRs” should be present.

<sup>39</sup> See page 11.

#### 4. Operational Impacts of Vacant Posts

Chronic understaffing of the YSC creates risks to youth and staff and in some cases reduces the amount of programming that youth receive, including education. The most consistent risk created by lower staffing levels than those prescribed by the YSC Post Analysis are risks to youth and staff safety on housing units with one YDR present. As noted above,<sup>40</sup> the YSC Post Analysis clearly prescribes deployment of two YDRs on housing units during the AM and PM shifts when youth are scheduled to be engaged in programming activities. Under some circumstances, such as housing units operating under a status during which one youth is released from his or her cell at a time, the risk to youth and staff may be lowered.<sup>41</sup> However, as both recent and historic incidents demonstrate, even in these circumstances there are risks to youth and staff if only one YDR is present.<sup>42</sup> Furthermore, deploying only one YDR to a housing unit also leaves the agency and staff members more vulnerable to allegations of staff abuse or neglect.

During the structured site visits, OIJFO staff observed numerous examples of the ways in which the deployment of one YDR to housing units impacted educational programming at the

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<sup>40</sup> See pages 11-12.

<sup>41</sup> This occurs, for example, on the unit for new admissions, where youth are only allowed out one at a time until they are cleared medically, and on housing units where youth are required to isolate or quarantine due to COVID-19 infection or close contact with individuals who test positive for COVID-19.

<sup>42</sup> For example, in 2012 the Special Arbiter reported on an April 18, 2011 incident that occurred at New Beginnings, incident report no. 11009. “On the midnight shift on April 18, 2011, a YDR was working alone on a housing unit. Contrary to the required deployment plan, a floater was not assigned to the building. The YDR allowed one youth out of his room to use the bathroom. As that youth emerged from the bathroom, a second youth opened the door of his room and walked into the dayroom. After the YDR unsuccessfully attempted to get both youth to return to their rooms, the second youth assaulted the YDR, continually hitting him after he was on the ground. Ultimately, the youth grabbed the YDR around the neck from behind and dragged him into the first youth’s room. After subduing the YDR, the youth took the YDR’s swipe card, car keys, and wallet and locked the YDR into the other youth’s room. The assailant and the other youth used the YDR’s swipe card to leave the housing unit, enter the school building, and steal a ladder. The assailant used the ladder to climb the fence, driving away in the YDR’s car.” The Special Arbiter’s Report to the Court Regarding Defendants’ Progress Toward Meeting Certain Requirements of the Revised Final Approved Amended Comprehensive Work Plan Related to the New Beginnings Youth Development Center, filed March 23, 2012 (March 23, 2012 Report), at 84. See also pages 34-35 and note 60 for the description of a more recent incident at New Beginnings. Other examples include medical emergencies involving staff or if staff need to address a youth in crisis.

YSC. First, when one YDR is assigned to a housing unit, classes are frequently conducted in the housing unit dayroom rather than in dedicated classrooms located near the housing unit. This occurs because if one or more youth on a housing unit is unable or unwilling to join the other youth on the unit in the classroom for school,<sup>43</sup> the YDR assigned to the housing unit must remain on the unit to supervise the youth in his cell and therefore cannot supervise other youth in the classroom. Housing unit dayrooms have limitations as educational settings compared to classrooms. Dayrooms do not have the same educational resources and technology as classrooms do, such as whiteboards and surfaces for projecting visual content for students. Furthermore, staff have reported that there are more frequent classroom interruptions in dayrooms as staff and other service providers enter the dayrooms more frequently than classrooms.

Deployment of one YDR to a housing unit can also result in youth receiving less educational time than they would otherwise receive if two YDRs were deployed. In some instances, all youth on a unit may be permitted out of their cells for education, but must be divided into separate cohorts.<sup>44</sup> If there are two YDRs present on the housing unit, one YDR can supervise youth in a classroom while a second YDR can supervise a group in the dayroom. In

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<sup>43</sup> This may occur for a variety of reasons. In some instances, youth refuse to go to class. In other cases, youth may be locked down for a security, disciplinary, or health reason (*e.g.*, the youth is sick, but does not require observation in the medical unit). On certain units, youth may be locked down due to standard operating procedures. For example, after newly admitted youth are cleared to be released from the intake unit, they are moved to a general population housing unit. Before they are allowed to interact with youth on their newly assigned unit, they remain in their cell until a mediation is conducted to ensure there are no existing conflicts among the new youth and the youth already on the unit. Staff reported that at times there may be a delay of a number of days before the mediation is conducted.

<sup>44</sup> During one site visit, OIJFO staff observed one housing unit in which youth were divided into groups, only one of which could be released at a time due to a recent fight on the unit. Consequently, during school hours, each group was rotated out of their cells for a portion of the school day to attend school, supervised by the one YDR assigned to the unit. After their allotted portion of their school day was over, they returned to their cells. Similarly, for 14 days girls who are newly admitted to the YSC do not interact with the girls who have already cleared the admissions process. When only one YDR is assigned to the girls' housing unit when school is conducted, the girls who have cleared the admission process must return to their cells during school hours to allow the newly admitted girl time out of her cell.



this way, both groups of youth are able to remain out of their cells for the duration of the school day.

OIJJFO staff observed other facility operations that were altered due to low staffing levels. For example, the YSC intake unit has five individual holding cells. During the COVID-19 pandemic, one youth is typically assigned per cell in order to limit potential spread of the coronavirus among youth whose infection status is unknown. In instances in which more than five youth must be housed in the intake unit, YSC staff have opened an auxiliary space, which contains additional holding cells that are used as needed for overflow purposes.<sup>45</sup> During one observation, OIJJFO staff observed 10 youth housed among the five holding cells in intake.<sup>46</sup> According to the YSC Post Analysis, three YDRs should have been assigned to intake; however, only two YDRs were assigned at the time. Staff reported to OIJJFO staff that the overflow unit was not opened because there were not sufficient YDR staff present at the facility.

Finally, SYDR staff reported and OIJJFO staff observed that YDR staffing levels frequently required SYDR staff to perform YDR duties, preventing them from performing supervisory duties.<sup>47</sup> As one SYDR reported to OIJJFO staff, “We used to need 28-30 staff to run [an AM] shift. Now, we often have closer to 20.” With these staffing levels, SYDR staff frequently provided relief to YDRs, performing line staff duties and providing YDR staff opportunities to take breaks during their shift. During these times, SYDRs are not available to

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<sup>45</sup> The overflow unit historically was used as the Metropolitan Police Department processing center for newly arrested youth, but that function no longer is performed at the YSC.

<sup>46</sup> Two cells housed three youth, one cell housed two youth, and two cells housed one youth each. Because youth housed in intake generally were recently admitted to the facility from the community and have not undergone a 14-day quarantine period, there is a much higher risk of spread of COVID-19 among youth housed in this area of the facility.

<sup>47</sup> This is consistent with practices reported by DYRS in its comments on the draft version of this report. See Attachment 1 at page 2.

respond to incidents that may arise nor provide active supervision to ensure staff are deployed properly and operations are occurring as planned.

## **B. New Beginnings**

New Beginnings, unlike the YSC, is a multi-building campus including six, 10-bed housing units with a capacity to house 60 youth in single cells. The six housing units are organized in three buildings, each of which contains two housing units. The facility is intended to house primarily committed youth, although since its opening in 2009, there have been periods during which it has housed Title 16 youth and committed youth awaiting placement in a different facility.

Before the COVID-19 pandemic, in January 2020, New Beginnings housed just under 40 youth, approximately half of whom were Title 16 youth. At the end of March 2020, after the first positive COVID-19 case, DYRS depopulated the facility, releasing committed youth to alternative settings. In August 2020, all Title 16 youth were transferred from the facility to the YSC. By the end of 2020, the population had grown and was hovering just over 40 youth until it began to drop again in early 2021.

New Beginnings has been operating at less than half of its capacity since October 23, 2021, housing fewer than 30 youth. Because of this low population, only four housing units have been open since that time, and two housing units have been closed.<sup>48</sup>

### **1. Workforce Size**

The New Beginnings Post Analysis provides that DYRS maintain a complement of 103 YDRs and 11 SYDRs at New Beginnings. As at the YSC, OIJFO staff analyzed the size of the New Beginnings workforce. Chart 6, below, provides historical snapshots of filled and vacant

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<sup>48</sup> There was an eight-day period between December 20-27, 2021 when a fifth housing unit was opened to isolate youth at the facility who tested positive for COVID-19.



by the New Beginnings Post Analysis.<sup>50</sup> As of December 6, 2021, there were 94 YDRs assigned to the facility<sup>51</sup> and seven-and-a-half YDR positions that were funded but vacant.<sup>52</sup> An additional one-and-a-half funded YDR positions were needed to meet the number of YDRs consistent with the post analysis, but were unfilled and unfunded. Additionally, 10 SYDRs were assigned to the facility and an eleventh position was vacant, but funded.

While the population at New Beginnings is at historically low levels and two housing units are closed, as of the beginning of December 2021 (*i.e.*, prior to the Omicron outbreak), the number of staff available for duty did not enable managers routinely to fill all posts reflected in the New Beginnings Post Analysis.<sup>53</sup> As discussed below, the combination of the size of the staffing complement and staff availability for duty has had a direct impact on youth and staff safety, as well as youth access to core services such as education and out-of-cell time. If the population of youth at New Beginnings were to rise and additional housing units were opened, staffing levels may not be sufficient to both provide regular programming to youth and operate the facility safely.

As noted above in the discussion of the size of the YSC workforce, DYRS stated that it was impacted by a District-wide hiring freeze imposed during Fiscal Year 2021.<sup>54</sup> The impact of that hiring freeze on DYRS is not clear; however, according to the agency Schedule A, 12 YDRs assigned to New Beginnings as of January 12, 2022 started their employment with DYRS during Fiscal Year 2021.<sup>55</sup>

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<sup>50</sup> February 2019 Report at 15-16.

<sup>51</sup> This includes 93 full time YDRs and two part time YDRs. Each part-time position is counted as half of a full-time position.

<sup>52</sup> This includes seven full time YDRs and one part-time YDR.

<sup>53</sup> For additional discussion regarding current staffing observations, see pages 29-33.

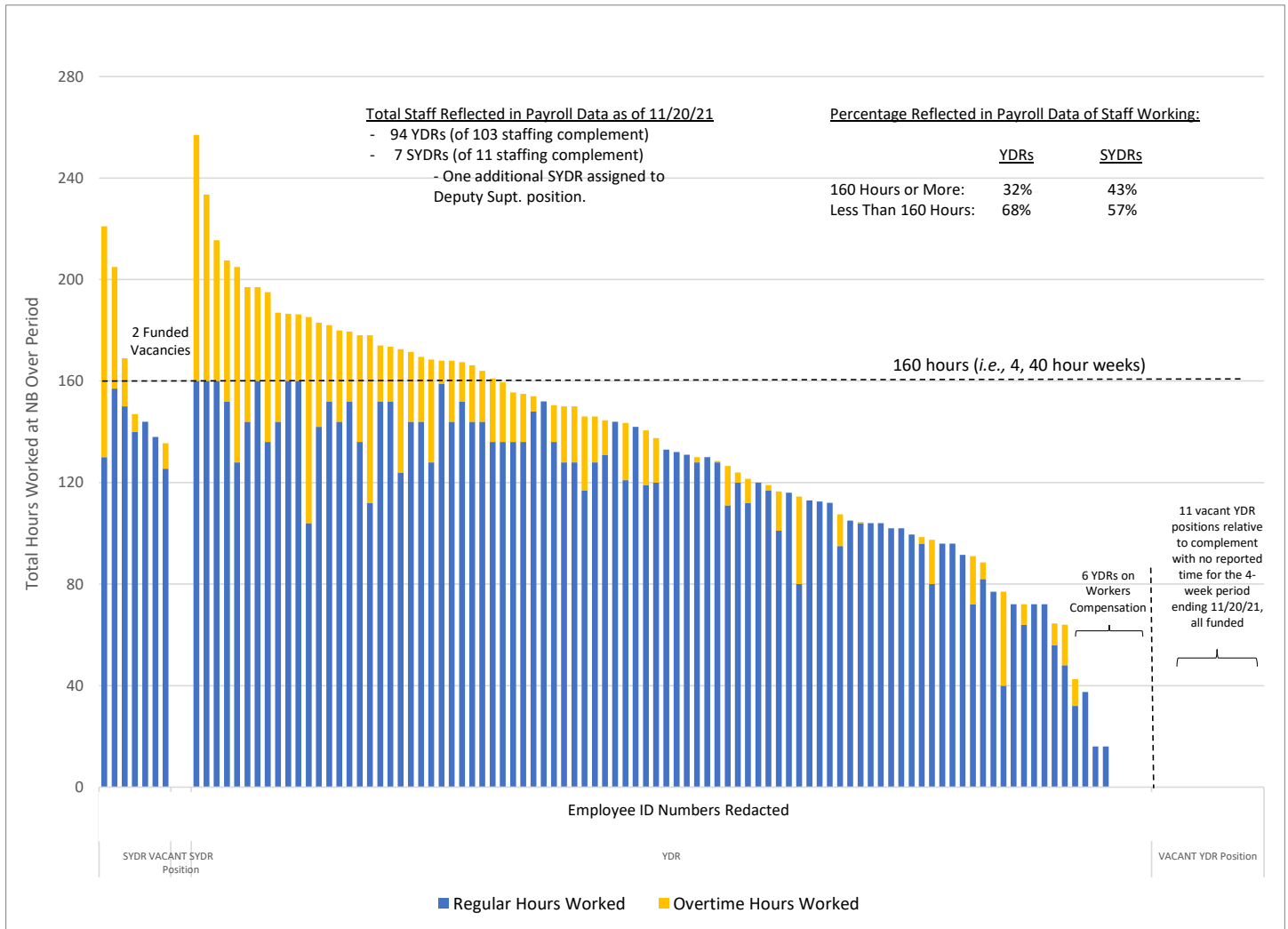
<sup>54</sup> See page 14.

<sup>55</sup> DYRS' comments did not address whether the agency was granted an exemption from the hiring freeze for some positions or whether the freeze was of a limited timeframe.

## **2. Hours Worked**

As noted above, New Beginnings has in recent months been operating with two of its six housing units closed. Because the size of the workforce was based on assumptions that six housing units would be operational, in theory staff from the two closed units could be reassigned to posts in other areas of the facility, which would reduce the impact of staffing shortages at New Beginnings. As at the YSC, OIJFO staff analyzed payroll data over a four-week period to assess staff availability for work. Chart 7, below, illustrates the total number of hours worked by YDRs and SYDRs at New Beginnings, broken down by regular hours worked and overtime hours worked during the four-week period ending November 20, 2021.

**Chart 7: Total Hours Worked by YDRs and SYDRs at New Beginnings, by Individual Four-Week Period Ending November 20, 2021, Based on Payroll Data**



The data reflect that at New Beginnings, as at the YSC, a small percentage of staff worked the equivalent of at least four, 40-hour weeks and a significant portion of staff worked well below 40-hour work weeks.<sup>56</sup> Over the analyzed four-week period, 32 percent of YDRs and 43 percent of SYDRs worked 160 hours, or more. Conversely, 68 percent of YDRs assigned to New Beginnings worked fewer than 160 hours and 40 percent worked fewer than 120 hours (*i.e.*,

<sup>56</sup> See page 15 for an explanation regarding why 160 hours were used as a reference point for this analysis.

three, 40-hour workweeks). Among SYDRs, 57 percent worked fewer than 160 hours and none worked fewer than 120 hours.

OIJJFO staff reviewed the payroll data to ascertain reasons why staff were not available to fill posts at New Beginnings. The following were the most frequent reasons recorded in payroll data that staff were not working at the facility: 1) annual leave (29 percent); 2) sick leave (29 percent); 3) paid family leave (19 percent); and 4) leave without pay (nine percent). Based on daily data maintained by facility staff, during the analyzed period there were no YDRs who were unavailable for duty because they either tested positive for COVID-19 or were required to quarantine because of close contact with someone who tested positive for COVID-19.

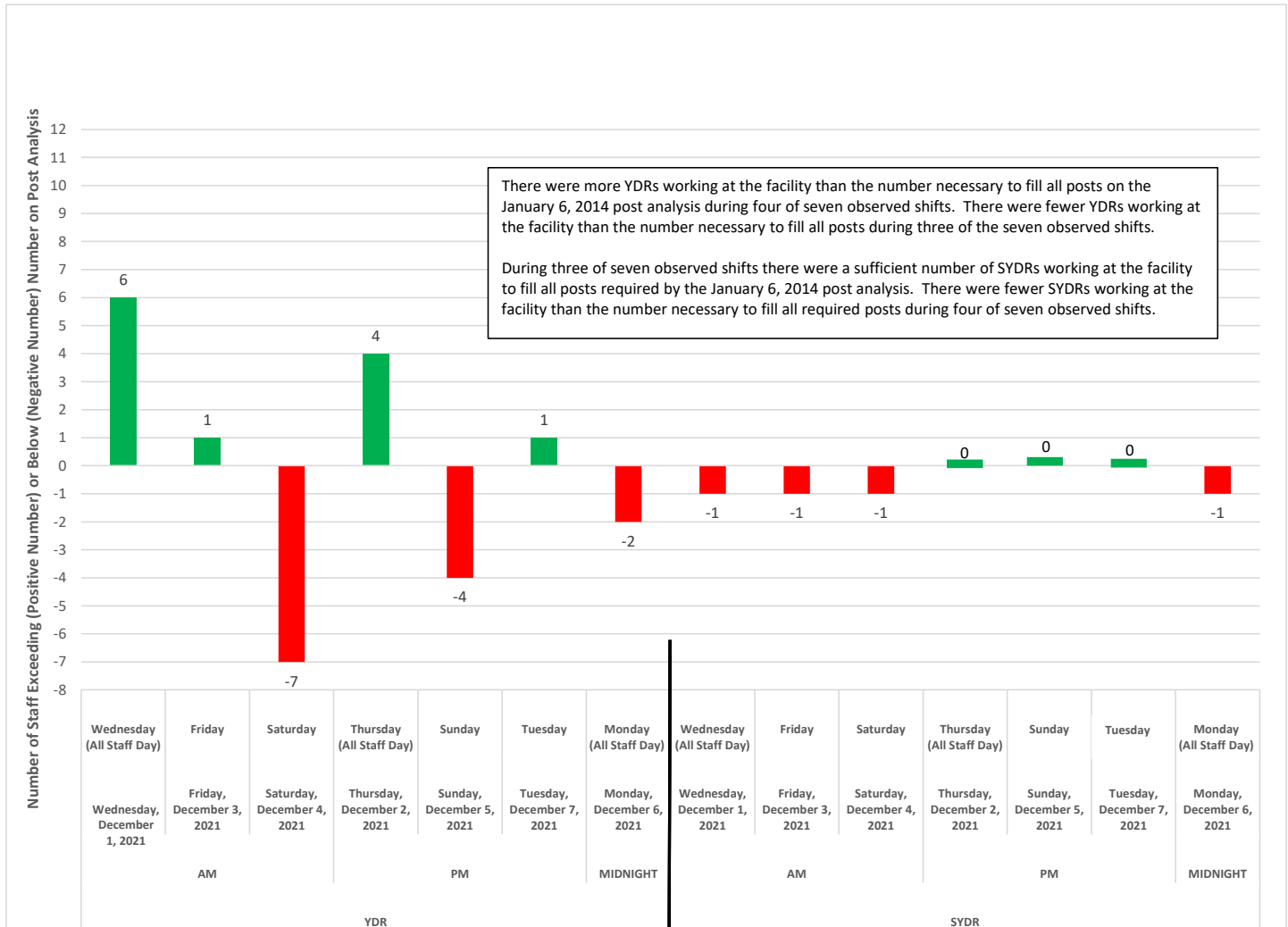
Anecdotally, YDR staff reported that since the COVID-19 pandemic began in March 2020, more staff have been on leave for longer periods of time. Some YDR staff at New Beginnings expressed feeling burned out and exhausted from the overtime they were working to keep the facility operating with no clear end in sight. Both interviews and observations, which are described in more detail below, suggest that staff call out for shifts on days when there is a higher likelihood of being drafted for an overtime shift (*i.e.*, days that are not all staff days). One YDR described to OIJJFO staff how he had worked 18 hours the prior day, went home to sleep, and then returned to the facility for his regularly scheduled PM shift. The same YDR anticipated being drafted once again for the next midnight shift. The YDR reported being physically and mentally exhausted.

### **3. Deployment Practices**

In December 2021, OIJJFO staff conducted structured observations during a one-week period on seven consecutive days covering all shifts at New Beginnings. Chart 8, below,

illustrates the YDR and SYDR staffing levels relative to the New Beginnings Post Analysis during the seven observed shifts between December 1 and 7, 2021.

**Chart 8: New Beginnings, Analysis of YDR and SYDR Staffing Levels Relative to Posts Reflected in the January 6, 2014 Post Analysis**  
**3 AM Shifts, 3 PM Shifts and 1 Midnight Shift Between December 1 and December 7, 2021**



During five of the seven shifts observed at New Beginnings, a sufficient number of SYDR and YDR posts were not filled consistent with the New Beginning Post Analysis. On three of the seven observed shifts there were fewer YDR staff present than the number prescribed by the New Beginnings Post Analysis. Two of these days were weekend days, which are not all staff days, and one was an all-staff day. Additionally, on four of the seven shifts, of



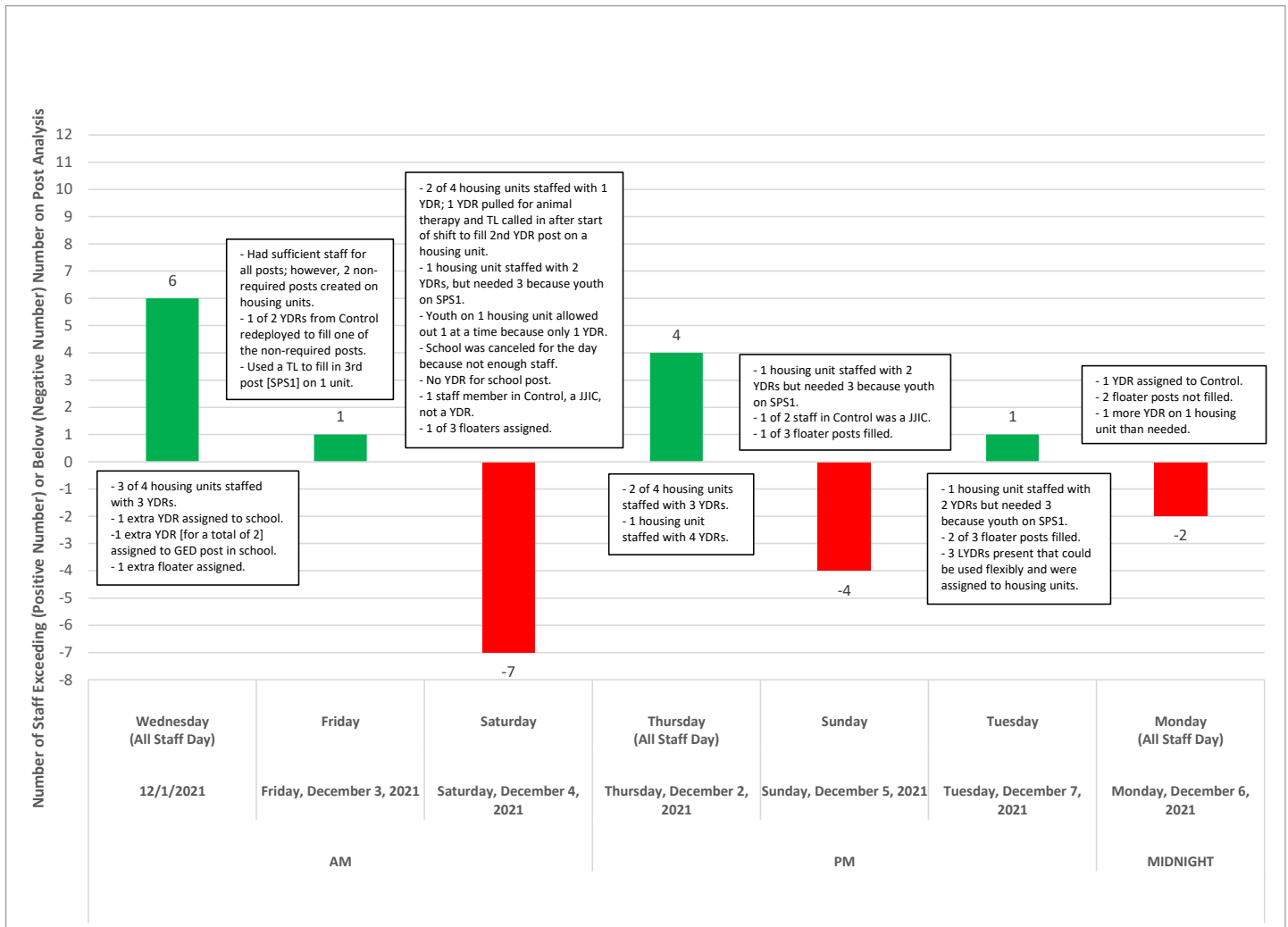
which two were all staff days, there were one fewer than the two SYDR staff contemplated by the New Beginnings Post Analysis. OIJFO staff observed that during shifts when there was an inadequate number of YDRs, SYDRs assumed certain YDR duties and assist with non-supervisory responsibilities. This included functions such as escorting youth within the facility and assisting with delivering meals to housing units. As noted in the discussion of the YSC, when SYDRs regularly perform non-supervisory duties, there may be impacts on the operation of the facility.<sup>57</sup>

Chart 9, below, provides an annotated analysis of the YDR staffing levels relative to the New Beginnings Post Analysis for the seven shift observations between December 1 and 7, 2021.

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<sup>57</sup> See pages 23-24.

**Chart 9: New Beginnings, Analysis of YDR Staffing Levels Relative to Numbers on January 6, 2014 Post Analysis, Annotated to Identify Variances 3 AM Shifts, 3 PM Shifts and 1 Midnight Shift Between December 1 and December 7, 2021**



The seven consecutive days of staffing observations provided structured data regarding inconsistencies between staff deployment in practice and deployment prescribed by the New Beginnings Post Analysis. In general, New Beginnings housing units were staffed with two YDRs on AM and PM shifts more consistently than were housing units at the YSC. OIJFO staff observed two housing units on one of the seven shifts staffed with one YDR. On three shifts, three YDRs should have been posted to one housing unit because a youth on the unit was on the highest level of suicide precaution status (SPS-1), for which DYRS policy requires one-

on-one YDR supervision. Instead, only two YDRs were assigned to the unit, one of whom was assigned to the youth on SPS-1.<sup>58</sup>

At New Beginnings, operations posts (*i.e.*, non-housing unit posts) were frequently left vacant or, in some cases, filled by non-YDR staff. For example, on three shifts, only one staff member was deployed in control and in one of these three cases the individual was not a YDR, but a Juvenile Justice Institutional Counselor (JJIC). On a fourth shift, one YDR and one JJIC were assigned to control. The assignment of non-YDR staff to YDR positions is a practice documented by the Special Arbiter in the Jerry M. litigation that violated Work Plan requirements.<sup>59</sup>

In addition to control, floater posts were repeatedly not filled as contemplated by the New Beginnings Post Analysis. Floaters provide relief to YDRs assigned to posts throughout the facility and should be available to perform unanticipated duties that arise during a shift. On many of the observed shifts, only one of three floater posts was filled, and in one of these instances the floater post was filled by an SYDR working overtime.

#### **4. Operational Impacts of Vacant Posts**

When posts are left vacant at New Beginnings, there are direct impacts on both youth and staff. As at the YSC, youth may lose access to services, such as education, programming, and/or

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<sup>58</sup> There were only three youth assigned to the housing unit at the time. Nevertheless, the New Beginnings Post Analysis prescribes two YDRs per unit and DYRS policy requires an additional YDR to perform one-on-one supervision of youth on SPS-1.

<sup>59</sup> The Special Arbiter reported in 2012 that “at least during the 2011 calendar year, but perhaps before then, defendants supplemented the workforce by assigning at least 12 DYRS employees, who are employed by the agency in non-YDR positions, to YDR posts and/or assigning many of them to perform YDR functions, on a regular basis in addition to their regular job duties. These staff members are not qualified to work as YDRs for two reasons. First, they were not hired to work for DYRS as YDRs; they were hired to work at different jobs with different job qualification criteria and duties that vary in material ways from the YDR position’s job qualification criteria and duties. Second...the 12 non-YDR staff members who have been assigned to YDR posts and who have performed YDR functions have not received all of the essential training YDRs must receive pursuant to the Work Plan.” March 23, 2012 Report at 125-126.

the ability to be out of their cells and socializing with other youth. During the structured site visits in December 2021, OIJFO staff witnessed each of these repercussions at New Beginnings.

During one shift observation, youth who were supposed to participate in a horticulture program were not able to because there were not enough YDR staff to supervise youth in class with the vendor and youth in the housing unit. The horticulture vendor left New Beginnings without providing youth programming.

During one observation, a Saturday, school was cancelled facility-wide for the day because there were not enough staff to safely supervise the program during the AM shift. Facility managers also reported that there have been days when school was delayed because there were not enough YDRs at New Beginnings to conduct school at the scheduled start of the school day. Staff stated that on these days, additional YDR staff had to be called in to fill posts at the facility and school could begin once YDRs arrived after the start of the shift.

During the same shift that school was cancelled, because of low staffing levels, one of two YDRs initially assigned to a housing unit was redeployed to work a different post, resulting in only one YDR working on the housing unit. The YDR on the housing unit allowed one youth out of his cell at a time rather than all of the youth because there was not a second YDR on the housing unit. Consequently, due to low facility staffing levels, not only did youth on this housing unit not attend school, but they were also locked in their cells for most hours of the shift without access to programming nor the ability to socialize with other youth on the unit.

While leaving posts vacant has impacts on youth programming, there are also consequences for staff safety and wellbeing. During an incident in late December 2021, one YDR was assigned to work alone on a housing unit with three female youth. According to incident reports, one youth was in the bathroom when a second youth requested a glass of water.

While opening the cell door for the youth to give her a glass of water, the youth pushed her way out, assaulted the YDR, took the unit keys, and let the third youth on the housing unit out of her cell so that all three youth were out of their rooms.<sup>60</sup> The incident was brought under control only after additional YDRs responded to the unit. As noted above, there have been other serious incidents at New Beginnings in the past involving one YDR on a housing unit supervising youth out of their cells.<sup>61</sup> This informed the post analyses at both the YSC and New Beginnings, which prescribe a minimum of two YDRs per housing unit.

Some YDRs reported that they felt unsafe due to the inadequate number of staff deployed on any given shift, particularly in cases when they were working alone on a housing unit and groups of youth were allowed out of their rooms. Staff also reported that often staff who do show up for their shifts are mentally and physically exhausted because they are repeatedly drafted for overtime, often multiple times within one week.

### **C. Impact of December 2021 COVID-19 Surge on the Secure Staff Workforce**

The staffing observations and data analysis presented in this report predate the precipitous and unprecedented spike in COVID-19 infections nationally and locally that began in December 2021. Relatively speaking, during the period reviewed in this analysis, the number of YDRs who were unavailable to work due to COVID-19 was low: No staff at New Beginnings were unavailable due to COVID-19 and, at one point, a maximum of 11 staff were unavailable at the YSC.

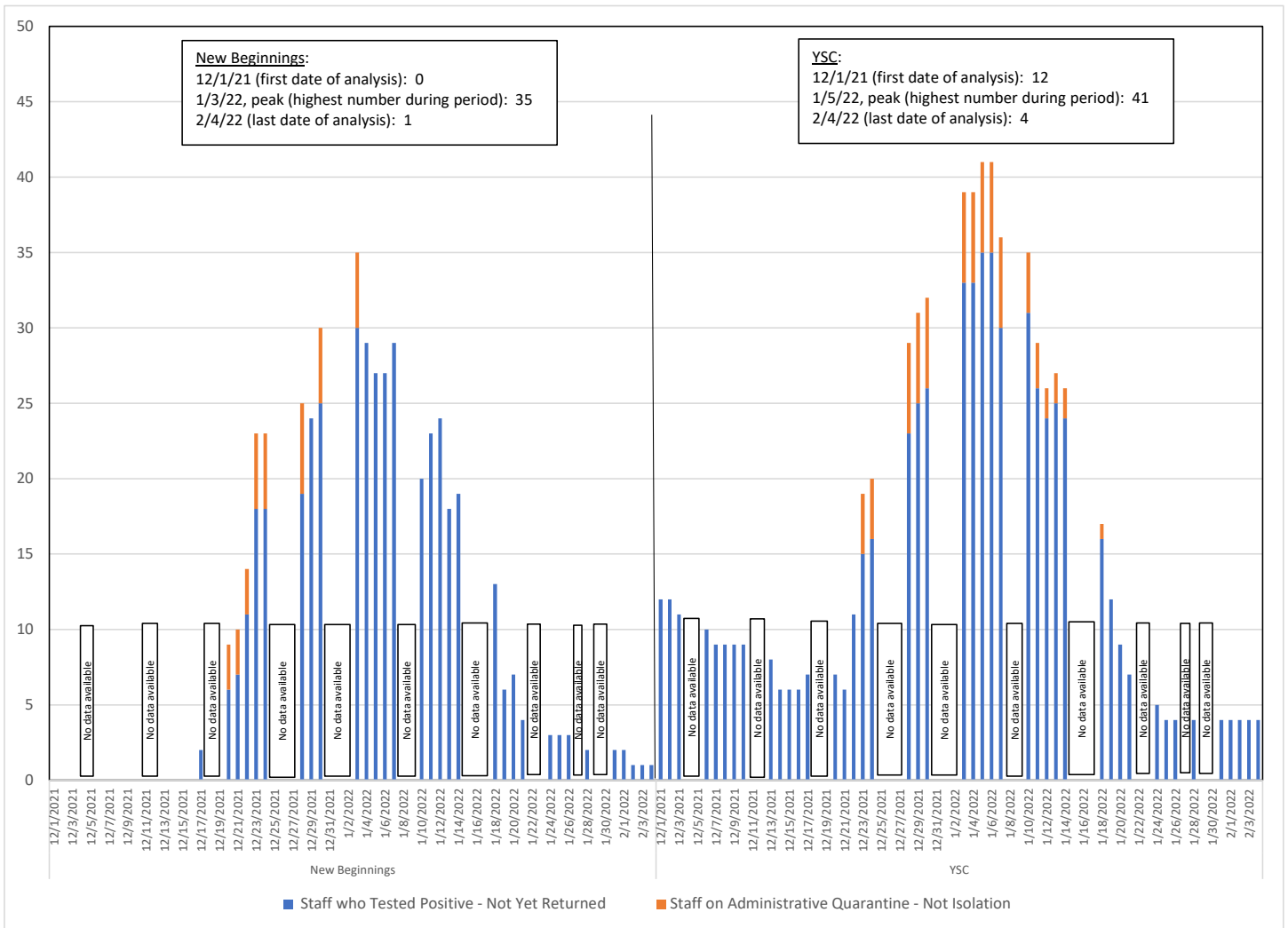
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<sup>60</sup> See incident report no. 10540, December 27, 2021: One YDR was working alone on housing unit Journey with three youth; she opened the door to a youth's room to give the youth a glass of water when the youth "rushed" the YDR, pushed her, and attempted to get the unit keys from her. A second youth, who was already out on the unit, left the bathroom and assisted the first youth in trying to get the keys. The first youth and the YDR fell to the floor. The first youth then "dragg[ed] and assault[ed]" the YDR "several times" and took the keys from her. The youth ran to the third youth's room and let her out and all three youth who were on the unit were out. The YDR was able to call for assistance. The three youth attempted to leave the unit with the keys but additional YDR staff responded to the unit and were able to secure the youth and retrieve the keys.

<sup>61</sup> See page 21, note 42.

The workforces of both the YSC and New Beginnings were acutely impacted by COVID-19 in the latter half of December 2021 through late-January 2022. Chart 10, below, is based on DYRS data and illustrates the number of YDR and SYDR staff who were unavailable to work due to COVID-19 infection or exposure from December 1, 2021 to February 4, 2022.

**Chart 10: YDR and SYDR Staff on COVID-19 Isolation or Quarantine  
December 1, 2021 – February 4, 2022, By Facility**



At New Beginnings, as of December 16, 2021 no staff were unavailable for duty for reasons related to COVID-19; however, less than three weeks later, by January 3, 2022 at its peak, 35 YDRs or SYDRs were unavailable after testing positive or being a close contact of

someone who tested positive. At the YSC, as of December 21, 2021 six YDRs or SYDRs were unavailable because they had tested positive for COVID-19. Just over two weeks later, on January 5, 2022, 41 staff were unavailable because they either tested positive or were a close contact of someone who tested positive.

During this unprecedented period, DYRS had to adapt to acute staffing shortages, prioritizing youth and staff safety. With extraordinarily high levels of community spread of COVID-19 and limited available staff, the agency restricted non-agency staff from entering the facilities and limited youth out-of-cell time.

Fortunately, as Chart 10 illustrates, at both facilities the number of staff impacted by COVID-19 decreased rapidly in January 2022 and by the end of the month the number of YDRs and SYDRs on isolation or quarantine status had reached levels near (at New Beginnings) or below (at the YSC) the number of impacted staff in early December 2021. In their comments on the draft version of this report, and to their credit, DYRS noted that by early February 2022 all programming was in person rather than virtual.<sup>62</sup> With lower numbers of staff unavailable for duty due to COVID-19, and extreme staffing shortages behind them, DYRS is in a position to address the longer-term staffing pressures described in this report.

In their response the draft version of this report, DYRS stated that, “since January 15th, 2022, COVID-related absences have significantly decreased, resulting in our facilities being appropriately staffed.”<sup>63</sup> While the number of COVID-related absences did decrease significantly at the end of January 2022 relative to absences in mid-December 2021, the staffing numbers were similar to those that DYRS experienced during OIJFO’s structured observations

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<sup>62</sup> See Attachment 1 at page 1.

<sup>63</sup> See Attachment 1 at page 1. In fact, according to DYRS data, as of January 15, 2022 there were still nearly 20 YDRs or SYDRs unavailable to work due to COVID-19 at New Beginnings and over 25 at the YSC. Approximately a week later, the number of staff who were unavailable at each facility dropped to under five.

during early-December 2021, which appear to be well below the staffing contemplated in the 2019 post analyses. Thus, a structured staffing assessment is necessary to determine whether staff deployment practices have changed since those documented in this report.

## **V. CONCLUSION**

In secure facilities for youth, appropriate staffing levels are an essential precursor to the establishment of safe environments in which effective treatment and programming can be delivered to youth. Appropriate staffing levels require clear plans delineating where staff should be assigned, a sufficiently large workforce to fill all essential posts, and adequate supervision to ensure that staff are deployed to all posts and execute their job functions while on duty.

There is a well-documented history of staffing deficits at DYRS secure facilities in the record of the Jerry M. litigation. As of January 2019, however, DYRS demonstrated a capacity to meet the substantive staffing requirements of the litigation. Since that time, the COVID-19 pandemic caused fundamental changes in nearly every aspect of facility operations. From approximately March 2020 to July 2021, youth spent most waking hours locked in their cells and movement within the facilities was limited. Consequently, staffing demands were lower and managers were able to operate facilities with fewer staff.

In July 2021, however, the YSC and New Beginnings returned, to a large extent, to pre-pandemic operations. This report reflects the most recent assessment of staffing levels and deployment practices at the YSC and New Beginnings since January 2019. Relative to that time, the size of the YDR workforce at both facilities has shrunk and large percentages of the staffing complements at both facilities are not available to fill posts for significant periods.



Consequently, small portions of the staffing complements at both facilities are working significant overtime to keep the facilities operating.

DYRS is fortunate that at both the YSC and New Beginnings population levels are low from a historical perspective. At New Beginnings, two housing units are routinely closed, which should allow for redeployment of staff to fill posts in other areas of the facility. Nevertheless, the combination of the diminished facility workforces and staff availability has resulted in security posts at both facilities routinely left vacant.

As this report documents, there are direct impacts on youth and staff alike when posts are left vacant. Education and other programming quantitatively and qualitatively suffer. Furthermore, when one YDR is deployed to supervise youth in housing units, there are examples of both YDR staff significantly restricting youth out of cell time in the interest of security or YDRs not having immediate support during an emergency situation. Additionally, staff are working significant amounts of overtime, at reduced staffing levels, which can lead to job burnout and errors that increase risk to youth and staff.

Throughout the pandemic, youth and staff at the YSC and New Beginnings have contended with the daily risk of exposure to COVID-19. Hundreds have been infected. DYRS staff should be commended for their committed service during this time and the more restrictive conditions under which youth lived for much of the pandemic must be recognized. At this time, DYRS appears to have weathered the most significant impacts of the Omicron outbreak, which caused acute staffing shortages at the YSC and New Beginnings from mid-December 2021 to late-January 2022. But as the urgency of the outbreak has abated, DYRS must refocus on the longer-term strategic challenge of rebuilding its workforce during a pandemic that has made

hiring staff to work in secure facilities more difficult.<sup>64</sup> To address staff vacancies, DYRS has reported that are engaging in “[e]xtensive outreach for new staff, including nearly continuous job postings ....[and] also implemented a continual hiring practice, including panels of Youth Development Representatives to ensure we are selecting appropriate candidates.”<sup>65</sup>

Ensuring that the YSC and New Beginnings are appropriately staffed will require hiring sufficient YDRs and SYDRs, and it must address the barriers to the successful recruitment of these staff. In addition, in the longer term, it will require addressing staff availability for duty and ensuring staff are routinely deployed consistent with approved post analyses. Ultimately, SYDRs must be given the tools to meet their obligations to fill security posts, provided with the staff to fill those posts, and empowered to fill those posts as needed, and if necessary with overtime.

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<sup>64</sup> In their comments on the draft version of this report, DYRS states that the agency “was also not immune to the hiring difficulties that faced secure facilities throughout the country, resulting in a less qualified candidate pool than we historically see due to the onsite requirements of the secure program positions.” See Attachment 1 at page 2.

<sup>65</sup> See Attachment 1 at page 2.

# Attachment 1



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
**DEPARTMENT OF YOUTH REHABILITATION SERVICES**

450 H Street NW, Washington, DC 20001

**MEMORANDUM**

**TO:** Mark Jordan  
Executive Director, Office of Independent Juvenile Justice Facilities Oversight (OIJJFO)

**FROM:** Hilary Cairns *Hilary Cairns*  
DYRS Director

**DATE:** February 4, 2022

**RE:** Response to the OIJFFO's Report Regarding staffing levels at DYRS's Secure Facilities

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**Background**

In response to the vacature of the Jerry M. litigation, the Office of Independent Juvenile Justice Facilities Oversight (OIJJFO) was established in 2021 to regularly monitor and publicly report on DYRS's management of the District of Columbia's two secure juvenile facilities – New Beginnings Youth Development Center (NBYDC) and the Youth Services Center (YSC).

This memorandum reflects the Department of Youth Rehabilitation Services' (Agency) response to the OIJFFO's report titled, "Report on Staffing Levels and Deployment at the Youth Services Center and New Beginnings Development Center" (Report).

**Agency Response**

The Agency would like to thank the OIJFFO for their thoughtful, thorough analysis in developing this report. Throughout the pandemic, the Agency's staffing was significantly impacted resulting in at least 440 separate instances of secure program staff facing prolonged absences due to either contracting or exposure to COVID-19, with the highly contagious Omicron variant recently exacerbating this situation. Thankfully, since January 15th, 2022, COVID-related absences have significantly decreased, resulting in our facilities being appropriately staffed.

Furthermore, the Agency staffing issues throughout the pandemic required management to balance keeping staff and youth safe while implementing appropriate programming with a reduced workforce. However, while we acknowledge the staffing difficulties during the Report's timeframe, we would like to recognize that our interventions have resulted in no youth residents becoming seriously ill due to contracting COVID-19, which is a testament to our Secure Programs and Medical Staff. Furthermore, we would like to note that, as of the writing of this memorandum, all programming is now in-person and no longer virtual.

Aside from contracting or being exposed to COVID-19, the following factors also contributed to our staffing shortage:

- **Hiring Freeze:** A District-Wide hiring freeze was imposed during Fiscal Year 2021 due to budgetary deficits occurring both locally and nationally;
- **Hiring Difficulties:** The Agency was also not immune to the hiring difficulties that faced secure facilities throughout the country, resulting in a less qualified candidate pool than we historically see due to the onsite requirements of the secure program positions;
- **Additional COVID-19 related Duties:** Since the pandemic's beginning, the Agency absorbed many of the Superior Court's duties, resulting in our staff creating an onsite virtual court to ensure minimal delays with the residents' legal proceedings. The creation of an onsite court resulted in the deployment of numerous staff to cover this post, impacting coverage throughout YSC.
- **Leave Utilization:** COVID-19's impact on our staff and their families also resulted in increased leave utilization. In addition to more usage of annual and sick leave, staff have stated that COVID-19's disruption to their personal lives, and the fatigue associated with an increased workload, resulted in increased use of other Workman's Compensation, Family Medical Leave Act, and Paid Family Leave.

To combat these staffing issues throughout the pandemic, the Agency did enact a number of measures, such as:

- **Improved Hiring Practices:** Extensive outreach for new staff, including nearly continuous job postings through DC, Department of Human Resources, and other job posting sites. The Agency also implemented a continual hiring practice, including panels of Youth Development Representatives to ensure we are selecting appropriate candidates.
- **Management Practices:** assigning appropriately trained managers to assume shifts and posts typically staffed by non-management staff.

In closing, adequately staffing the secure facilities during the pandemic was challenging. We appreciate our staff's ability to evolve with the continually changing guidance while ensuring our youth remained safe throughout this trying period. We believe these challenges are behind us based on recent staffing trends and improved hiring practices. And we would also like to thank the OIJFO for taking a thoughtful approach to their work, which will help improve the Agency.

# Attachment 2

**Youth Services Center**  
**Modified Post Analysis and Staffing Complement**<sup>1</sup>  
**January 6, 2014**

Post	AM Shift	PM Shift	Mid Shift	Total Posts	Total FTEs (1.76 Relief Factor)
<b>UNITS</b>					
	YDR	YDR	YDR		
Unit A-100	2	2	1	5	8.8
Unit B-100	2	2	1	5	8.8
Unit C-100	2	2	1	5	8.8
Unit D-100	2	2	1	5	8.8
Unit A-200	2	2	1	5	8.8
Unit B-200	2	2	1	5	8.8
Unit C-200	2	2	1	5	8.8
Unit D-200	2	2	1	5	8.8
Floater	2	2	2	6	10.56
<b>Total</b>	<b>18</b>	<b>18</b>	<b>10</b>	<b>46</b>	<b>80.96</b>
<b>OPERATIONS</b>					
Control	2*	2*	1	5	8.8
Front Lobby	1**	1**	0	2	3.52
At Risk <sup>2</sup>	6	0	0	6	10.56
Escort	1	1	0	2	3.52
Intake	1	3	2	6	10.56
Medical	1	1	1	3	5.28
School Post	1	0	0	1	1.76
Floater	1	1	1	3	5.28
Transportation <sup>3</sup>	6	6	0	12	21.12
<b>Total</b>	<b>20</b>	<b>15</b>	<b>5</b>	<b>40</b>	<b>70.4</b>
<b>Grand Total</b>	<b>38</b>	<b>33</b>	<b>15</b>	<b>86</b>	<b>151.36</b>
<b>MANAGERS</b>	AM Shift	PM Shift	Mid Shift	Total Posts	Total FTEs
Floor Manager	2	2	0	10 FTEs	10
Shift Manager	1	1	1	3	5.28
<b>Total</b>				<b>10 FTE + 3 Posts</b>	<b>10 FMs + 5.28 SYDR</b>

<sup>1</sup> Except as noted in this footnote, in all areas of the facility where youth are housed in a dormitory setting, Defendants shall maintain a 1:8 staff to youth ratio. The medical unit shall be staffed as required above. In the gym and Room 1600, Defendants shall maintain a 1:8 staff to youth ratio with a minimum of two YDRs in these locations. Supervisory authorization by the YSC Program Manager, Deputy Program Manager, or an SYDR shall be required for every youth who is selected to be housed in a dormitory setting (except for the medical unit) and selections shall be based on a youth's incident history and developmental level and shall be made in such a manner as to ensure continued safety and security.

<sup>2</sup> At-Risk Unit: 2 staggered shifts (6:30 a.m. - 3 p.m.; 9:30 a.m. - 6:00 p.m.)

<sup>3</sup> Transportation functions will be performed by a centralized team of staff responsible for serving both the YSC and New Beginnings. All transportation posts are reflected on this staffing plan.

\* One of the two control posts on the AM and the PM shift may be staffed with trained contract employees from the Department of Government Services ("DGS") provided the other required posts on the AM and PM shifts are staffed by a DYRS YDR. The DGS contractors shall be exempt from the requirements of Goal X.

\*\* The front lobby posts on the AM and PM shifts may be staffed exclusively by trained contract employees from DGS. The DGS contractors shall be exempt from the requirements of Goal X.

# Attachment 3



**New Beginnings  
Modified Interim Post Analysis and Staffing Complement,  
Revised January 6, 2014 <sup>1</sup>**

Post	AM Shift	PM Shift	Mid Shift	Total Posts	Total FTEs (1.85 Relief Factor)****
<b>TREATMENT*</b>					
	<b>YDR</b>	<b>YDR</b>	<b>YDR<sup>2</sup></b>		
Impact	2	2	1	5	9.25
Building Floater			1	1	1.85
Evolution	2	2	1	5	9.25
Reflections	2	2	1	5	9.25
Building Floater			1	1	1.85
New Horizons	2	2	1	5	9.25
Imani	2	2	1	5	9.25
Building Floater			1	1	1.85
Genesis	2	2	1	5	9.25
<b>Total</b>	12	12	9	33	61.05
<b>OPERATIONS</b>					
Control	2**	2**	2	6	11.1
Front Lobby	2**	2**	1**	5	9.25
Gate House	1**	1**	1**	3	5.55
Floater	3***	3***	2	8	14.8
School (On School Days)	1****			1	1.22
Intake	As Needed	As Needed	As Needed	As Needed	N/A
Medical	As Needed	As Needed	As Needed	As Needed	N/A
<b>Total</b>	9	8	6	23	41.92
<b>Grand Total</b>	<b>21</b>	<b>20</b>	<b>15</b>	<b>56</b>	<b>102.97</b>
<b>MANAGERS</b>	<b>AM Shift</b>	<b>PM Shift</b>	<b>Mid Shift</b>	<b>Total Posts</b>	<b>Total FTEs</b>
Assistant Youth Treatment Managers*****	6 [FTEs Working Split Shifts, 5 Days Per Week]		0	6 FTEs	6
SYDR	1	1	1	3	5.55
SYDR (Campus Manager)	1	1	1	3	5.55
<b>Total</b>				<b>6 Posts + 6 FTE</b>	<b>11.1 SYDR + 6 UMs</b>

<sup>1</sup> This Post Analysis assumes that New Beginnings will operate with six model housing units and that no more than two youth on awaiting placement status will be housed on any single housing unit, for a maximum of 12 youth on awaiting placement status housed at the facility. Consistent with this limitation, any time defendants house more than four youth on awaiting placement status on any model housing unit, the number of staff required to be deployed on that housing unit on each shift will increase by one YDR relative to the number reflected in this Post Analysis.

<sup>2</sup> In addition to the YDR assigned to each housing unit on the midnight shift, the defendants shall staff each residential building with a floater. The floater's duties shall be consistent with the duties enumerated in the post order submitted by the defendants on March 1, 2013. Only when both the floater and the YDR assigned to the housing unit are present, shall one youth at one time per building be allowed out of his room for a bathroom break.

\* A minimum of three YDRs must be assigned to any housing unit exceeding its single room capacity on the AM and PM shifts. A minimum of two YDRs must be assigned to any housing unit exceeding its single room capacity on the midnight shift.

\*\* One of the two control posts on the AM and the PM shift may be staffed with trained contract employees from the Department of Government Services ("DGS") provided the other required posts on the AM and PM shifts are staffed by a DYRS YDR. The front lobby and gatehouse posts on the AM, PM and midnight shifts may be staffed exclusively by trained contract employees from DGS. The DGS contractors shall be exempt from the requirements of Goal X.

\*\*\* If a minimum of three YDRs are assigned to every operating housing unit during this shift, a minimum of two floaters shall be required on the shift instead of three floaters.

\*\*\*\* The School post shall be filled on school days while school is in session. A relief factor of 1.22 is applied to this post.

\*\*\*\*\* These positions were formerly referred to as "Unit Manager" positions.