



OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR

717 14TH STREET N.W., SUITE 900

WASHINGTON, D.C. 20005

TEL. 202-727-3600 • FAX: 202-724-8814

015:99-LJB:DKN

**Auditor's Examination of the Practice
of Placing Pretrial Defendants in District Halfway Houses
and the Resulting Problem of Persistent Escapes**

August 3, 1999

Table of Contents

EXECUTIVE SUMMARY	-i-
PURPOSE	Page -1-
OBJECTIVES, SCOPE, AND METHODOLOGY	Page -1-
BACKGROUND	Page -2-
FINDINGS	Page -3-
Most Halfway Houses in Jurisdictions Included in the Auditor’s Sample Do Not Accept Pretrial Defendants	Page -3-
Current Use of District Halfway Houses Contradicts Their Historical Mission	Page -4-
Closure of Three Community Correctional Centers Adversely Impacted the Operations of Center No. 4	Page -5-
Community Correctional Center No. 4 Has the Highest Incidence of Escapes by Pretrial Defendants	Page -7-
Impact of the 100/120 Day Detention Period Prescribed by D.C. Code, Section 23-1322(h)	Page -8-
71 Percent of the Escapes in the Sample Population of Escapees Accused of Violent or Dangerous Crimes Were Curfew Violations and 29 Percent were Actual Escapes	Page -11-
Lack of Monitoring - The Honor System	Page -15-
Average Turn-Around Time for Obtaining Warrants for Escapes Has Been Inadequate, But is Improving	Page -16-
Lack of Effective and Consistent Sanctions for Escapes and Curfew Violations: 5-day Jail Time Appears to Be An Ineffective Sanction	Page -18-
Lack of a System in Place to Classify Pretrial Defendants Prior Placement in the District’s Halfway House Work Release Program	Page -20-
Security Breaches Due to Lack of Timely Repairs, Equipment Failures, and Staff Negligence	Page -21-
Community Correctional Center No. 4 is Inadequate and Overcrowded	Page -22-
Inadequate Staffing of Community Correctional Center No. 4	Page -25-
Office of Community Release Programs is Inadequately Staffed	Page -26-
Inadequately Trained and Inexperienced Staff in Community Corrections	Page -28-
Continued Use of Outdated Communications and Information Technology	Page -28-
CONCLUSION	Page -29-

EXECUTIVE SUMMARY

PURPOSE

The District of Columbia Auditor examined the problem of escapes from halfway houses pursuant to Public Law 93-198, Section 455, and a request from Councilmember Harold Brazil, Chairperson, Committee on the Judiciary, Council of the District of Columbia. The Auditor focused on abscondences by pretrial defendants, particularly pretrial defendants accused of violent or dangerous crimes.

CONCLUSION

Placing individuals charged with violent or dangerous crimes in District halfway houses under the Work Release Program has been contrary to the intended purpose of the program and the traditional use of District halfway houses. Halfway houses were originally designed to serve parolees and probationers, but over the past several years, the courts have used the District's Work Release Program to house pretrial defendants who are financially unable to post bail. Although D.C. law provides for the detention of pretrial defendants charged with violent or dangerous crimes, many of these individuals end up in District halfway houses because they are not brought to trial within the statutory 100/120 day time limit prescribed by D.C. Code, Section 23-1322(h). Pretrial defendants may not be brought to trial within the 100/120 day speedy trial time frame for a variety of reasons which are not controlled by the Department of Corrections (DOC). However, the DOC is held accountable for the many problems generated by pretrial defendants assigned to District halfway houses.

Currently, District halfway houses, particularly DOC-operated Community Correctional Center No. 4, are used to house increasing numbers of allegedly violent and dangerous pretrial defendants who have not been indicted or brought to trial within the 120-day detention period and, therefore, must be released from jail. The use of District halfway houses by judicial officers to provide custody and care for pretrial defendants accused of violent or dangerous crimes is inimical to the traditional mission and use of such facilities. The current population is very different from the population that the Center was designed and intended to serve when it initially opened. As a consequence of judicial officers placing pretrial defendants accused of committing violent and dangerous crimes in the District's halfway house population, the Department of Corrections faced challenges that it could not successfully handle given its staffing, management, and funding limitations. Center No. 4 has become a place of last resort- a dumping ground -or pretrial defendants accused of violent or dangerous crimes who: (1) can no longer be detained in jail as a result of the expiration of the 100/120 day detention period, (2) will not be accepted by the Department's contract halfway houses; and (3) pose too great a risk to release into the community.

District halfway houses, particularly Community Correctional Center No. 4, have struggled to meet the challenge of a burgeoning pretrial population. Although the Department of Corrections reports both "walk-aways" and "failures to return from an approved activity" as an escape or abscondence, most of the escapes have been failures to return from an approved activity.

The Auditor's examination of halfway house folders for 38 escapees or absconders charged with violent, dangerous, or sex-related crimes revealed the following:

- 28, or 74 percent, of the escapees/absconders were pretrial defendants;
- 11 escapes, or 29 percent, were walk-aways;
- 27 escapes, or 71 percent, were failure to return while out on a pass for an approved activity;
- 7 escapees, or 18 percent, were still on escape at the time of the Auditor's fieldwork;
- 3 defendants' cases were dismissed by the Court;
- 1 escapee, an accused rapist, died on the day of escape;
- 27 escapees, or 71 percent, were back in custody at the time of the Auditor's fieldwork;
- 1 escapee was returned to the halfway house after serving 5-days in jail; and
- 5 escapees, or 13 percent, committed new charges while on escape, one of which was a felony.

The Auditor has found that not having a system in place to classify pretrial defendants prior to halfway house placement has resulted in many defendants being placed in halfway houses that are not equipped to provide the required custody, care, and level of security. Further, without adequate and effective supervision and monitoring of halfway house residents, the halfway house system is easily undermined. When the Department of Corrections cannot account for the whereabouts of halfway house residents at all times, the safety of the community is unnecessarily compromised.

Community Correctional Center No. 4 had the largest number of escapes by pretrial defendants, in part, because of its function as the Community Release Program's reception and distribution facility and as the District's work release program. Also, the escapes appear to result from other factors such as: (1) inadequate programs and services made available to pretrial defendants; (2) inadequate and ineffective supervision and monitoring; (3) security breaches due to lack of timely repairs, equipment failures and staff negligence; (4) overcrowding and inadequate staffing; and (5) inadequately trained and inexperienced staff in community corrections.

Community Correctional Center No. 4 is overcrowded. Department of Corrections officials increased the resident capacity of Center No. 4 from the original 139 beds to 220 beds without expanding the original structure. This has been accomplished by adding bunk beds to accommodate the increasing number of pretrial defendants that judicial officers order to the Center. This has been the most flagrant violation of ACA standards and has created a stressful and unpleasant living and

working environment for residents and staff. The increase in Center No. 4's population adversely affected management's ability to maintain the physical integrity of the facility and effectively manage and control the individuals committed to its custody and care, which included violent and dangerous pretrial defendants that the Center was not designed or intended to serve.

The Department of Corrections' Warrant Squad has the responsibility of issuing arrest warrants and returning escapees to custody. The average turn-around time for obtaining warrants has been inadequate but is improving. For escapes that occur Sunday through Thursday, the average turn-around time is now one day. For escapes occurring during the weekend, the recent average turn-around time is approximately 3 days.

Once the escapee has been returned to custody, 5-days in jail appears to be a standard ineffective sanction even though an escape from a halfway house is a felony that can result in a much longer jail term if the government decides to prosecute the defendant for escaping.

Inadequate staffing and the lack of training in community corrections have also contributed to the failure of Center No. 4 to meet the needs of its diverse population. Insufficient staff in Community Release Programs and the Warrant Squad has also prevented these organizational units from performing their functions and responsibilities as effectively and efficiently as possible. If qualified community corrections personnel cannot be recruited and the District cannot invest in adequate training for existing personnel assigned to Center No. 4, the District should get out of the business of operating halfway houses given its poor performance and financial track record with regard to this function.

The narrow justification used to place violent or dangerous pretrial defendants in halfway houses that are not equipped or intended for such purpose unnecessarily exposes District residents, victims, witnesses and visitors to an unreasonable risk of harm from the potential criminal acts of such individuals and fails to address the rehabilitative needs of the pretrial defendant.

MAJOR FINDINGS

1. Most halfway houses in jurisdictions included in the Auditor's sample do not accept pretrial defendants.
2. The current use of District halfway houses contradicts their historical mission in the District of Columbia.
3. The closure of three Community Correctional Centers adversely impacted the operation of Center No. 4.
4. Community Correctional Center No. 4 has the highest incidence of escapes by pretrial defendants.

5. The 100/120 day detention period prescribed by D.C. Code, Section 23-1322(h) allows defendants accused of violent or dangerous crimes to be released to halfway houses.
6. 71 percent of escapes in a sample population of escapees accused of violent or dangerous crimes were curfew violations and 29 percent were actual escapes.
7. Community Correctional Center No. 4 does not consistently and periodically monitor halfway house residents' employment and attendance at approved activities.
8. The average turn-around time for obtaining warrants for escapes has been inadequate, but is improving.
9. There are no effective and consistent sanctions for escapes and curfew violations. The standard 5-day jail time for a halfway house escape/abscondence appears to be an ineffective sanction.
10. There is no system in place to classify pretrial defendants prior placement in the District's halfway house Work Release Program.
11. Some security breaches at Community Correctional Center No. 4 were due to a lack of timely repairs, equipment failures, and staff negligence.
12. Community Correctional Center No. 4 is overcrowded and fails to meet a number of American Correctional Association standards.
13. Community Correctional Center No. 4 is inadequately staffed.
14. The Office of Community Release Programs is inadequately staffed.
15. A significant number of staff at Community Correctional Center No. 4 are inadequately trained and inexperienced in community corrections.
16. The continued use of outdated communications and information technology in the Department of Corrections has impeded the timely flow of escape reporting and the timely coordination of apprehension efforts by DOC and other law enforcement officials.

MAJOR RECOMMENDATIONS

1. The Department of Corrections establish a separate Community Release Program reception and distribution facility to alleviate the disruption and operational stress placed on Center No. 4.

2. The Council of the District of Columbia reexamine the 100/120 day detention limitation prescribed by current District law with a view of extending the detention period to the maximum 180-day limit allowed by the United States Code.
3. The Mayor of the District of Columbia government transfer the responsibility for halfway house and pretrial defendants who are not brought to trial within the time limit prescribed by the speedy trial statute to the Federal government.
4. The Council consider establishing a law prohibiting the placement of pretrial defendants accused of violent or dangerous crimes in District halfway houses when the maximum period of detention under the speedy trial statute has expired.
5. The Department of Corrections establish uniform guidelines that all District halfway houses must follow with regard to monitoring residents' movements while in and outside of the facility during the day, evening, and night hours.
6. The Department of Corrections, with financial support identified by the Mayor of the District of Columbia, should obtain current electronic technology that will facilitate improved and timely monitoring of offender movements within and outside of District halfway houses for as long as the Department is responsible for this function.
7. Halfway house employees who fail to uniformly administer guidelines, rules, regulations and procedures established by the Department of Corrections for halfway houses must be held accountable to the fullest extent under the District's Comprehensive Merit Personnel Act, as amended, and the personnel regulations.
8. The Department's authorization of passes to pretrial defendants must be governed by stringent criteria such as criminal history, past compliance with curfews, history of escapes, court orders, and other relevant factors.
9. The Department of Corrections add a sufficient number of job monitors to Community Correctional Center No. 4's staff to ensure an adequate, manageable ratio of job monitors to offenders.
10. The Mayor assist the Department of Corrections in identifying resources to add sufficient staff to the Warrant Squad. Additional staff would enable it to obtain warrants during weekends and holidays thereby enabling it to return escapees and absconders to DOC's custody for the protection of the community.
11. Federal and local criminal justice officials should establish a computerized electronic communications link between the Court System, Department of Corrections, law enforcement agencies, the United States Attorney for the District of Columbia, and District halfway houses under which relevant, accurate, and complete information

regarding a halfway house resident is communicated, maintained, and updated daily, if necessary, to keep all entities informed of the status of halfway house residents.

12. Judicial officers should automatically revoke a defendant's placement in a halfway house for an escape violation and return the defendant to the central detention facility until trial.
13. The Department of Corrections, in consultation with the appropriate accountable officers, establish a range of penalties/sanctions that can be imposed for violations of halfway house rules.
14. The Department of Corrections should include more detailed information in revocation letters submitted to the Courts following an escape in order to assist judicial officers in determining whether a show cause hearing is necessary. Further, a representative from the Department of Corrections must be present to testify and provide supporting evidence during all show cause hearings for revocation of orders placing a defendant in a halfway house.
15. Pretrial defendants accused of violent or dangerous crimes should not be placed in District halfway houses.
16. The Department of Corrections should explore and implement the actions proposed in its February 10, 1999 Action Plan relative to establishing a classification system for pretrial defendants and classifying pretrial/court ordered inmates prior to center placement.
17. DOC and Center No. 4 should advise the Court, in writing, of its inability to accept certain pretrial defendants that it is not designed or equipped to effectively provide custody, care, and the appropriate level of security.
18. DOC should develop a memorandum of understanding with the Court regarding a process allowing District halfway houses to reject court-ordered placements that they are not equipped or capable of handling.
19. The Mayor of the District of Columbia consider including the operation of Center No. 4 on the list of activities available for privatization or managed competition.
20. The Council of the District of Columbia legislatively prescribe the placement of pretrial defendants in all District-operated halfway houses.
21. The Mayor of the District of Columbia ensure that adequate resources are made available to the Department of Corrections to timely address equipment failures and substantially improve the level of security at Center No. 4.

22. The Department of Corrections evaluate the present layout of Center No. 4 from a security perspective and rearrange the Center where necessary to improve security and preclude escapes or abscondences from the facility.
23. The Department of Corrections should terminate the shared space arrangement with Advisory Neighborhood Commission 5B immediately to make all of the facility's space available for use in meeting the needs of Center No. 4.
24. The Department of Corrections should reduce the resident capacity of Center No.4 to facilitate a more manageable and cost efficient operation, focusing on maximum utilization of space and improvements in the delivery of services.
25. The Department of Corrections should competitively contract out, either under principles of managed competition or privatization, all halfway house operations.
26. The Office of Property Management must expeditiously identify a site suitable to the requirements of Center No. 4 and expeditiously negotiate a long-term lease that is in the District's best interest.
27. The Department of Consumer and Regulatory Affairs immediately conduct an inspection of Community Correctional Center No. 4 to determine whether it complies with the District's building code. The results of this inspection must be provided in writing to the Director of the department of Corrections and the District of Columbia Auditor.
28. Staffing of the Office of Community Release Program should be increased by a minimum of 3 positions to enable it to more effectively and efficiently perform its mission.
29. The position of Correctional Institution Administrator for the Office of Community Release Programs should be filled with a permanent appointee as expeditiously as possible. However, in the interim, the individual filling this position on an acting basis must be compensated at the salary level provided for the position.
30. The Department of Corrections, in coordination with the District's Office of Personnel, expeditiously recruit qualified community corrections personnel to staff District-operated halfway houses.
31. The Mayor of the District of Columbia and the Director of the Department of Corrections should identify financial resources to invest in adequately training existing personnel to substantially improve their knowledge and skills in effectively performing the duties and responsibilities required by community-based correctional facilities and their residents.

-
32. State-of-the-art computer hardware, software, and communication technology should be expeditiously installed throughout the Department of Corrections to enhance and facilitate communications and reporting.
 33. A computer program specialist should be assigned to the Office of Community Release Programs to: (a) review the record keeping and reporting requirements, and (b) make recommendations for automating work and communication processes, where appropriate.

PURPOSE

The District of Columbia Auditor examined the problem of escapes from halfway houses pursuant to Public Law 93-198, Section 455, and a request from Councilmember Harold Brazil, Chairperson, Committee on the Judiciary, Council of the District of Columbia. The Auditor focused on abscondences by pretrial defendants, particularly pretrial defendants accused of violent or dangerous crimes.

OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives of the examination were to:

1. identify factors which contributed to the problem of escapes from District halfway houses;
2. determine whether corrective actions were developed and implemented to address the problem of escapes from halfway houses; and
3. determine whether other jurisdictions have the same problem of escapes from halfway houses and how they address the problem.

The examination covered the period October 1, 1994 through March 31, 1999. In conducting the examination, the Auditor researched various sources of information on halfway houses and pretrial release programs. The Auditor also discussed this and related matters with individuals from various organizations experienced and knowledgeable in the area of community corrections, criminal justice, and the judicial process.

The Auditor reviewed D.C. Code, Sections 22-2601 through 2603 entitled, "Prison Breach," which makes escapes from halfway houses a felony; D.C. Code, Sections 23-1301 through 1333 entitled, "Bail and Pretrial Detention," which establishes a maximum 120-day limit on detaining pretrial defendants in jail; Department of Corrections departmental orders governing the operation of halfway houses; and other applicable laws, regulations, rules, standards, and guidelines governing the operation of halfway houses in the District of Columbia. The Auditor also reviewed reports which were released over the past three calendar years concerning the operation and management of the Department of Corrections.

The Auditor interviewed designated representatives from each organization involved in the placement of pretrial defendants in District halfway houses to document their perspectives and roles in the process. (Appendix I presents the agencies and their roles throughout the pretrial phase of the criminal justice process.) The Auditor also gathered and reviewed escape statistics and analyzed a sample of cases in order to document the progress of each case through all phases of the process: from arrest, to Court ordered placement in a halfway house, escape from the halfway house, and voluntary return to the halfway house or capture by law enforcement. The Auditor also visited all halfway houses that are under contract with the District's Department of Corrections or operated

directly by the Department of Corrections (DOC). During the visits, the Auditor interviewed halfway house managers and staff, toured each facility, reviewed halfway house training policies and procedures, and discussed the escape problem, preventive measures, and consequences. While each halfway house consists of a mixed population,¹ the focus of this audit was the pretrial defendant, which represents the largest population with the greatest number of escapes from District halfway houses.

BACKGROUND

Beginning January 24, 1999, the Washington Post printed a series of articles regarding the problem of escapes from halfway houses in the District of Columbia. These articles conveyed the perception that violent and dangerous individuals were escaping halfway houses in large numbers as a result of mismanagement and ineptitude within the Department of Corrections and halfway houses. On March 10, 1999, the Council's Committee on the Judiciary held oversight hearings on the operation of halfway houses and the escape problem. Testimony provided at the hearing made it clear that the halfway house problem was complex and would take a concerted effort on the part of several agencies to recommend and implement viable short-term and long-term solutions to the problem. Areas of discussion and suggested improvements offered by witnesses included, but were not limited to, the following:

- amending the 100/120-day detention period and establishing standards for preventive detention initially and after violating conditions of release;
- making it clear to halfway house residents, in advance, the consequences of violating halfway house rules;
- improving both the amount of information that is provided about escapes and the timeliness with which that information is disseminated;
- giving judges the widest possible discretion to set pretrial release conditions, including the full use of surety bonds, where appropriate; and
- providing additional case management assistance to halfway house residents, including electronic monitoring for higher risk defendants transitioning from the halfway house to intensive supervision in the community.

While the Auditor agrees that the above areas of discussion should be examined for improvements, this examination focuses primarily on short-term solutions to the problem of escapes by pretrial defendants, including additional resources, programmatic enhancements, and necessary management improvements within the DOC and halfway houses.

¹Pretrial detainees, parolees, sentenced felons and misdemeanants.

FINDINGS

Most Halfway Houses in Jurisdictions Included in the Auditor's Sample Do Not Accept Pretrial Defendants

The Office of the District of Columbia Auditor contacted pretrial services, law enforcement, and corrections officials in various state, county, and local correctional agencies to gather information regarding halfway houses in their jurisdictions.² The Auditor also contacted halfway house associations,³ managers of individual halfway houses, and managers of community corrections centers to gather program information such as placement types, rejection criteria, bed space, curfew violation, and escape statistics that could be used for comparative purposes.

The Auditor contacted pretrial services officials in the State of Kentucky; Sarasota, Florida; Atlanta, Georgia; and Philadelphia, Pennsylvania. In the State of Kentucky there are very few halfway houses. Further, Kentucky does not release pretrial defendants to halfway houses. In Sarasota, Florida, on rare occasions, pretrial defendants are released to mental health facilities or group services, but not to halfway houses. In Atlanta, Georgia, pretrial defendants are not released to halfway houses. Pretrial defendants are not placed in halfway houses in Philadelphia, Pennsylvania. Instead, electronic monitoring and supervised programs are used as pretrial release options.

In the State of Florida, the eligible population of state-run halfway houses are inmates who are within 6-9 months of being released; pretrial defendants are not considered for release to state-run halfway houses.

In the State of Georgia, its Department of Corrections operates Transitional Centers that are used to house inmates assigned to its residential work release program. Separate facilities, called Diversion Centers, are also operated by the State of Georgia for probationers. The State of Georgia does not house pretrial defendants in its Transitional or Diversion Centers. Further, pretrial defendants are not released to halfway houses in the State of Georgia.

The State of California operates Community Corrections Reentry Centers which accept inmates who are within the last 120 days of their prison term. An important criteria considered in placing an inmate in a Community Corrections Reentry Center is pre-release readiness. Pretrial defendants are not eligible for release to California Reentry Centers.

² California, Florida, Georgia, Kentucky, Maryland, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin

³ International Community Corrections Association (ICCA), Madison WI and the Ohio Community Corrections Association (OCCA), Youngstown, OH. The ICCA has 250 member agencies that operate over 1,500 residential and alternative programs. The OCCA, which is an association of halfway houses and community based correctional facilities, has a membership of 31.

The State of Wisconsin operates 17 correctional centers, but none of the centers accept pretrial defendants.

The Ohio Community Corrections Association reported that the 31 facilities in its membership generally do not accept pretrial clients. The association was aware of only 2 such clients in four years. These clients were received from the Federal Bureau of Prisons. The association also reported that some local judges have placed pretrial defendants in some of the community-based correctional facilities, but it is not a common practice.

The Auditor found that some halfway houses in Baltimore, Maryland and St. Paul, Minnesota accept a small number of pretrial defendants. The manager of one halfway house in Baltimore reported that its population of 88 included 9 pretrial defendants who were not allowed passes and were not in the work release program. Escapes from this facility were not a problem. Two halfway houses in St. Paul, Minnesota accept state and federal pretrial clients. Both are small facilities, 32-35 beds, and the pretrial clients represent a small percentage of the centers' population. These centers reported that they have had no problems with pretrial clients, who are evaluated for acceptance on a case-by-case basis. The centers' rejection criteria included: (1) history of assault on staff in previous places; (2) recent arson conviction or charge; (3) general threat to the community; (4) sexual offenses; (5) history of offenses; and (6) property damage offenses (certain dollar threshold).

Current Use of District Halfway Houses Contradicts Their Historical Mission

The current mission of the District's community correctional program, which includes District halfway houses, states:

The mission of community corrections is to manage a structured community correctional program that houses, prepares, and empowers pre-trial and sentenced offenders for re-integration into society by providing: job preparation/placement, counseling; security management; and community resource referrals."

During the period under examination, the Department of Corrections (DOC) operated a total of six community correctional centers (halfway houses). One of the centers— Community Correctional Center No. 4 —is operated by DOC and an additional five (5) community correctional centers are operated by contractors under contracts administered by DOC. The five contractor-operated facilities are: (1) Efforts from Ex-Convicts (EFEC); (2) Extended House, Inc.; (3) Fairview (Washington Halfway House, Inc. (Female)); (4) Trudie Wallace (Washington Halfway House, Inc. (Female)); and (5) Hope Village, Inc. (See Appendix II for a list of District halfway houses.)

Traditionally, halfway houses in the United States have been used as a "bridge" between institutionalization in prisons and release into the community for individuals who have been convicted of a crime and have served most, if not all, of their sentences. Halfway houses were intended to facilitate the transition of inmates and probationers from prison back into the community,

the family, and the world of work. "As the term is generally used, a halfway house is a community-based residential facility for offenders who are either about to be released from an institution, or who, immediately after release, are in the initial stages of return to society⁴." [Auditor's Emphasis].

Over the past five years, the use of halfway houses in the District has changed substantially from their traditional mission as noted by DOC's mission statement for community correctional programs. Currently, District halfway houses, particularly Community Correctional Center No. 4, are used to house increasing numbers of allegedly violent and dangerous pretrial defendants who have not been indicted or brought to trial within the 120-day detention period and, therefore, must be released from jail. A pretrial defendant accused of a violent or dangerous crime, who has not been indicted or brought to trial, is most often released to a District halfway house to await indictment and/or trial. The use of District halfway houses by Federal and local judicial officers to provide custody and care for pretrial defendants accused of violent or dangerous crimes contradicts the traditional mission and use of such facilities.

Until the early 1990s, District halfway houses did not house a significant number of pretrial defendants. Instead, only convicted inmates about to be released from prison and probationers were placed in District halfway houses in order to receive appropriate services that facilitated their transition from prison back into the community.

Closure of Three Community Correctional Centers Adversely Impacted the Operations of Center No. 4

Prior to fiscal year 1995, the Department of Corrections operated four (4) community correctional centers in addition to six contractor-operated centers. However, between fiscal years 1995 and 1997, three of the four community correctional centers operated by DOC were closed in response to budget reductions and downsizing. Community Correctional Center No. 3 was closed on April 7, 1995, Community Correctional Center No. 1 was closed on July 22, 1997, and Community Correctional Center No. 2 was closed on August 29, 1997. Many of the residents assigned to these centers were transferred to Community Correctional Center No. 4.

During fiscal years 1995 through 1999 as of March 31, 1999, Community Correctional Center No. 4 assumed responsibility for an increasingly diverse and troubled population (pretrial defendants and sentenced misdemeanants). As a consequence of judicial officers placing pretrial defendants accused of committing violent and dangerous crimes in the District's halfway house population, DOC faced challenges that it could not successfully handle given its staffing, funding and management limitations. Center No. 4's current population is very different from the population that the Center was designed and intended to serve when it initially opened.⁵ Many of the

⁴Halfway House or Probation: A Comparison of Alternative Dispositions by Edward J. Latessa, Ph.D. and Lawrence F. Travis, III, Ph.D., Department of Criminal Justice, University of Cincinnati

⁵ Center No. 4 was originally designed as a pre-release facility for sentenced felons coming out of Lorton

individuals assigned to Center No. 4: (1) lack substantive work histories and have few marketable skills; (2) are substance abusers; and (3) lack constructive family and community ties. As a result of inadequate resources to deliver appropriate and timely services, Community Correctional Center No. 4 cannot keep pace with the changing needs and immediate services required by the diverse population that it now serves.

With the closing of Centers No. 1, 2, and 3, the responsibilities of Center No. 4 increased substantially. It also appeared that an increase in Center No. 4's population adversely affected management's ability to maintain the physical integrity of the facility and effectively manage and control the individuals committed to its custody and care, which included violent and dangerous pretrial defendants that the Center was not designed or intended to serve.

Table 1 below shows escapes and abscondences from each of the District's halfway houses during calendar years 1995 through 1998. One of the most revealing statistics from Table 1 is the dramatic increase in escapes from Center No. 4. One obvious reason for the increased escapes was the increase in Center No. 4's population as a result of the closing of Center No.1, which had the highest population of all halfway houses at the time it closed. Another reason was the increased number of pretrial defendants placed by Federal and local judicial officers in District halfway houses.

Table 1
Escapes/Abscondences By Facility
for Calendar Years 1995 through 1998

Facility	Capacity	Number of Escapes/Abscondences			
		1995	1996	1997	1998
CCC #1 (Closure date: 7/22/97)	245	818	956	129	0
CCC #2 (Closure date: 8/29/97)	42	8	6	9	0
CCC #3 (Closure date: 4/07/95)	90	52	0	0	0
CCC #4	220	252	147	727	738
EFEC (Efforts From Ex-Convicts)	25	30	35	90	99
Extended House	50	127	72	54	99
Hope Village	194	252	150	431	414
Shaw/Community Care Center (Closure date: 9/25/98)	35	11	17	21	57
WHHI (Washington Halfway House, Inc.)	22	28	11	83	82
Total		1528	1394	1544	1489

Source: Office of the D C Auditor based on information provided by D C Department of Corrections (Office of Community Release Programs)

Community Correctional Center No. 4 Has the Highest Incidence of Escapes by Pretrial Defendants

Community Correctional Center No. 4 had the highest incidence of escapes by pretrial defendants. The high incidence of escapes from Community Correctional Center No. 4 may be attributed, in part, to its function as the Community Release Program's reception and distribution facility and as the District's work release program. The escapes appear also to result from other factors such as: (1) idleness resulting from inadequate programs and services made available to pretrial defendants; (2) inadequate and ineffective supervision and monitoring; (3) security breaches due to lack of timely facility repairs, equipment failures and staff negligence; (4) overcrowding and inadequate staffing; and (5) inadequately trained and inexperienced staff assigned community corrections.

The current capacity of Community Correctional Center No. 4 is 220 beds. Appendix III shows the daily flow of residents through Center No. 4 during the period October 20, 1998 through January 20, 1999. Appendix III also shows the transient nature of Community Correctional Center No. 4's population, the volume of individuals that flow through the Center on a daily basis, and the frequency of escapes. The Auditor's examination of data for the 93-day period yielded the following statistics which were derived from Appendix III.

Average Daily Population.....	197
Average Daily Vacancy.....	24
Range of Daily Admissions.....	0 to 22
Total Removals for Administrative Reasons.....	152 ⁶
Total Escapes.....	204
Range of Daily Escapes.....	0 to 12
Number of Days Without Escapes.....	17
ISP Releases to the Community Phase.....	80 ⁷
Inter-Center Transfers.....	159 ⁸

⁶ Administrative Removals includes residents who were remanded to jail for violating the Center's rules. Seventy-four (74) of the names listed in this category were escapees.

⁷ ISP stands for the Intensive Supervision Program which is administered by the District's Pretrial Services Agency (PSA). The goal of the Intensive Supervision Program is to provide a carefully monitored program to facilitate the release of detained pretrial defendants consistent with public safety. While in the "halfway house" phase of the program, the participant is required to (1) maintain residence in a DOC halfway house for approximately 21 days, (2) submit to drug testing with PSA twice a week, (3) report to PSA in person twice a week, and (4) report to PSA for drug and alcohol education sessions twice a week. While in the "community phase" of the program, the participant is required to (1) maintain residence at a verified home address with a confirmed operating telephone number; (2) maintain a curfew from 8:00 p.m. to 6:00 a.m. every night, (3) submit to drug testing with PSA twice a week, (4) report to PSA in person and by telephone twice a week, and (5) report to PSA for group sessions once a week. PSA has a schedule of sanctions for program violations committed during either phase of the program.

⁸ Inter-center transfers are transfers-out to contract halfway houses.

Table 2 below, indicates that there may be a correlation between sudden increases in Center No. 4's population and the number of escapes for the same period. The information presented in Table 2 was also derived from data presented in Appendix III.

Table 2
Community Correctional Center No. 4
Correlation Between Population Increases
and the Number of Escapes

<u>Period</u>	<u>New Admissions</u>	<u>Number Escapes</u>
October 20-24, 1998	54	12
October 27-30, 1998	45	16
November 3-7, 1998	72	12

In summary, Community Correctional Center No. 4 is used by the Department of Corrections and the judicial system to carry out far more functions than intended. Center No. 4 cannot successfully manage its present array of functions, given its financial, staffing, and management limitations and operational deficiencies.

RECOMMENDATION

The Department of Corrections establish a separate Community Release Program Reception and operational stress placed on Center No. 4.

Impact of the 100/120 Day Detention Period Prescribed by D.C. Code, Section 23-1322

District of Columbia Code, Section 23-1322(h) states, in relevant part, the following:

- (h) The case of the person detained pursuant to subsection (b) of this section shall be placed on an expedited calendar and, consistent with the sound administration of justice, the person shall be indicted before the expiration of 90 days, and shall have trial of the case commence before the expiration of 100 days. However, the person may be detained for an additional period not to exceed 20 days from the date of the expiration of the 100-day period on the basis of a petition submitted by the attorney for the government and approved by the judicial officer. The additional period of detention may be granted only on the basis of good cause shown and shall be granted only for the additional time required to prepare for the expedited trial of the person. For the purposes of determining the maximum period of detention under this section, the period shall not exceed 120 days. [Auditor's Emphasis]

A significant number of defendants who are detained for the alleged commission of a violent or dangerous crime must be released from jail if the United States Attorney for the District of Columbia cannot bring the defendant's case to trial within the 100/120-day period set forth in D.C.

Code, Section 23-1322(h) (also referred to as the "speedy trial rule"). The speedy trial rule applies only to defendants who are detained (jailed) prior to trial. Pretrial defendants may not be brought to trial within the 100/120 day speedy trial time frame for a variety of reasons that are not controlled by the Department of Corrections. However, the DOC is held accountable for the many problems generated by the improper assignment of pretrial defendants to District halfway houses. According to testimony provided by the United States Attorney for the District of Columbia: "The reasons that a case may not go to trial within the requisite time period include conflicting trial schedules, heavy caseloads, the unavailability of essential witnesses, the unavailability of key evidence, the necessity in more complex cases to conduct a more extensive investigation, or personal emergencies." As noted previously, none of these reasons are controlled by the Department of Corrections.

When defendants accused of violent or dangerous crimes are not brought to trial within the 100/120 day period required by District law, judicial officers generally order placement of such defendants in a District halfway house despite the nature of the crime that a defendant is alleged to have committed. Under these circumstances, there is no assurance that high-risk offenders released to District halfway houses by judicial officers, upon the request of government prosecutors, will not threaten the public's safety. When released to a halfway house, the defendant must abide by conditions established by the judicial officer ordering the placement and the rules of the halfway house. Further, there is no limit on the length of time a pretrial defendant may be assigned to a halfway house in the District of Columbia.

Community Correctional Center No. 4 initially receives all pretrial defendants, including defendants accused of violent or dangerous crimes, unless the Court assigns the defendant to a specific contract facility or stipulates that the offender should not be placed in Center No. 4. Hope Village is the only contract facility that will not accept individuals accused of sex-related crimes or arson.⁹ While the other facilities have no official rejection criteria, they have refused, on a case-by-case basis, some of Center No. 4's referrals. Therefore, Center No. 4 has become a place of last resort - a dumping ground - for pretrial defendants accused of violent or dangerous crimes who: (1) can no longer be jailed as a result of the expiration of the 100/120 day detention period, (2) will not be accepted by the Department's contract halfway houses; and (3) pose too great of a risk for judicial officers to release them into the community. (However, the placement of this particular population in District halfway houses that are not designed or equipped to provide the necessary level of monitoring and security demanded by some pretrial defendants, may be equivalent to releasing them into the community.)

The population of Center No. 4 may, at any time, include pretrial defendants who may be a threat to the community, victims, and witnesses. A significant number of pretrial defendants housed in Center No. 4 have been charged with violent or dangerous crimes (such as homicide, certain sex offenses, aggravated assault, car-jacking, assault with intent to kill, and armed robbery), and may fail to appear for Court hearings. As noted previously, violent and dangerous pretrial defendants

⁹ EFEC, one of the contract facilities, will reject sex offenders that are not registered with the courts

such as these are housed in Center No. 4 because the government could not obtain an indictment or bring the case to trial within the 100 to 120 day time limit required by D.C. Code, Section 23-1322(h). "There are no exclusions for pretrial defendants being transferred to Community Corrections based on criminal history or charges as long as there is a court order, or the defendant is being "released" pursuant to a standing court order ensuing from one of the lawsuits...The contract facilities do not take certain categories of residents, however, such as those charged with arson, child molestation, sexual assault, or who have a history of violent behavior."¹⁰ These individuals are generally sent to Center No. 4. "There is 'tremendous pressure' to find housing for defendants who, because they meet court-ordered conditions are required to be removed from the Central Detention Facility (CDF). As a result, the facility administrator reports that inmates are moved from the jail at any time of day or night, as soon [as] a space becomes available."¹¹ To exacerbate matters, deficiencies in Center No. 4 provide individuals who pose a danger to the community, or are a risk of flight from prosecution, with convenient opportunities to leave or fail to return to Center No. 4 often without serious repercussion.

RECOMMENDATIONS

1. The Council of the District of Columbia reexamine the 100/120 day detention limitation prescribed by current District law with a view of extending the detention period to the maximum 180-day limit allowed by the United States Code.
2. The Mayor of the District of Columbia Government transfer the responsibility for halfway houses and pretrial defendants who are not brought to trial within the time limit prescribed by the speedy trial statute to the Federal government.
3. The Council consider establishing a law prohibiting the placement of pretrial defendants accused of violent or dangerous crimes in District halfway houses when the maximum period of detention under the speedy trial statute has expired.

¹⁰ District of Columbia Department of Corrections Management Reform Act, Phase I- Assessment Report, "Assessment of the District of Columbia Department of Corrections," Part I, October 8, 1997, Page 36

¹¹ Ibid, Page 37

71 Percent of the Escapes in the Sample Population of Escapees Accused of Violent or Dangerous Crimes Were Curfew Violations and 29 Percent were Actual Escapes

The Auditor reviewed halfway house folders for 65 escapees reported on the Department of Corrections' listing of escapes/abscondences¹² from all centers for the period October 21, 1998 through January 19, 1999. Particular attention was given to the following documentation:

- ▶ work release orders - to ascertain conditions of release;
- ▶ sign-out sheets - to discern a pattern of compliance or non-compliance with curfews;
- ▶ center rules and regulations signed by residents - to determine if residents were informed of the facility's rules and regulations; and
- ▶ escape reports - to determine whether an escape was a failure to return from an approved activity or was a walk-away.

Escape reports were also reviewed to determine the reason for approved absences from the halfway house and the amount of elapsed time between the missed curfew or discovery of the absence and the filing of an escape report. Included in the sample population were 38 escapees/absconders charged with violent or sex-related crimes of which twenty-eight (28) were pretrial defendants, nine (9) were sentenced felons¹³, and one (1) was a court-ordered felon¹⁴.

Table 3 presents the results of the Auditor's examination. Information contained in Table 3 includes: the escapee's placement status and halfway house assigned;¹⁵ the charge(s); the escape date; whether the escape was a walk-away or a failure to return from an approved activity; the escape/custody status; the date first placed in custody following the escape; and the number of days out on escape.¹⁶ Table 3 indicates that in 27, or 71 percent, of the 38 cases, the resident failed to return to the facility while out on a pass for an approved activity. Table 3 also indicates that twenty-eight (28), or 74 percent, of the escapees/absconders were pretrial defendants. Twenty-one (21), or 75 percent, of the 28 pretrial defendants failed to return to Center No. 4 at the designated time while out on a pass for an approved activity.

¹² The Department of Corrections makes a distinction between an escape and an abscondence for reporting purposes only. If the escape is committed by a pretrial defendant, it is classified as an "abscondence." An escape by a convicted felon or misdemeanor is classified as an "escape." According to the U.S. Attorney's Office, the two escape situations that are not ordinarily prosecuted as escapes are (a) when a defendant returns to the halfway house within hours of the assigned curfew, and (b) when a defendant does not go where he is supposed to go when he leaves the halfway house but does return.

¹³ Sentenced Felon is defined by the Department of Corrections as an inmate who, under the Transitional Intervention Parole to Supervision Program (TIPS), has been transferred to the Work Release Program prior to the parole release date. Sentenced Felons are referred to contract facilities only.

¹⁴ Court Ordered Felon is defined as an individual who has received a sentence of less than one year and the Court has decided that all or part of the sentence will be served in the Work Release Program. Court ordered felons are initially assigned to Center No. 4 unless the order states otherwise.

¹⁵ Center Codes: C4=Center No. 4, HV=Hope Village, EH=Extended House, and EFEC=Efforts From Ex-Convicts.

¹⁶ This table reflects the escape/custody status of the sample population as of April 15, 1999.

Table 3
Sample of Escapees Accused of
Dangerous and/or Violent Crimes

	Placement Status (Center)	Charges	Escape Date	Walk Away or Failure to Return	Status Escape/ Custody	Date in Custody	# Days on Escape
#1	Pretrial Defendant(C4)	Armed Robbery	11-04-98	Failure to Return	D C Jail	12-07-98	33
#2	Sent Felon (HV)	Carrying Pistol Without a License/ Murder II	01-16-99	Walk Away	Occoquan	02-03-99	18
#3	Pretrial Defendant (C4)	Robbery	11-23-98	Failure to Return	D C Jail	11-30-98	7
#4	Pretrial Defendant (EH)	Carrying a Pistol Without a License	12-09-98	Failure to Return	Escape		over 120
#5	Pretrial Defendant(HV)	Armed With a Dangerous Weapon	12-12-98	Walk Away	DC Jail 12-21-98, dismissed 1-8-99	12-21-98	9
#6	Pretrial Defendant (C4)	Murder II	01-07-99	Failure to Return	P G County	01-12-99	5
#7	Pretrial Defendant(C4)	Theft II/Bail Reform Act violation	12-02-98	Failure to Return	Escape		over 120
#8	Pretrial Defendant(C4)	Armed With a Dangerous Weapon	10-29-98	Walk Away	D.C Jail	11-18-98	20
#9	Sent Felon (HV)	Armed With Intent to Commit Robbery	10-27-98	Failure to Return	Occoquan	11-21-98	25
#10	Pretrial Defendant (C4)	Carrying a Pistol Without a License	12-27-98	Walk Away	Escape		over 100
#11	Pretrial Defendant (C4)	Robbery	12-30-98	Failure to Return	Escape		over 100
#12	Pretrial Defendant (C4)	Murder I	12-08-98	Failure to Return	D C Jail	12-11-98	3
#13	Pretrial Defendant (C4)	Armed With a Dangerous Weapon-Gun	11-17-98	Walk Away	Escape		over 120
#14	Pretrial Defendant (C4)	Armed Robbery	10-21-98	Failure to Return	Dismissed 12-15-98		55
#15	Sent Felon (HV)	Armed Robbery	11-10-98	Failure to Return	Lorton-Maximum	11-11-98	1
#16	Sent. Felon (HV)	DC Parole Violation	11-04-98	Walk Away	D C Jail	3-24-99	over 120
#17	Pretrial Defendant (EH)	Assault With Intent to Kill While Armed	10-29-98	Failure to Return	D.C. Jail	11-21-98	23
#18	Court Ord (C4)	Carrying a Pistol Without a License	11-04-98	Failure to Return	DC Jail 11-05-98, Released 11-18-98	11-05-98	1
#19	Pretrial Defendant (C4)	Robbery	12-01-98	Failure to Return	Escape		over 100

	Placement Status (Center)	Charges	Escape Date	Walk Away or Failure to Return	Status Escape/ Custody	Date in Custody	# Days on Escape
#23	Sent. Felon (EFEC)	DC Parole Violation-Armed Robbery	10-24-98	Walk Away	Lorton	12-22-98	59
#21	Sent. Felon (EFEC)	Carrying a Pistol Without a License	12-31-98	Failure to Return	Lorton	01-04-99	4
#22	Pretrial Defendant (C4)	Murder II	11-09-98	Failure to Return	D.C Jail	01-27-99	79
#23	Pretrial Defendant (HV)	Assault With Intent to Murder	12-10-98	Walk Away	D C. Jail	01-20-99	41
#24	Pretrial Defendant (EH)	Rape	12-27-98	Failure to Return	Deceased 12-27-98	n/a	n/a
#25	Sent Felon (EFEC)	Murder While Armed	11-24-98	Failure to Return	Lorton	11-24-98	less than 1 day
#26	Pretrial Defendant (C4)	Poss Cocaine/ Attempted Possession with Intent to Distribute	12-22-98	Failure to Return	Correc Treatment Facility	01-06-99	15
#27	Pretrial Defendant (EFEC)	Carrying a Pistol Without a License	11-02-98	Failure to Return	D C Jail	11-05-98	3
#28	Pretrial Defendant (C4)	Assault with Intent to Kill	12-30-98	Walk Away	D C. Jail	02-05-99	37
#29	Sent. Felon (HV)	Parole Violation Assault With a Dangerous Weapon	11-05-98	Failure to Return	Correc Treatment Facility	11-06-98	1
#30	Pretrial Defendant (C4)	Assault W/Intent to Rob	01-15-99	Failure to Return	D.C Jail	01-18-99	3
#31	Pretrial Defendant (C4)	Bail Reform Act Violation/ Kidnaping	11-12-98	Failure to Return	D C. Jail	12-04-98	22
#32	Sent Felon (HV)	DC Parole Violation - Armed Robbery	11-13-98	Walk Away	D C. Jail	3-29-99	over 120
#33	Pretrial Defendant (C4)	Carrying a Pistol Without a License	01-12-99	Failure to Return	D.C. Jail	01-25-99	13
#34	Pretrial Defendant (C4)	1 st Degree Child Sex Assault	11-24-98	Failure to Return	Occoquan	11-25-98	1
#35	Pretrial Defendant (C4)	Armed Robbery	10-28-98	Walk Away	Released on all charges 10-29-98		1
#36	Pretrial Defendant (EH)	Assault W/Intent to Rob	12-04-98	Failure to Return	D C. Jail after escape, now in Extended House	12-05-98	1
#37	Pretrial Defendant (C4)	Poss. Unregistered Gun	01-08-99	Failure to Return	D C Jail	01-09-99	1
#38	Pretrial Defendant (C4)	Intransit Poss. Gun	01-07-99	Failure to Return	Escape	01-08-99	1

Source: Office of the D.C. Auditor based on information provided by D.C. Department of Corrections (Office of Community Release Programs, Office of Records, and Warrant Squad Unit)

The Auditor's examination, as presented in Table 3, revealed the following:

- 28, or 74 percent, of the escapees/absconders were pretrial defendants;
- 11 escapes, or 29 percent, were walk-aways;
- 27 escapes, or 71 percent, were failure to return while out on pass for an approved activity;
- 7 escapees, or 18 percent, were still on escape at the time of the Auditor's fieldwork;
- 3 defendants' cases were dismissed by the Court;
- 1 escapee, an accused rapist, died on the day of escape;
- 27 escapees, or 71 percent, were back in custody at the time of the Auditor's fieldwork;
- 1 escapee was returned to the halfway house after serving 5-days in jail; and
- 5 escapees, or 13 percent, committed new charges while on escape, one of which was a felony.

It appeared that all District halfway houses followed the same escape procedures including the paperwork and notification requirements. However, some centers varied in how soon an escape was reported. In most cases, escapes or abscondences were reported within 2 hours, thereby allowing reasonable and timely attempts to locate curfew violators.¹⁷ However, the Auditor observed a few cases in which too much time elapsed before reporting escapes and abscondences. For example, the audit team reviewed the record of a resident of Center No. 4, charged with second degree murder, who signed out on January 6, 1999 at 10:35 p.m. to seek medical treatment at D.C. General Hospital without being escorted to that location by a center staff person. At 4:00 a.m., the resident had not returned to Center No. 4. The Center's staff did not attempt to verify the resident's whereabouts until 9:40 a.m. the next morning- almost eleven hours later. At 9:40 a.m. the next morning, the Center learned that the resident never showed up at D.C. General Hospital for treatment. The Center placed the resident on escape status at 10:25 a.m. on January 7, 1999, approximately 12 hours after his approved departure from the Center.

American Correctional Association Standards for Adult Community Residential Services state the following with regard to offender movement:

Offender Movement: The monitoring of offender movement, particularly during the evening and night hours serves as a protection for offenders, staff, and the public. Therefore, periodic scrutiny of movement into and out of the facility is necessary .

The lapse in monitoring noted above, among other examples, suggested that monitoring of offender movement in Center No. 4 is lax. The Auditor found deficiencies in the level, quality, and timeliness of monitoring provided by the Center's staff with regard to offender movement into and out of District halfway houses during day, evening, and night hours. Further, tools such as electronic monitoring through a variety of current technology are not used by the Department of Corrections

¹⁷ Curfew violators are defined as halfway house residents who are absent from the center on an approved pass, but fail to return to a center at a designated time

for high-risk offenders placed in Center No. 4. Significant improvements must occur in monitoring the location and activity of halfway house residents when they are away from the District halfway houses. The Auditor found that failure to return while out on a pass for an approved activity was the most common means of escapes/abscondences from halfway houses, especially among pretrial defendants.

RECOMMENDATIONS

1. The Department of Corrections establish uniform guidelines that all District halfway houses must follow with regard to monitoring residents' movements while in and outside of the facility during the day, evening, and night hours.
2. The Department of Corrections, with financial support identified by the Mayor of the District of Columbia, should obtain current electronic technology that will facilitate improved and timely monitoring of offender movements within and outside of District halfway houses for as long as the Department is responsible for this function.
3. Halfway house employees who fail to uniformly administer guidelines, rules, regulations and procedures established by the Department of Corrections for halfway houses must be held accountable by the Department's managers to the fullest extent under the District's Comprehensive Merit Personnel Act, as amended, and the personnel regulations.
4. The Department's authorization of passes to pretrial defendants must be governed by stringent criteria such as criminal history, past compliance with curfews, history of escapes, court orders and other relevant factors.

Lack of Monitoring - The Honor System

Without adequate and effective supervision and monitoring, residents assigned to Center No. 4 are governed by the "honor system." In other words, they may leave the facility for an approved activity with little or no monitoring and verification of the resident's presence at the activity. Until recently, Center No. 4 did not have staff on board to monitor residents' movements, including those of violent and dangerous pretrial defendants ordered to District halfway houses by judicial officers. Further, the Center could not verify, on a continuous basis, offender employment and actual attendance at other approved activities. For example, as stated in the Department of Corrections' action plan, "Inmates who are placed in Community Correctional Center No. 4 routinely complain of medical complications and request to visit the hospital... Oftentimes, these inmates obtain passes and never report to the hospital."

When investigating a late return, it was not uncommon to discover that an individual had not been reporting for work or attending the activity for which he was granted a pass. Without the ability to properly and persistently monitor and verify the location of residents through site visits and

other effective monitoring techniques, halfway house residents have abused and undermined the halfway house system.

In April 1999, two DS-9 job monitors were added to Center No. 4's staff. The job monitors verify residents' locations through a combination of telephone calls and on-site visits. The addition of two staff persons to monitor and confirm the whereabouts of over a hundred residents is a significant improvement over having no such function in the recent past. However, the ratio of job monitors to residents whose whereabouts require persistent monitoring and verification appears to be wholly inadequate to effectively perform the extensive duties and responsibilities required to monitor offender movements and verify offender attendance at approved activities.

Center No. 4 is now attempting to transport residents to court and a limited number of other locations. The transport duty is rotated among relief correctional officers. However, this avenue (leaving the facility on a pass for an approved activity unaccompanied by a Center staff person and without adequate monitoring and verification of the resident's attendance at the activity) continues to be a substantial means of escape/abscondence.

RECOMMENDATION

In addition to Recommendation Number 2 in the previous section, the Department of Corrections add a sufficient number of job monitors to Community Correctional Center No. 4's staff to ensure an adequate, manageable ratio of offenders to job monitors.

Average Turn-Around Time for Obtaining Warrants for Escapes Has Been Inadequate, But is Improving

The Chief of the Department of Corrections' Warrant Squad prepared a report on 54 escapees for the period January 1, 1999 to March 9, 1999. As noted in Appendix IV, the Auditor used the escape date and warrant date from the report to determine the average turn-around time for obtaining a warrant to return the 54 escapees to the custody of the Department of Corrections. The Auditor's analysis revealed that the average turn-around time during January 1999 was 5 days between the escape and the issuance of a warrant. During the first half of February 1999, the average turn around time was reduced to 3 days. During the period February 16 to March 9, 1999, the average turn-around time was reduced to one (1) day.

Three instances of less than one day and four instances in which warrants were issued 14, 16, 25, and 71 days¹⁸ after escape were excluded from the determination of the average turn-around

¹⁸ For the 71-day case, the escapee was on an approved ISP (Intensive Supervision Program) pass. His counselor asked for an extension of the curfew on the day he failed to return. His curfew was extended until 12 midnight, but the individual failed to return at midnight and he was placed on escape the next day. However, no warrant was issued because the Warrant Squad learned that he was in jail in Arlington, Va. The individual had been arrested on an armed robbery charge on the day of his escape (11/30/98). Although the offender was

time in order not to distort the results. The Auditor determined that the first three cases in which unreasonable delays occurred in issuing warrants were caused by the failure of the responsible halfway house to submit a second escape report when the inmate returned the same day and escaped a second time on the same day. After the first return, an apprehension report was filed with the Warrant Squad which resulted in the cancellation of the first warrant. When the escape problem became an issue in February of this year and various entities were scrutinizing escape reports and analyzing turn-around time, these cases were brought to the Warrant Squad's attention. After investigation, the Warrant Squad issued new warrants.

The Auditor also noted three additional instances in which warrants were issued 6 to 9 days after the escape date. These, along with the cases in which warrants were issued 14, 16, 25, and 71 days after escape, clearly did not meet the Warrant Squad's "new turn-around standard" of 1 day. As a result of the implementation of corrective actions to improve the timeliness of issuing warrants, a day was gained in the receipt of escape report packages from the respective centers. Although a "look-out" can be posted immediately, the Warrant Squad cannot obtain a warrant without original documents, most of which are contained in the escape report package. The Warrant Squad now receives the original escape report package from the respective centers by 9:00 a.m. on the day following an escape. Prior to this change, it took several days for the Warrant Squad to receive an escape report package because the original report package was first sent to the Administrator of Community Release Programs before it was transmitted to the Warrant Squad. At the time of our field work, warrants were generally obtained within one day for most individuals who escaped or absconded between Sunday and Thursday. The exception was escapes or abscondences that occurred on weekends and holidays. The turn-around time for issuing warrants for these escapes continues to average 3 days.

The Auditor found that the continued delay in issuing warrants for weekend and holiday escapes and abscondences appeared to result from the fact that the Warrant Squad works only one eight hour shift Monday through Friday. Therefore, escapes that occur on Fridays and Saturdays, the Warrant Squad is unavailable to receive the paper work for a warrant until the Monday following the escape. Two of the Warrant Squad's primary responsibilities are securing warrants and apprehending escapees. The Warrant Squad performs a critical function that must be executed timely in order to quickly return escapees and absconders to custody for the protection of the community. Therefore, this function should be staffed for at least one shift on weekends and holidays.

Further, with the current demands placed upon the Warrant Squad, the current staff of ten (10) is insufficient to adequately carry out its primary functions seven days a week for at least one shift. Table 4 below presents the Warrant Squad's staffing level as of October 1998 and May 1999, and includes the proposed staffing level for this unit. As indicated in Table 4, Warrant Squad staffing is still six employees short of the proposed staffing level of 16 and does not provide for additional shifts or coverage during weekends and holidays.

in jail, a warrant was issued on 2/10/99 upon the advice of the Office of the U.S Attorney for the District of Columbia because of the escape issue and to ensure that the Arlington County Sheriff would not release the offender without notifying the D C Jail

**Table 4
Department of Corrections
Warrant Squad Staffing**

Position Title/Grade	As of Oct 1998	As of May 1999	Proposed Staffing
Supervisory Criminal Investigator (Chief), DS-12 <i>(Proposed staffing upgrades position to DS-13)</i>	1	1	1
Supervisory Criminal Investigator (Asst Chief), DS-12	0	0	1
Investigative Assistant, DS-7	Vacant	Vacant	1
Office Clerk, DS-5	1	1	1
Criminal Investigator, DS-9/11	1 Detailed	1 Filled	1
Criminal Investigator, DS-9/11	4	0	0
Criminal Investigator DS-11	3	7	11
Total	9	10	16

Source: Office of the D.C. Auditor based on information provided by D.C. Department of Corrections (Warrant Squad Unit)

RECOMMENDATIONS:

1. The Mayor assist the Department of Corrections in identifying resources to add sufficient staff to the Warrant Squad. Additional staff would enable it to obtain warrants during weekends and holidays thereby enabling it to return escapees and absconders to DOC's custody for the protection of the community.

2. Federal and local criminal justice officials establish a computerized electronic communications link between the Court System, Department of Corrections, law enforcement agencies, the United States Attorney for the District of Columbia, and District halfway houses under which relevant, accurate, and complete information regarding a halfway house resident is communicated, maintained, and updated daily, if necessary, to keep all entities informed of the status of halfway house residents.

Lack of Effective and Consistent Sanctions for Escapes and Curfew Violations: 5-day Jail Time Appears to Be An Ineffective Sanction

The only sanction imposed on ninety-five percent of pretrial escapees/absconders from District halfway houses who voluntarily or involuntarily return to the custody of the Department of Corrections is 5 days at the D.C. Jail. The ease with which pretrial defendants walk away from or fail to return to District halfway houses is based, in part, on inadequate staffing, inadequately secured exits, and inadequate monitoring of resident movement, coupled with the important fact that

halfway houses are not intended or designed to house pretrial defendants who would be detained in jail but for the expiration of the 120-day speedy trial period under D.C. law. In light of the fact that, in many cases, the same individuals escape or abscond from District halfway houses, the Auditor's examination indicated that 5 days in jail is an insufficient and ineffective punishment/deterrent for walking away from or failing to return to a District halfway house.

The 5-day District sanction appears not to have a discernible impact on preventing future escapes/ abscondences by the same offenders who are often accused of committing violent or dangerous crimes. To some offenders, spending 5 days in jail is a minor sanction. For those who are not employed through the work release program, 5 days in jail means 3 meals a day because some halfway houses serve only two meals a day - breakfast and dinner. At Community Correctional Center No. 4, these two meals were served at 5:30 a.m. and 5:30 p.m., respectively. In May 1999, Center No. 4 began serving three meals per day; however, residents continue to complain about portion size.

According to the American Correctional Association, the Department of Corrections should establish regulations that "...specify the range of penalties/sanctions that can be imposed for violations. Penalties should be proportionate to the importance of the rule and severity of the violation."

The Auditor's review of other states' data indicated that individuals who escape, walk away from, or fail to return to a halfway house are automatically returned to jail or prison, whichever is appropriate, to await trial or serve the remaining time on their sentence. The same should occur in the District of Columbia.

RECOMMENDATIONS:

1. Judicial officers should automatically revoke a defendant's placement in a halfway house for an escape violation and return the defendant to the central detention facility until trial.
2. The Department of Corrections, in consultation with the appropriate accountable officers, establish a range of penalties/sanctions that can be imposed for violations of halfway house rules.
3. The Department of Corrections should include more detailed information in revocation letters submitted to the Courts following an escape in order to assist judicial officers in determining whether a show cause hearing is necessary. Further, a representative from the Department of Corrections must be present to testify and provide supporting evidence during all show cause hearings for revocation of orders placing a defendant in a halfway house.
4. Pretrial defendants accused of violent or dangerous crimes should not be ordered into District halfway houses.

Lack of a System in Place to Classify Pretrial Defendants Prior Placement in the District's Halfway House Work Release Program

For sentenced felons, halfway house staff know in advance critical information about the individual, such as prior criminal history, escapes, convictions, and time to eligibility for release. There is no system in place, however, to classify pretrial defendants prior to placement in District halfway houses. Not having a classification system to identify and match the needs of the defendant with the resources of a particular facility has resulted in many residents being placed in a facility that is not equipped, nor intended, to serve their needs. It appears that in a significant number of cases judicial officers make placements on the basis of available space rather than on the basis of the offender's needs, services offered by the facility, and the facility's level of security. The narrow justification used by judicial officers to place violent or dangerous pretrial defendants in halfway houses unnecessarily exposes District residents and visitors to an unreasonable risk of harm and fails to address the rehabilitative needs of the pretrial defendant.

The American Correctional Association's Standards for Adult Community Residential Services states that the facility should have:

"...clearly defined written policies, procedures, and practices governing admissions...The policies and procedures governing the admission process should include, but not be limited to: types of information to be gathered on all applicants before admission, criteria for acceptance, and procedures to be followed when accepting or not accepting referrals...Offenders are classified according to the most appropriate level of custody and programming, both in admissions and on a review of their status...Written policy, procedure, and practice define the authority of the facility administrator to remove or transfer an offender from the program. The program director should be authorized to remove any offender from the program when there are substantial reasons to justify removal." [Auditor's Emphasis]

Center No. 4 has been unable to reject pretrial defendants on the basis of its inability to serve the needs of the offender or provide the level of security and programming required by the offender because of the real threat of being held in contempt of court for refusing to accept court-ordered pretrial defendants. As a result of Center No. 4's inability to reject certain pretrial defendants, it has become the facility of choice for placing dangerous and violent pretrial defendants who often walk away from or fail to return to the facility while out on a pass for a court-approved activity.

Pretrial defendants who repeatedly violate work release conditions by absconding, violating curfew regulations, or incurring positive urinalysis remain in the program despite requests to the Judge of Record that the individual be removed from the Work Release Program. The District's Work Release Program has become, according to the Department of Corrections, a holding area for pretrial defendants who have no marketable employment skills, are often homeless, jobless, and in need of inpatient medical, psychological and substance abuse treatment.

RECOMMENDATIONS

1. The Department of Corrections should explore and implement the actions proposed in its February 10, 1999 Action Plan relative to establishing a classification system for pretrial defendants and classifying pretrial defendants prior to center placement.
2. DOC and Center No. 4 should advise the Court, in writing, of its inability to accept certain pretrial defendants that it is not designed or equipped to effectively provide custody, care, and the appropriate level of security.
3. DOC should develop a memorandum of understanding with the Court regarding a process allowing District halfway houses to reject court-ordered placements that they are not equipped or capable of handling.
4. The Mayor of the District of Columbia consider including the operation of Center No. 4 on the list of activities available for privatization or managed competition.
5. The Council of the District of Columbia legislatively prescribe the placement of pretrial defendants in all District-operated halfway houses.

Security Breaches Due to Lack of Timely Repairs, Equipment Failures, and Staff Negligence

Although Center No. 4 residents are assigned to specific units, they are not locked up in prison cells. Control over their movement from unit to unit is achieved through manned posts, single access to and from the unit, surveillance cameras in stairwells and near exits, walk-through inspections, head counts, approved passes, and sign-in/sign-out procedures.¹⁹ Once outside the assigned unit, the resident must be cleared through the Command Center before he may leave the facility. Nevertheless, escapes have occurred by residents bolting through the front door after they have managed to get as far as the Command Center without detection, or without being challenged. Residents are not in body restraints and correctional officers assigned to Center No. 4 generally do not carry guns. Further, correctional officers are not allowed to restrain residents except to prevent bodily harm to staff or residents.

While most of the escapes have been failures to return while on a pass for an approved activity, a significant number have occurred due to security lapses and staff negligence. Broken windows in one unit were unsecured which enabled inmates to leave through those windows without the immediate knowledge of staff and return to the facility without being detected by the Center's staff. This security breach was reported to management by staff when first discovered, but it took approximately 3 to 6 months to have bars installed on the windows.

¹⁹ At the time of the audit field work, a total of six correctional officers were on duty for each shift: one each in two of the three housing units and two each in the remaining housing unit and the Command Center.

Some escapes have resulted from staff negligence. During a review of resident files, the Auditor observed the following example of staff negligence which resulted in untimely escape reporting: A resident signed out at 9:16 a.m. and was due back at 4:00 p.m. He was placed on escape 6 ½ hours after the time he was due back. Although this resident returned voluntarily the day following his abscondence, a review of his folder revealed that his "Request for Social Passes Privilege" had been signed by the case manager despite the fact that the Court's Work Release Order indicated that the defendant was to have "no social passes." This was a failure on the part of the case manager to review the resident folder and to adhere to the work release restriction.

RECOMMENDATIONS

1. The Mayor of the District of Columbia ensure that adequate resources are made available to the Department of Corrections to timely address equipment failures and substantially improve the level of security at Center No. 4.
2. The Department of Corrections evaluate the present layout of Center No. 4 from a security perspective and rearrange the Center where necessary to improve security and preclude escapes or abscondences from the facility.

Community Correctional Center No. 4 is Inadequate and Overcrowded

Community Correctional Center No. 4 was originally designed to accommodate a maximum of 139 beds. However, during the period examined by the Auditor, the capacity increased to 220 bed spaces even though the physical structure of the building had not been expanded to accommodate the increased bed space. DOC's action plan acknowledges that the distance between beds does not meet American Correctional Association (ACA) Standards for Adult Community Residential Services. The Auditor's examination further indicated that the Center does not meet other correctional standards as well.²⁰ (See Appendix V for examples of American Correctional Association Standards for Adult Community Residential Services that Center No. 4 does not meet.)

At the time of our visits, the quality of life in Center No. 4 was deplorable, unsafe, and appeared to be a significant contributing factor to escapes. As many as four residents were assigned to bunk beds in rooms approximately five feet wide and eight feet long. During the course of the examination, the Auditor reviewed data indicating that Center No.4 did not comply with the District's fire code and that building code inspections were not periodically conducted by the Department of Consumer and Regulatory Affairs. The Auditor's examination indicated that the Department of Consumer and Regulatory Affairs did not have a record indicating that a certificate of occupancy had ever been issued for Center No. 4 stating that the current use of the property complied with the District's zoning and building codes. Further, DCMR, Title 11, Section 3203, entitled Certificates of Occupancy, states, in part:

²⁰ The scope of this audit does not permit a review of the many standards that adult community residential facilities must meet for ACA accreditation

3203.1 Except as provided in §§ 3203.7, 3203.8, or 3203.9, no person shall use any structure, land or part of any structure or land for any purpose other than a one-family dwelling until a certificate of occupancy has been issued to that person stating that the use complies with the provisions of this title and the D.C. Building Code (Title 12 DCMR) [Auditor's Emphasis]

3203.3 Except in the case of a church, all certificates of occupancy shall be conspicuously posted in or upon the premises to which they apply so that they may be seen readily by anyone entering the premises. [Auditor's Emphasis]

Although a certificate of occupancy has never been issued for Center No. 4, all of DOC's contract houses were required to obtain an occupancy license to operate a halfway house. (See Appendix VI for "The Process a Vendor Must Take to Obtain an Occupancy License to Operate a Halfway House.")

As noted previously in this report, Center No.4 was originally intended to house approximately 139 residents. Its existing space has been reconfigured to increase its capacity to 220 residents²¹ without increasing the size of the structure. As a result, for example, the Center's bed spacing does not comply with ACA's recommended 25 square feet of unencumbered space per occupant. Also, there are three housing units within Center No. 4 and each housing unit is well in excess of the 10, 15, or 25 residents per unit and 25 square feet of unencumbered space per occupant recommended by the ACA.

During field work for this examination, the Auditor observed the following conditions during several visits to Community Correctional Center No. 4:

- Some of the rooms at the Center were not in use or were not being appropriately utilized. One of the two classrooms in the facility was used as an office by Advisory Neighborhood Commission 5B free of charge. The other classroom was used in part as a classroom and in part for supply storage.

²¹ Center No. 4 has 3 housing units, each containing single rooms and dormitories. Placing bunk beds in space intended for single-bed usage and removing partitions that were originally intended for some degree of privacy in the sleeping quarters has been the primary method of expanding the resident capacity of the facility. Center No. 4's resident capacity is 220. A breakdown by housing unit follows: Housing Unit #1 Total beds - 74. Dorm A, 30 beds (closed), Dorm D, 28 beds, 4 rooms w/4 beds each (16). One of the dormitories in Unit 1 is used as the television recreation area and 2 of the single rooms are used for office and storage space. Housing Unit #2 Total beds - 90. Dorm C, 8 beds, Dorm D, 8 beds, Dorm E, 22 beds, and 13 rooms w/4 beds each (52). Two dormitories in Unit #2 are being used as office space and television and recreation space. One of the single rooms is being used as the housing unit's Control Center. Housing Unit #3 Total beds - 56. Dorm G, 16 beds, Dorm H, 18 beds, Dorm I, 14 beds, and 2 rooms w/4 beds each (8). Only 2 dormitories and 1 single room in Unit #3 are used as sleeping quarters. The third dormitory is used as the television room and the remaining single room is used as the housing unit's Control Center.

- In Housing Unit #1, Bathroom B and Room 6 were out of service.
- In Housing Unit #2, one bathroom was inoperable.
- In Housing Unit #3, one dormitory and one room were out of service.
- Three (3) heating/air conditioning units had been out of service since 1997 resulting in insufficient cool air during the summer months and not enough heat during the winter months. These conditions adversely affected both staff and residents. All air conditioning units were still not functioning during a recent visit.
- The fire department inspected the sprinkler system in January 1999 and found numerous fire code violations. The sprinkler system was not up to code and the fire alarm and smoke detector systems were in need of repair.

Further, the Auditor was advised by the then-Deputy Director for Institutions that Center No. 4 is on a month-to-month lease and that money has been put in the budget only for routine maintenance and upkeep of the building despite the fact that the building needs major repairs. The District's Office of Property Management has not expeditiously negotiated a long-term lease, including major improvements for the New York Avenue property. Further, the Office of Property Management has not expeditiously located an alternative suitable site for a long-term lease that is in the best interest of the District and the Department of Corrections.

RECOMMENDATIONS

1. The Department of Corrections should terminate the shared space arrangement with Advisory Neighborhood Commission 5B immediately in order to make all of the facility's space available for use in meeting the needs of Center No. 4.
2. The Department of Corrections should reduce the resident capacity of Center No.4 to facilitate a more manageable and cost efficient operation, focusing on maximum utilization of space and improvements in the delivery of services.
3. The Department of Corrections should competitively contract out, either under principles of managed competition or privatization, all DOC halfway house operations.
4. The Office of Property Management must expeditiously identify a site suitable to the requirements of Center No. 4 and expeditiously negotiate a long-term lease that is in the District's best interest.
5. The Department of Consumer and Regulatory Affairs immediately conduct an inspection of Community Correctional Center No. 4 to determine whether it complies with the District's building code. The results of this inspection must be provided in writing to the Director of the Department of Corrections and the District of Columbia Auditor.

Inadequate Staffing of Community Correctional Center No. 4

During 1997 when Community Correctional Centers No. 1 and 2 were closed, Center No. 4 had 59 authorized positions, 32 of which were vacant. Therefore, the Center operated with a staffing level of 27 occupied positions. A document entitled, "Assessment of the District of Columbia Department of Corrections," dated October 8, 1997 states, in relevant part, the following:

Both detailing and double-filling are the result of personnel and budget constraints. The personnel function has been centralized in the District, which means that positions and openings are posted centrally...It was reported that there is currently a six-month recruitment period for security staff, another 60- to 150-day wait to receive test scores, and finally another 60-day period for internal screening. This means that it may take 10 months or more to recruit and hire security staff.

While this has been a chronic problem in DC DOC, [the Director] believes it will get worse during the interim before the transfer of the felony population to BOP control if the DC budgeting authority continues to be unwilling to approve personnel changes - including filling vacant positions - pending the transfer."
[Auditor's Emphasis]

Since the closure of Centers No. 1 and 2 and the increase in Center No. 4's population, only 6 vacancies at Center No. 4 had been filled as of October 1998. As noted earlier in this report, Center No. 4's capacity level is 220 with an average daily population of 197. It is clear that Center No. 4's staffing and the qualifications of staff assigned to the Center have not kept pace with its increased population. Through the use of extensive overtime, attempts have been made to maintain shift coverage. However, the use of existing staff to provide shift coverage on an overtime basis is expensive and negatively impacts the efficiency and effectiveness of the Center's operations and the Department of Corrections' budget. Table 5 below shows past, current and projected staffing levels for Center No. 4. Increased staffing by employees who possess the requisite skills and qualifications is necessary to: (1) effectively operate Center No. 4; (2) reduce the extensive use of overtime to cover all shifts; (3) greatly enhance service delivery to residents; (4) substantially increase monitoring of residents; (5) reduce escapes/abscondences; and (6) ensure timely accountability for all Center residents.

Table 5
Department of Corrections
Community Correctional Center No. 4 Staffing

Position Title	Grade	Projected Staffing Required (As of May 99)	On Board 10/31/98	On Board 5/3/99	Still Needed
Administrator (Corr Prog Officer)	DS-13	1	1	1	0
Assistant Administrator (Corr Prog Admn)	DS-12	1	1	1	0
Correctional Treatment Specialist	DS-11	6	3	6	0
Vocational Development Specialist	DS-11	4	2	3	1
Teacher	DS-11	1	0	1	0
Nurse RN	DS-9/11	1	0	0	1
Correctional Counselor	DS-9	1	0	1	0
Substance Abuse Counselor	DS-8	1	0	1	0
Clerical Support (Secretary Typist; Secretary Office Assistant, Clerk Typist)	DS-5/6	3	2	3	0
Captain	DS-11	2	0	2	0
Lieutenant	DS-10	1	0	1	0
Sergeant (Lead Correctional Officer)	DS-09	9	5	9	0
Correctional Officer	DS-7/9	34	19	32	2
Plumber	WG-9	1	1	1	0
Electrician	WG-9	1	1	1	0
Totals		67	33	63	4

Source Office of the D C. Auditor based on information provided by D C Department of Corrections (Community Correctional Center No 4)

Office of Community Release Programs is Inadequately Staffed

The Office of Community Release Programs is responsible for providing custody, care, treatment, and programs to adult male and female offenders in community correctional centers (halfway houses) and other facilities. Through a staff of six (6), the Administrator of Community Release Programs seeks to provide case management services, food services, appropriate referrals for health, employment, educational, and social services, and to provide oversight of six halfway houses, the Work Release Program, among other duties and responsibilities. The office works closely with other law enforcement agencies to ensure appropriate release and remand of inmates in the Work Release Program. The Office of Community Release Programs is inadequately staffed to efficiently and effectively carry out its many duties and responsibilities.

As a result of downsizing over the past four fiscal years, this office is currently staffed by three permanent positions (the administrator, secretary, and one staff assistant) and three detailed positions (two correctional officers and one correctional treatment specialist). Table 6 shows the staffing level for Community Release Programs as of October 1998, Proposed Staffing as of January 1999, and staffing as of May 1999.

Table 6
Department of Corrections
Office of Community Release Programs

Position Title/Grade	As of Oct 1998	Proposed Staffing (As of Jan 1999)	As of May 1999
Correctional Institution Administrator, DS-15	Vacant	1	Vacant
Correctional Program Officer, DS-13 (In Acting Administrator capacity without higher grade pay)	1	1	1
Secretary/Typist, DS-07	0	1	Vacant
Staff Assistant, DS-11	1	1	1
Correctional Treatment Specialist, DS-11	1	0	1
Office Automation Assistant, DS-5	1	1	1
Correctional Officer, DS-8	2	0	2
Compliance Monitor, DS-11	0	1	0
Staff Assistant, DS-09	0	1	0
Office Assistant Typing, DS-06	0	1	0
Motor Vehicle Operator/Mail Courier, RW-05	0	1	0
Total	6	9	6

Source Office of the D C Auditor based on information provided by D C Department of Corrections (Office of Community Release Programs)

The office is managed by a correctional program officer who has acted as administrator for Community Release Programs for over two years. The individual carrying out the additional duties of Correctional Institution Administrator has done so at a DS-13 grade level on an acting basis without being paid the DS-15 grade level that would be accorded to a permanent appointee to this position. The Auditor believes that this is a reprehensible personnel practice that devalues the professional services provided on an interim emergency basis by this, or any other, individual and deprives the employee of payment for services rendered above and beyond the employee's existing pay grade and level of responsibility.

RECOMMENDATIONS

1. Staffing of the Office of Community Release Program should be increased by a minimum of 3 positions to enable it to more effectively and efficiently perform its mission.
2. The position of Correctional Institution Administrator for the Office of Community Release Programs should be filled with a permanent appointee as expeditiously as possible. However, in the interim, the individual filling this position on an acting basis must be compensated at the salary level provided for the position.

Inadequately Trained and Inexperienced Staff in Community Corrections

In its proposed action plan, the Department of Corrections (DOC) acknowledges that staff who lacked training and experience in community corrections were assigned to Community Correctional Center No. 4. According to DOC officials, Center No. 4 has become a "dumping ground" for DOC staff with personnel problems and poor work habits. Further, according to other individuals, some of Center No. 4's staff have never worked in community corrections and are ill-equipped to successfully supervise residents in the halfway house environment. The concept of community corrections is not being followed by some correctional officers in that the halfway house situation calls for different skills on the part of the officers than those required at Lorton. Training/orientation was conducted for two days for new staff in March 1999, however, a two-day training/orientation is inadequate preparation to effectively deliver the type of services required by halfway house residents.

RECOMMENDATIONS:

1. The Department of Corrections, in coordination with the District's Office of Personnel, expeditiously recruit qualified community corrections personnel to staff District-operated halfway houses.
2. The Mayor of the District of Columbia and the Director of the Department of Corrections should identify financial resources to invest in adequately training existing personnel to substantially improve their knowledge and skills in effectively performing the duties and responsibilities required by community-based correctional facilities and their residents.

Continued Use of Outdated Communications and Information Technology (Lack of Timely Flow of Information and Timely Coordination)

District halfway houses and Community Release Programs lack the office automation and technological resources necessary to efficiently and effectively conduct their operations. During the Auditor's examination, e:mail, voice mail, and high-speed personal computers were non-existent in Department of Corrections facilities. The Office of Community Release Programs performs a

primarily manual, paper-intensive function due to reporting requirements of the courts and the internal information needs of the Department of Corrections. State-of-the-art, high-speed computers are desperately needed to bring the Department of Corrections into the information age. For example, much of the information contained in the October 21, 1998 - January 19, 1999 escape listing was manually compiled from different data sources. Compiling reports manually increased the risk of omissions, numerical transpositions, duplications, and the inclusion of outdated information. With state-of-the-art computers, halfway houses and Community Release Programs should have, at minimum, the capability of expeditiously exchanging information electronically over secured transmission lines via downloads or e:mail between the courts, the D.C. Jail, and the Warrant Squad.

The Auditor was recently advised that the Office of Technology has created the prototype Census and Escape Tracking Programs for Community Correctional Centers. This software, which is not in use by the Department of Corrections, will automate escape reporting and allow on-line tracking of escape incidents.

RECOMMENDATIONS

1. State-of-the-art computer hardware, software, and communication technology should be expeditiously installed throughout the Department of Corrections to enhance and facilitate communications and reporting.
2. A computer program specialist should be assigned to the Office of Community Release Programs to: (a) review the record keeping and reporting requirements, and (b) make recommendations for automating work and communication processes, where appropriate.

CONCLUSION

Placing individuals charged with violent or dangerous crimes in District halfway houses under the Work Release Program has been contrary to the intended purpose of the program and the traditional use of District halfway houses. Halfway houses were originally designed to serve parolees and probationers, but over the past several years, the courts have used the District's Work Release Program to house pretrial defendants who are financially unable to post bail. Although D.C. law provides for the detention of pretrial defendants charged with violent or dangerous crimes, many of these individuals end up in District halfway houses because they are not brought to trial within the statutory 100/120 day time limit prescribed by D.C. Code, Section 23-1322(h). Pretrial defendants may not be brought to trial within the 100/120 day speedy trial time frame for a variety of reasons which are not controlled by the Department of Corrections (DOC). However, the DOC is held accountable for the many problems generated by pretrial defendants assigned to District halfway houses.

Currently, District halfway houses, particularly DOC-operated Community Correctional Center No. 4, are used to house increasing numbers of allegedly violent and dangerous pretrial defendants who have not been indicted or brought to trial within the 120-day detention period and, therefore, must be released from jail. The use of District halfway houses by judicial officers to

provide custody and care for pretrial defendants accused of violent or dangerous crimes is inimical to the traditional mission and use of such facilities. The current population is very different from the population that the Center was designed and intended to serve when it initially opened. As a consequence of judicial officers placing pretrial defendants accused of committing violent and dangerous crimes in the District's halfway house population, the Department of Corrections faced challenges that it could not successfully handle given its staffing, management, and funding limitations. Center No. 4 has become a place of last resort- a dumping ground -or pretrial defendants accused of violent or dangerous crimes who: (1) can no longer be detained in jail as a result of the expiration of the 100/120 day detention period, (2) will not be accepted by the Department's contract halfway houses; and (3) pose too great a risk to release into the community.

District halfway houses, particularly Community Correctional Center No. 4, have struggled to meet the challenge of a burgeoning pretrial population. Although the Department of Corrections reports both "walk-aways" and "failures to return from an approved activity" as an escape or abscondence, most of the escapes have been failures to return from an approved activity.

The Auditor's examination of halfway house folders for 38 escapees or absconders charged with violent, dangerous, or sex-related crimes revealed the following:

- 28, or 74 percent, of the escapees/absconders were pretrial defendants;
- 11 escapes, or 29 percent, were walk-aways;
- 27 escapes, or 71 percent, were failure to return while out on a pass for an approved activity;
- 7 escapees, or 18 percent, were still on escape at the time of the Auditor's fieldwork;
- 3 defendants' cases were dismissed by the Court;
- 1 escapee, an accused rapist, died on the day of escape;
- 27 escapees, or 71 percent, were back in custody at the time of the Auditor's fieldwork;
- 1 escapee was returned to the halfway house after serving 5-days in jail; and
- 5 escapees, or 13 percent, committed new charges while on escape, one of which was a felony.

The Auditor has found that not having a system in place to classify pretrial defendants prior to halfway house placement has resulted in many defendants being placed in halfway houses that are not equipped to provide the required custody, care, and level of security. Further, without adequate and effective supervision and monitoring of halfway house residents, the halfway house system is easily undermined. When the Department of Corrections cannot account for the whereabouts of halfway house residents at all times, the safety of the community is unnecessarily compromised.

Community Correctional Center No. 4 had the largest number of escapes by pretrial defendants, in part, because of its function as the Community Release Program's reception and distribution facility and as the District's work release program. Also, the escapes appear to result from other factors such as: (1) inadequate programs and services made available to pretrial defendants; (2) inadequate and ineffective supervision and monitoring; (3) security breaches due to

lack of timely repairs, equipment failures and staff negligence; (4) overcrowding and inadequate staffing; and (5) inadequately trained and inexperienced staff in community corrections.

Community Correctional Center No. 4 is overcrowded. Department of Corrections officials increased the resident capacity of Center No. 4 from the original 139 beds to 220 beds without expanding the original structure. This has been accomplished by adding bunk beds to accommodate the increasing number of pretrial defendants that judicial officers order to the Center. This has been the most flagrant violation of ACA standards and has created a stressful and unpleasant living and working environment for residents and staff. The increase in Center No. 4's population adversely affected management's ability to maintain the physical integrity of the facility and effectively manage and control the individuals committed to its custody and care, which included violent and dangerous pretrial defendants that the Center was not designed or intended to serve.

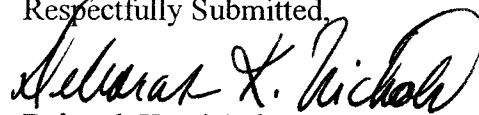
The Department of Corrections' Warrant Squad has the responsibility of issuing arrest warrants and returning escapees to custody. The average turn-around time for obtaining warrants has been inadequate but is improving. For escapes that occur Sunday through Thursday, the average turn-around time is now one day. For escapes occurring during the weekend, the recent average turn-around time is approximately 3 days.

Once the escapee has been returned to custody, 5-days in jail appears to be a standard ineffective sanction even though an escape from a halfway house is a felony that can result in a much longer jail term if the government decides to prosecute the defendant for escaping.

Inadequate staffing and the lack of training in community corrections have also contributed to the failure of Center No. 4 to meet the needs of its diverse population. Insufficient staff in Community Release Programs and the Warrant Squad has also prevented these organizational units from performing their functions and responsibilities as effectively and efficiently as possible. If qualified community corrections personnel cannot be recruited and the District cannot invest in adequate training for existing personnel assigned to Center No. 4, the District should get out of the business of operating halfway houses given its poor performance and financial track record with regard to this function.

The narrow justification used to place violent or dangerous pretrial defendants in halfway houses that are not equipped or intended for such purpose unnecessarily exposes District residents, victims, witnesses and visitors to an unreasonable risk of harm from the potential criminal acts of such individuals and fails to address the rehabilitative needs of the pretrial defendant.

Respectfully Submitted,



Deborah K. Nichols

District of Columbia Auditor

APPENDICES

**Agencies and Their Roles With Regard to Pretrial Defendants
Throughout the Pretrial Phase of the Criminal Justice Process**

<u>Custody</u>	<u>Event</u>
Police Department:	An individual is arrested and placed in lock-up.
Pretrial Services:	An officer from the Pretrial Services Agency interviews the accused in lock-up to collect and verify information that will assist the court in making a decision to release or detain the accused.
Court:	The case is heard in arraignment court which is presided by a Court Commissioner. Also present are the accused, his/her attorney, the prosecuting attorney, and a Pretrial Services Officer. The decision to release the accused on personal recognizance (with or without conditions) or money bond, or to detain is made by the Commissioner.
Court:	If the court orders the accused to a halfway house, the accused signs a Pretrial/Presentence Work Release, is taken to the D.C. Jail and after processing is transferred immediately to the halfway house unless the order specifies otherwise (e.g., pending bed space).
Court:	The court may also impose special conditions of release which are noted on the Work Release Order.
Corrections:	Once in the halfway house, the accused is under the custody of both the court and the Department of Corrections and must abide by court conditions and halfway house rules.
Corrections:	If the pretrial detainee violates a condition of release (this includes escapes), the Administrator (or Director) of the halfway house sends a revocation letter to the courts stating why he/she believes that the detainee should be removed from the work release program.
Court:	The court decides whether the infraction or violation warrants remanding to the D.C. Jail. A "show-cause" hearing may be scheduled by the judge or the judge may send the detainee back to the halfway house without a hearing.

**Agencies and Their Roles With Regard to Pretrial Defendants
Throughout the Pretrial Phase of the Criminal Justice Process**

<u>Custody</u>	<u>Event</u>
Corrections:	In cases of an escape, the halfway house notifies the Command Center at the D.C. Jail so a "Look-out" notice can be posted in WALES while a warrant is being sought. The halfway house prepares an escape package and faxes it to the Warrant Squad, who is responsible for obtaining a warrant from the Court.
Police/Corrections U.S. Marshal:	All three entities are involved following an escape. The look-out notice authorizes the police officers to arrest the escapee if they come in contact with him/her; once the warrant is issued, Warrant Squad investigators and officers of the U.S. Marshal Service can actively search for and apprehend the escapee.
Corrections:	If a voluntary return occurs, the Warrant Squad is contacted so the escapee can be taken to jail pending the decision of the court. In most cases, the detainee remains in jail for 5 days and is then returned to the halfway house.
Court:	The court may take any of the following actions when the escapee has returned or has been arrested: (a) Send him/her back to the halfway house, (b) Impose additional conditions (if ISP imposed, Pretrial Services becomes involved), or (c) Revoke work release privileges and order detainee to the D. C. Jail.
Corrections:	If returned to the halfway house, the detainee will remain there until (a) trial (b) administrative removal for violation of a condition of release (including escape), (c) transfer to another halfway house, or (d) release to ISP Community Phase.

**Department of Corrections and Contractor-Operated
Halfway Houses in the District of Columbia**

1. Community Correctional Center Number 4 - Capacity 220
Clinton R. Boyd, Administrator
Wanda L. Carter, Assistant Administrator
1355 and 1357 New York Ave. NE
Inmate Profile: Pretrial detainees, court-ordered misdemeanants, and sentenced felons
2. Efforts From Ex-Convicts (EFEC) - Capacity 25
Reginald L. Robinson, Jr, Executive Director
Rudolph H. Yates, CEO
1514 8th Street, NW
Inmate Profile: Sentenced male felons having parole grants; pretrial defendants; sentenced court-ordered misdemeanants.
3. Extended House, Inc. - Capacity 50
Sallie B. Elam, Executive Director
Anita D. Morton, Owner
810-812 14th Street, NE
Inmate Profile: Pretrial defendants; sentenced court-ordered misdemeanants; occasional sentenced institutional referrals.
4. Fairview (Washington Halfway House, Inc.) - Capacity 35 Females
Loretta C. Thompson, Executive Director
Pamela E. Riddick, Program Administrator
Charles M. Reynolds, Jr. President (Private For-Profit Company)
1430 G Street, NE
Inmate Profile: Sentenced felons having parole grants; pretrial defendants; Intensive Supervision Program (ISP) Pretrial Defendants sentenced; occasional court-ordered misdemeanants.
5. Trudie Wallace (Washington Halfway House, Inc.) - Capacity 22 Females
Loretta C. Thompson, Executive Director
1816 - 19th Street, NW
Inmate Profile: Same as Fairview.
6. Hope Village, Inc. - Capacity 194
Agnes B. Brown, Director
2840-2912 Langston Place, SE
Inmate Profile: Sentenced felons having parole grants; pretrial defendants; sentenced court-ordered misdemeanants.

APPENDIX III

Daily Flow of Residents Through Community Correctional Center No. 4
for the Period October 20, 1998 Through January 20, 1999

Date	Admissions	Administrative Removals	Escapes	Court Termin. Stepback	ISP Release Community Phase	Inter-Center Transfer	Daily Total	Vacancy
10-20-98	16	3	6	-0-	3	0	189	31
10-21-98	18	4	2	4	0	2	195	25
10-22-98	11	1	1	2	0	4	197	23
10-23-98	19	2	1	3	2	14	194	26
10-24-98	9	0	2	0	2	0	199	21
10-25-98	0	1	0	0	1	0	197	23
10-26-98	5	1	0	1	0	0	199	21
10-27-98	12	1	1	3	0	0	205	15
10-28-98	10	0	4	2	1	4	203	17
10-29-98	17	3	4	2	3	0	207	13
10-30-98	6	4	7	2	2	7	191	29
10-31-98	7	1	1	0	2	0	194	26
11-01-98	1	0	2	0	1	0	192	28
11-02-98	0	4	0	1	0	2	183	37
11-03-98	15	3	1	0	1	0	193	27
11-04-98	14	1	3	1	4	0	197	23
11-05-98	11	0	4	3	0	0	201	19
11-06-98	22	4	3	0	3	7	205	15
11-07-98	10	2	1	0	2	3	205	15
11-08-98	0	1	1	0	0	0	203	17
11-09-98	4	4	4	2	0	3	194	26
11-10-98	7	6	1	2	0	1	191	29
11-11-98	13	0	2	1	0	1	200	20
11-12-98	1	2	5	2	1	1	189	30
11-13-98	15	4	2	8	0	2	187	33
11-14-98	12	0	1	0	1	0	197	23
11-15-98	1	0	2	0	0	0	195	25
11-16-98	7	4	5	2	0	2	189	31
11-17-98	7	2	4	5	0	0	187	33
11-18-98	15	2	4	1	1	0	193	27
11-19-98	11	0	3	2	0	1	198	22
11-20-98	8	7	2	1	3	1	192	28
11-21-98	16	0	1	0	0	0	207	23
11-22-98	0	1	1	2	1	0	201	19
11-23-98	6	2	9	2	0	0	194	26

APPENDIX III

**Daily Flow of Residents Through Community Correctional Center No. 4
for the Period October 20, 1998 Through January 20, 1999**

Date	Admissions	Administrative Removals	Escapes	Court Termin. Stepback	ISP Release Community Phase	Inter-Center Transfer	Daily Total	Vacancy
11-24-98	15	4	2	1	0	0	200	20
11-25-98	19	1	2	2	1	0	212	28
11-26-98	9	0	1	0	2	6	212	28
11-27-98	2	3	3	1	0	0	205	15
11-28-98	6	0	0	0	2	0	209	11
11-29-98	0	0	0	1	0	0	208	12
11-30-98	3	6	1	2	0	1	201	19
12-01-98	15	5	2	3	1	1	204	16
12-02-98	8	3	3	1	1	5	198	22
12-03-98	16	2	5	0	1	10	195	25
12-04-98	15	0	3	2	1	1	201	19
12-05-98	8	1	0	0	0	0	208	22
12-06-98	1	1	1	1	1	0	205	15
12-07-98	2	2	5	1	0	9	191	29
12-08-98	18	3	12	4	0	1	188	32
12-09-98	18	2	2	2	0	2	198	22
12-10-98	18	2	2	3	3	6	200	20
12-11-98	6	0	1	4	0	1	200	20
12-12-98	8	2	0	0	0	0	206	14
12-13-98	1	0	0	0	0	0	207	13
12-16-98	12	1	2	2	1	1	202	18
12-17-98	14	2	0	3	0	8	203	17
12-18-98	11	0	1	2	2	5	204	16
12-19-98	11	0	1	3	0	0	210	10
12-20-98	0	0	0	1	0	0	209	11
12-21-98	5	3	3	1	0	9	197	23
12-22-98	17	2	0	4	3	3	202	18
12-23-98	19	1	4	0	1	13	202	18
12-24-98	9	4	4	1	2	2	194	26
12-25-98	0	0	1	0	1	0	192	28
12-26-98	4	3	1	0	0	0	192	28
12-27-98	0	1	1	0	0	1	189	31
12-28-98	6	1	2	0	0	1	191	29
12-29-98	8	1	3	0	0	0	194	26
12-30-98	9	1	6	0	1	1	194	26

**Daily Flow of Residents Through Community Correctional Center No. 4
for the Period October 20, 1998 Through January 20, 1999**

Date	Admissions	Administrative Removals	Escapes	Court Termin. Stepback	ISP Release Community Phase	Inter-Center Transfer	Daily Total	Vacancy
12-31-98	3	1	3	0	2	1	190	30
01-01-99	3	0	3	0	5	0	185	35
01-02-99	0	0	0	0	2	0	181	39
01-03-99	1	0	0	0	0	0	182	38
01-04-99	8	5	4	2	0	0	179	41
01-05-99	7	3	1	0	1	0	178	42
01-06-99	15	0	3	2	1	0	187	33
01-07-99	14	1	4	4	0	3	188	32
01-08-99	9	0	1	2	1	0	192	18
01-09-99	6	1	0	0	0	0	196	24
01-10-99	0	0	1	0	2	0	193	27
01-11-99	5	1	0	1	0	0	196	24
01-12-99	14	1	3	4	2	10	188	32
01-13-99	18	0	4	1	0	0	201	19
01-14-99	6	2	1	6	0	0	197	23
01-15-99	13	6	3	0	2	2	196	24
01-16-99	3	1	1	1	0	0	196	24
01-17-99	0	0	2	0	0	0	194	26
01-18-99	4	1	0	0	1	0	196	24
01-19-99	4	1	6	0	2	1	190	30
01-20-99	7	1	0	4	1	0	191	29
Grand Total	779	157	204	126	80	159	n/a	n/a

Source: Office of the D.C. Auditor based on information provided by D.C. Department of Corrections (Community Correctional Center No. 4)

APPENDIX IV

Department of Corrections
 Number of Days to Issue a Warrant for Halfway House Escapees
 Outstanding Escapees - January 1, 1999 to March 9, 1999

COLUMN A				COLUMN B					COLUMN C		
Day	Escape Date	Warrant Date	# of Days	Day	Escape Date	Warrant Date	# of Days	Day	Escape Date	Warrant Date	# of Days
Th	01/07/99	01/07/99	<1	Fri	01/22/99	01/26/99	4		02/10/99	02/11/99	1
H	12/31/98	01/07/99	7		01/25/99	01/27/99	2		02/02/99	02/11/99	9
	01/06/99	01/08/99	2	Th	01/28/99	02/02/99	5	Thu	02/11/99	02/11/99	<1
Th	01/07/99	01/13/99	6		02/01/99	02/02/99	1	Thu	02/11/99	02/12/99	1
Sun	01/10/99	01/13/99	3		02/01/99	02/03/99	2	Thu	02/11/99	02/12/99	1
	01/06/99	01/13/99	7		01/19/99	02/04/99	16	Sat	02/13/99	02/16/99	3
	01/12/99	01/13/99	1	Sun	01/10/99	02/04/99	25		02/16/99	02/17/99	1
Sun	01/10/99	01/13/99	3	Hol.	01/01/99	01/04/99	3		02/16/99	02/17/99	1
	01/13/99	01/19/99	6		02/03/99	02/08/99	5		02/16/99	02/17/99	1
	01/13/99	01/19/99	6		02/02/99	02/08/99	6	Sun	02/21/99	02/22/99	1
Th	01/07/99	01/21/99	14	Fri	02/05/99	02/09/99	4		02/24/99	02/25/99	1
Th	01/14/99	01/21/99	7	Fri	02/05/99	02/10/99	5	Sun	02/28/99	03/01/99	1
	01/13/99	01/21/99	8		02/08/99	02/10/99	2		03/04/99	03/05/99	1
	01/20/99	01/26/99	6	Thu	02/04/99	02/10/99	6		03/04/99	03/05/99	1
	01/19/99	01/26/99	7		12/01/98	02/10/99	71		03/04/99	03/05/99	1
Fri	01/22/99	01/26/99	4		02/03/99	02/10/99	7	Fri	03/05/99	03/08/99	3
					02/10/99	02/10/99	<1	Sat	03/06/99	03/08/99	2
					03/09/99	03/09/99	<1	Sat	03/06/99	03/08/99	2
					03/09/99	03/10/99	1	Sat	03/06/99	03/08/99	2

Source: Office of the D.C. Auditor based on information provided by D.C. Department of Corrections (Warrant Squad Unit)

AMERICAN CORRECTIONAL ASSOCIATION STANDARDS
FOR ADULT COMMUNITY RESIDENTIAL SERVICES

Section A
Building and Safety Codes

Principle: Compliance with appropriate codes helps to ensure the quality of the program.

Building Codes
3-ACRS-2A-01

Written policy, procedure, and practice provide that the facility conforms to all applicable building codes.

Comment:

Often a state or local jurisdiction will license a residential facility, thereby indicating the facility complies with all building codes. In those cases when a license is not issued, letters or certificates of compliance are acceptable. In the event the facility is not subject to local (city and/or county) building codes, state codes will be applied to the facility.

Fire Codes
3-ACRS-2A-03

Written policy, procedure, and practice provide that the facility complies with the regulations of the fire authority having jurisdiction.

Comment:

Local and state fire codes must be adhered to in order to ensure the safety of the offenders and the staff. Reports of periodic inspections and action taken should be maintained.

Section B
Size, Location, and Organization

Principle: The facility size and design encourage flexibility, creativity, and innovation in meeting the concerns for effective programming, safety, and quality of life.

Facility Size
3-ACRS-2B01

Written policy, procedure, and practice provide that no more than 25 offenders are housed in each living unit in the facility.

Comment:

Small living units are more conducive to offender and staff interaction. Smaller units of 10, 15, or 25 permit services on a more manageable scale.

Rated Capacity
3-ACRS-2B-02

The number of offenders does not exceed the facility's rated-bed capacity.

Comment:

Rated-bed capacity is considered to be the original design at the time designated as a residential program, plus or minus capacity changes resulting from building additions, reductions, or revisions.

Section C
Offender Housing

Principle: Offender housing areas are the foundation of facility living and must promote the safety and well-being of both offenders and staff. The facility must approximate homes and living conditions in its appearance.

AMERICAN CORRECTIONAL ASSOCIATION STANDARDS
FOR ADULT COMMUNITY RESIDENTIAL SERVICES

Sleeping Rooms

3-ACRS-2C02

Each sleeping room has, at a minimum, the following:
some degree of privacy for the offender

25-square feet of unencumbered space per occupant

access to toilets and a wash basin with hot and cold running water 24 hours a day

a bed, mattress, pillow, desk, chair, or stool, and hooks or closet space

natural light

temperature that are appropriate to the summer and winter comfort zones

Comment:

Natural lighting should be available either by room windows to the exterior or from a source within 20 feet of the room. The bed should be elevated from the floor and have a clean covered mattress with blankets provided, as needed.

Living Rooms

3-ACRS-2C-04

Living rooms with space for varied activities are available.

Toilets

3-ACRS-2C-05

The facility has, at a minimum, one operable toilet for every 10 offenders in male facilities and one for every eight offenders in female facilities. Urinals may be substituted for up to one-half of the toilets in all male facilities.

APPENDIX VI

THE PROCESS A VENDOR MUST TAKE TO OBTAIN AN OCCUPANCY LICENSE TO OPERATE A HALFWAY HOUSE

1. Locate the property to be used as a halfway house.
 - A. Check property address for current zoning.
 - B. If the property is in a zone where a halfway house can be placed, it must be determined that the proposed facility is not within 500 feet of another community-based residential facility.
 - C. Contact area residents through ANC/City Council or door-to-door to advise them of the intent to place a halfway house in their neighborhood.
 - D. If current zoning does not allow a facility to be used as a community-based residential facility, an application must be submitted to the Board of Zoning requesting a zone change; a zone change requires a hearing.
2. Occupancy License process
 - A. Obtain an application from the Office of Consumer and Regulatory Affairs
 - B. All businesses must obtain a letter of Good Standards:
 1. Non-Profit
 2. Profit
 - C. Obtain Inspection Permit
 - D. Schedule dates for inspection of facility by the Department of Consumer and Regulatory Affairs (DCRA). This inspection must include the following:
 1. Electric
 2. Water
 3. Building Engineer
 4. Fire - The diagram of the building floor plan and fire drill plan must be available before inspection.
 - E. The Inspection Reports are approved.
 - F. Occupancy License is obtained.

AGENCY COMMENTS

AGENCY COMMENTS

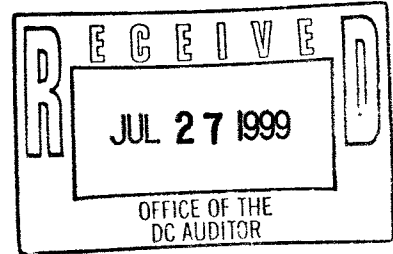
On July 22, 1999, the Office of the District of Columbia Auditor submitted this report, in draft, to the Director of the Department of Corrections for review and comment.

Comments on our draft report were received from the Director on July 27, 1999. Where appropriate, changes to the final report were made to reflect the comments. The comments in their entirety are included with this report.



Government of the District of Columbia
DEPARTMENT OF CORRECTIONS
Suite N-203
1923 Vermont Avenue, N.W.
Washington, D.C. 20001

Office of the Director



MEMORANDUM

TO : Deborah K. Nichols
Auditor
Office of the District of Columbia Auditor

FROM : *Odie Washington*
Odie Washington
Director

DATE : July 27, 1999

SUBJECT : D.C. Auditor's Report

I would like to take this opportunity to personally thank you for allowing this Office to review your audit findings regarding halfway houses, specifically Community Correctional Center #4. Attached are my comments and recommendations for the D.C. Auditor's Report pursuant to our meeting on Thursday, July 22, 1999.

Again, thank you for your cooperation regarding this matter.

Attachment

OW/bhy

Page 4 It is recommended that the following statement be added as a new paragraph following paragraph 1 on page 4:

The task of supervising the District of Columbia Pre-Trial Work Release Program (PTWR) was assigned to DOC due to the Department already operating a work release program for sentenced felon offenders as a result of Congressional Legislation (Work Release Act of 1964). It was the consensus of the city's criminal justice community that DOC's experience in operating a work release program and ownership of Community Correctional Centers (CCC's) made it the logical choice to operate the PTWR program.

The criminal justice process in the District of Columbia is undergoing a dramatic restructuring due to the D.C. Revitalization Act of 1997. As a result of this legislation, the mission of the DOC has been dramatically changed from a state correctional system with a city jail component to solely a municipal detention system. Pre-Trial Work Release is not generally considered by the criminal justice community to be a form of detention. It is considered a community based pre-trial diversion program.

Page 4, paragraph 3 It is recommended that the first paragraph under the heading **The Impact of Closing of Community Corrections Centers No. 1, 2, 3, and Center No. 4** should reflect the following highlighted changes:

Prior to fiscal year 1995, the Department of Corrections operated four (4) community correctional centers in addition to six contractor-operated centers. However, between fiscal year 1995 and 1997, three of the four community centers operated by DOC were closed in response to budget reductions and downsizing. Community Correctional Center No. 3 was closed on April 7, 1995, Community Correctional Center No. 1 was closed on July 22, 1997, and Community Correctional Center No. 2 was closed on August 29, 1997. **One of the contract facilities (Bureau of Rehabilitation) closed on September 25, 1998.** Many of the residents assigned to these centers were transferred to Community Correctional Center No. 4. At the same time, Center No. 4's budget and staffing were adversely affected by the District's fiscal crisis.

It is recommended that the last sentence in the above paragraph printed on page 4 be deleted and Table 1 also be deleted from the report for the following reasons:

1. The budget information for the five year period includes personnel and all associated expenditures for the office of Community Release Programs and Centers 1, 2 and 3 for fiscal years 1995, 1996 and 1997.

2. The operating resident capacity for Center 4 has been 220 as noted in the table; however, the count in the Center did not reach 200+ until 1999. Our records reflect in the early years (1995 and 1996) the average daily count was 130 to 145. In 1998 the average daily count was 180 to the high 190's.
3. The staffing costs for the Office of Community Release Programs is reflected in the budget allocations noted for all five years. Therefore, per the Budget Office it would be a difficult task to reflect expenditures solely for Center 4.

Footnotes 3 and 4 on page 4 should also be deleted as they make reference to items in Table 1.

Page 5 It is recommended that the first sentence in paragraph 1 be deleted if Table 1 on page 4 is deleted. It is further recommended that the following information be added at the end of the last sentence of paragraph 1 on page 5:

until recently, May 1999, when additional treatment and security staff were assigned.

To ensure the integrity of the report contents it is recommended that the **second sentence in paragraph 2 on page 5 be deleted.**

Page 6 It is recommended that the following changes be made to Table 2:

1. The D.C. Department of Corrections contracted with the Bureau of Rehabilitation during 1995 through 1998. Under the Bureau of Rehabilitation Contract inmates were housed in Shaw 1, 2, 3 and Community Care Center. Therefore, the correct name under facility on Table 2 should be **Bureau of Rehabilitation** instead of Shaw Community Care Center.
2. The following represents the total capacity of the Bureau of Rehabilitation contract for the five referenced years:

1995 – 72
1996 – 23
1997 – 50
1998 – 35
1999 - Closed
3. The escape totals for the Bureau of Rehabilitation contract are accurate as noted in Table 2 on pages 5 and 6 under Shaw Community Care Center.

Page 9 The following is recommended as a change under the Recommendation section:

The Department of Corrections establish a separate Community Release Program Reception/Distribution facility for sentenced misdemeanants and detainees to alleviate the disruption and operational stress placed on Center Number 4 in an attempt to carry out functions it was initially designed and intended to handle.

Page 20 The following should be added as paragraph 3 on page 20:

The Department of Corrections in consultation with a sub-committee of the District's Criminal Justice Coordinating Council are developing a policy statement on sanctions for pre-trial work release violators.

Page 20 Recommendation #2 should be changed to reflect the following:

The Department of Corrections should finalize its policy on sanctions for pre-trial work release violators and implement the policy throughout Community Services.

Page 24 The following changes are recommended under paragraph 3 in the bullet section:

Bullet #2 Room 6 is not out of service. It has been redesignated as an inmate property storage area on Unit 1 for the entire Center.

Bullet #4 The dormitory and room which is referred to as out of service has been converted to a TV Room (one dormitory) and the staff's office (one room) on Unit 3.

Page 25 It is recommended that the following changes be made under Recommendations:

#3 The Department of Corrections should competitively contract out, either under principles of managed competition or privatization, all **DOC** halfway house operations.

Page 27 It is recommended that the second sentence in paragraph 2 be deleted from the report. This is based on the fact that Community Release Programs prior to fiscal year 1999 had oversight responsibility for four DOC facilities and six contract facilities. Therefore, for obvious reasons the sentence content in the present context is misleading and compromises the integrity of the report.

Page 27 It is recommended that the following changes be made to Table 6:

Projected staffing for Captains – 2 Still Need – 0
Projected staffing for Correctional Officers DS 7/8 – 34
On Board – 5/3 32
Still Need - 2
On board staffing for Electrician – 1 on board for 10/31 and 5/3, Still Need - 0

On board staffing for Plumber – 1 on board for 10/31 and 5/3 Still Need - 0
Note: The plumber's and electrician's work site has always been designated at Center 4; however, both staff are temporarily assigned to other work sites on an as needed basis when emergencies occur.

The totals for Table 6 should be the following:

Projected 67 On Board 5/3/99 – 63 Still Need – 4

Page 28 It is recommended that the following changes be made to Table 7:

The below listed positions be deleted from the report:

Compliance Monitor, DS/11
Office Assistant Typing, DS/06
Motor Vehicle Operator/Mail Carrier, RW/05

The above recommendations to delete the three referenced positions take into consideration the agency's current and future operations for Community Services. Internal assessments reveal if all of the positions remaining in Table 7 are filled with qualified staff services/operations will not be compromised.

Page 31 It is recommended that the following statement be added as paragraph 2 on page 30 under Conclusion:

In that the criminal justice process in the District of Columbia is undergoing a dramatic restructuring due to the D.C. Revitalization Act of 1997, the DCDC's mission as a result of this legislation has been dramatically changed. The DCDC is proceeding to change from a state correctional system with a city jail component to solely a municipal detention system. This same Congressional legislation has consolidated supervision of most offenders in the community from three agencies (Pre-Trial Services, Probation Supervision and Parole Supervision) to the newly established Court Services and Offenders Supervision Agency (CSOSA). The only component of community supervision missing is the operations of the Pre-Trial Work Release Program.

In summary, the Department of Corrections, in conjunction with CSOSA, should proceed expeditiously to establish a separate pre-trial Community Release Program.