

Resident Abscondence & Absence Without Leave from Non-Secure Detention

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Jess Dannhauser, Commissioner		Number of Attachments: 4
Related Laws: Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) Social Services Law §488 & §491	ACS Divisions/Provider Agencies: Youth and Family Justice; Policy, Planning and Measurement; and Youth Justice Placement Providers	Contact Office /Unit: Johan Peguero Associate Commissioner Close to Home & NSD Johan.Peguero@acs.nyc.gov
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Key Words: Abscond, Absent Without Leave (AWOL), Facility Director, Warrant, Issuance of Warrant, Non- Secure Detention (NSD).	Related Policies: ACS NSD Policy #2020/05: Identifying, Assessing, and Safety Planning with Child Sex and Labor Trafficking Victims ACS Policy #2014/10 Safe Intervention Policy for Secure & Non-Secure Detention	Supersedes: DJJ Resident Abscond from NSD SEEDS Policy and Procedure #06/07. Incident Reporting in NSD Administrative Order# 02/04 Reporting of Incidents and Goals Data Management Operations Order# 04/04 Managers Report of Incidents DJJ's Agreement with Contractor for the Purchase of Non-Secure Detention Group Care for Youth - Article XIX Section E. Performance Standards ACS Policy #2014/10 Safe Intervention Policy for Secure & Non-Secure Detention
Related Forms: Attachment A: Resident Abscondence or AWOL Notification Attachment B: MCCU Resident Abscond Tracking Sheet Attachment C: Critical Incident Report Attachment D: Manager's Report		
SUMMARY: This policy governs the procedures and guidelines in the potential event of a youth absconding or going Absent Without Leave (AWOL) from a Non-Secure Detention (NSD) facility. Faculty staff are required to follow the outlined procedures and guidelines instructed by this policy to best mediate the situation and locate the resident.		
SCOPE: This policy applies to all ACS staff, interns, volunteers, contractors in NSD.		

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I. Introduction

The purpose of this policy is to delineate the process that Non-Secure Detention (NSD) staff must follow should a youth abscond or AWOL from NSD custody. It must be the policy of NSD sites to make every effort to bring the absconded youth back into custody. Any youth that absconds or AWOLs from the custody of DYFJ NSD must be reported to the proper authorities as outlined in this policy.

II. Definitions

- A. Abscond - A resident leaves custody by flight, force, or stealth.
- B. Absence Without Leave (AWOL) – Failure of the resident to return to their NSD facility will result in the resident being considered Absent Without Leave (AWOL).
- C. Warrant – A legal document issued by the Family Court ordering the retaking of a resident for allegedly violating terms and conditions of their custody.
- D. Non-Secure Detention (NSD) – Offers a less restrictive setting for lower-risk Juvenile Delinquents who have court cases pending in the Family Court.

III. Circumstances Under Which a Youth Absconds

- A. When a youth leaves custody under direct supervision of NSD facility by flight, force, or stealth. This includes situations such as when a resident flees supervision during an outdoor recreational activity, court-related appointment, as well as flight from the facility itself after being remanded to the custody of the NSD.

IV. Circumstances Under Which Youth Is Considered AWOL

- A. A youth is considered AWOL when they are not under the custody of the facility and do not return to their designated site. For example, if a youth is granted a home pass by family court and fails to return by a specific time frame, then the youth is considered AWOL.

V. Preventing Youth from Abscond & AWOL

- A. DYFJ's contracted or directly operated placement provider must make every effort to protect the safety of youth and the public by preventing absconding and AWOL.
- B. Consistent with ACS policies on safe intervention and consistent with the Family Court's determination that each youth requires "supervision, treatment and confinement," provider agencies must make a case-by-case assessment as to whether absconding or being AWOL places a youth at imminent risk of harm and creates an undue risk to public safety.¹ Provider facility agencies must attempt to prevent youth from leaving the

¹ See ACS Policy #2014/10 *Safe Intervention Policy for Secure & Non-Secure Detention*

supervision of an NSD facility without permission or authorization by using the following methods of interventions:

1. Prevention strategies to avoid and redirect escalating behaviors.
2. Verbal de-escalation techniques when a behavior of concern occurs.
3. Upon exhaustion of all available preventive strategies and de-escalation techniques, Emergency Safety Physical Interventions (ESPI's) must be applied to prevent abscond.²

VI. Provider Agency Responsibilities If a Youth Absconds

- A. In the event a youth of one of DYFJ's contracted or directly operated group homes absconds, all NSD personnel are directed to follow the procedures as outlined below.
 1. Conduct a thorough search of the facility or site of abscondence and the surrounding area(s). A search of the local subway station must be conducted if and only if there is enough staff to maintain the NYS Office of Children and Family Services (OCFS) mandated resident-to-staff 1:6 ratio and it does not pose a risk to staff and youth.
 - a. If there are not enough staff to immediately conduct a search of the local subway station, the search must occur immediately upon acquiring the requisite staff ratio.
 2. Facility staff must immediately notify their immediate supervisor and respective Facility Director in person or via phone call after a thorough search has occurred.
 3. Once it has been established that a youth absconded, staff on duty during the abscondence must make a phone call to 911 to alert the New York City Police Department (NYPD). Once NYPD arrives, staff must be clear in the request that a report of abscondence is to be taken and not a missing person's report. The name and shield number of the officer taking the report must be noted in the Critical Incident Report (Attachment C).
 4. The Facility Director must immediately notify the NSD Executive Director or their designee by phone within one (1) hour following the incident. The Facility Director must continue to make efforts to contact the NSD Executive Director or their designee until a verbal response/receipt of contact is received regarding the abscondence.
 5. The Facility Director or designee must immediately notify the parent(s) and/or legal guardian(s) within one (1) hour following the abscondence, but no later than 24 hours to inform them of events and advise them, upon contact, to encourage the youth to return to custody by means of personal surrender or with support from agency coordinated transportation.
 6. The Facility Director or their designee must contact the youth's attorney via email or

² See ACS Policy #2014/10 *Safe Intervention Policy for Secure & Non-Secure Detention*

phone to provide notification within 24 hours of the abscondence.

7. All staff connected to the event must fill out a Critical Incident Report (Attachment C). Staff must ensure that all sections are completed, accurate, and signed.³
8. The Facility Director must notify the Movement, Communication, and Control Unit (MCCU) within one (1) hour of the incident at (212) - 442-7100.⁴
9. Only one report to the New York State Justice Center for the Protection of People with Special Needs (Justice Center) Vulnerable Persons Central Register (VPCR) needs to be made for each incident involving a youth, even if there are several mandated reporters with information about the incident, as long as each reporter with information knows that the report was made to the Justice Center, and that their name is included in the report as a person with knowledge about the incident.
10. The reporter must record the assigned Justice Center case identification number and the name of the Justice Center employee who accepted the report on the associated Critical Incident Report (Attachment C), in the appropriate facility logbook, and must provide that information to MCCU, as described above.

VII. Provider Agency Responsibility If a Abscond or Youth AWOLs

- A. Notify MCCU at (212)-442-7100 and the Justice Center's VPCR of the AWOL within one (1) hour.
- B. Notify NSD Executive Director or designee immediately upon finding out that the youth is absconds or AWOL.
- C. Notify parent(s)/caregiver(s) of the abscond/AWOL, unless the parent/caregiver has already contacted the agency to inform them of the AWOL. If the parent(s)/caregiver(s) contact the agency they must be advised to encourage the youth to return to custody.
- D. Staff must document abscond or AWOLs in the logbook.
- E. If the youth return(s) to care, provider agencies must notify MCCU and the NSD Executive Director immediately.

VIII. ACS Responsibility If a Youth Absconds or AWOLs

A. MCCU's Responsibilities

1. MCCU must immediately notify staff when an abscondence occurs via email using the distribution list at Absconds.Alert@acs.nyc.gov.

³ See DJJ Administrative Order# 02/04: *Reporting of Incidents and Data Management of GOALS*

⁴ 18 NYCRR § 433.3(b).

2. MCCU staff must update the Resident Abscond Tracking List (See Attachment B).
3. MCCU must notify NSD Admission staff if the resident has not returned after 24 hours to update the Juvenile Detention Automated System (JDAS).

B. NSD Executive Director's Responsibilities

1. The NSD Executive Director must notify the NSD Associate Commissioner & OCFS Bureau of Youth Justice Services of the youth's abscondence or AWOL immediately.
2. The NSD Executive Director must submit a Manager's Report (Attachment D) to the NSD Associate Commissioner assessing any deviation of performance standards and any plans for performance improvement, heightened monitoring, or corrective action status.
3. Notify the courts of a youth's abscondence or AWOL within 48 hours.

X. Youth's Return to Care

A. Absconds or AWOL

1. If youth is located and retrieved by NYPD, then NYPD will bring youth to Crossroads Secure Detention (SD) facility. Facility leadership at the SD facility will determine if the youth can return to NSD.
2. If the youth is returned by family or legal guardian(s), with no outstanding warrants or remands, the family or legal guardian(s) shall be directed to return the youth to Crossroads Juvenile Center (CJC).
3. The youth shall be seen by both medical and admissions and an intake sheet must be filled out by the facility. The placement of the youth will be based on the three types of remands:
 - a. Open to remand – remain at CJC.
 - b. Open to start – return to NSD.
 - c. Specific – return to NSD.

XI. Screening For Sex Trafficking

A. General Requirements and Guidelines

1. The Child Trafficking Database (CTDB) must be used to complete all sex trafficking screenings for all children in the care or custody of ACS Staff every time a youth returns from AWOL or Abscondence. Staff must adhere to ACS policies and procedures when screening youth for sex trafficking.⁵

⁵ See ACS NSD Policy #2020/05: *Identifying, Assessing, and Safety Planning with Child Sex and Labor Trafficking Victims*


2. All youth returning from AWOL must be examined by a licensed healthcare practitioner for evidence of physical injury or trauma, unsafe behaviors such as drug use or sexual activity, and/or emotional trauma.

XII. Vacating Warrants

- A. If a judicial warrant has been issued, the youth must be brought as soon as possible during business hours to the Family Court to appear before the Court and have the warrant vacated. If the warrant needs to be vacated during non-business hours, the youth must be brought before an available night court Judge.

XIII. Debriefing of Youth that Absconds or AWOL

- A. The provider agency or Crossroads is required to debrief with the youth within 48 hours upon the youth's return. The purpose of debriefing is to help everyone understand the contributing factors and circumstances surrounding the Abscondence or AWOL to prevent future recurrences.
- B. The debriefing must explore the program's role in the Abscondence or AWOL as well as specific youth factors that contributed to the youth's running away or otherwise being absent without authorization or permission and the youth's experiences while Absconding or AWOL.
- C. During the debrief, Crossroads staff or NSD facility staff must also inquire about any other locations in which the youth sought refuge during the period of Absconding or AWOL.
- D. If multiple youth were involved in the Abscondence or AWOL, Crossroads staff or NSD facility staff will debrief each youth separately.

	ACS/DIVISION OF YOUTH AND FAMILY JUSTICE	Form#:
	NOTICE OF ABSCONDENCE OR AWOL OF YOUTH	Effective:

Pursuant To 22 NYCRR § 205.26, Notice Is Hereby Provided To The Clerk Of The Court From Which The Remand Was Made That The Below Child Has Absconded

Date:_____ **Notice of:** ABSCOND ☐ ESCAPE ☐ AWOL ☐

To: ACS Family Court Representative: Brooklyn ☐ Manhattan ☐ Bronx ☐ Queens ☐
 Richmond ☐

From:_____


Name of Youth:_____ **Youth DOB:** _____

Court Part (that issued active remand order):_____ **Docket No.:** _____

Date of Abscond:_____ **Time of occurrence:** _____

Facility name and address from where youth absconded:

Describe efforts made to locate and secure return of youth:

	ACS/DIVISION OF YOUTH AND FAMILY JUSTICE	Form#:
	NOTICE OF ABSCONDENCE OR AWOL OF YOUTH	Effective:

[ACS Use Only]

Arrest Report: Yes ☐ No ☐

Detainer Attached: Yes ☐ No ☐

Notifications:

A. NYPD Precinct: Date: _____

B. OCFS: Yes ☐ No ☐ Date: _____

Warrant Information

Date Issued: _____ Number: _____

Issuing Judge: _____

Court Representative: _____

Fax To: MCCU @ (718) 965-6452 or (212) 676-7220




ACS/DIVISION OF YOUTH AND FAMILY JUSTICE

Form#:

Effective:

ABSCONDENCE & AWOL

Name	Facility	Abscond Date	AWOL Date	Erroneous Discharge Date	Penal #	Court	Remand	Warrant Date	Return Date	Comments

NEW YORK CITY		
	ACS/DIVISION OF YOUTH AND FAMILY JUSTICE	Form#:204B
	CRITICAL INCIDENT REPORT	Effective: 11/3/04

Print or Type all Information

Facility Critical Incident Report # _____ Control # _____

Secure Detention _____ Non-Secure Detention _____ Court Services _____ Central Office _____

Name of Facility _____

Full Name/Title of Person Submitting Report _____

Incident Date: _____ Time: _____ Location: _____

Staff involved (use full names): _____

Residents involved (use full names): _____

Witnesses (use full names; indicate if staff or youth): _____

Type of Incident:

- _____ 1. Death of youth or serious injury to youth or staff requiring medical attention which may result in disfigurement or permanent disability (attach EMSA Incident Report).
- _____ 2. Birth
- _____ 3. Fire
- _____ 4. AWOL/Abscond
- _____ 5. Escape. (Attempt)
- _____ 6. Major Disorder (Riot/Serious breach of security, i.e., lost exterior keys, etc.).
- _____ 7. Child Abuse (including allegation or suspected child abuse).
- _____ 8. Suicide Attempt (as defined by physician or mental health provider).
- _____ 9. Assault on Staff or Youth, which causes Injury.
- _____ 10. Other (is defined as any event, which results in significant disruption of the operation of the facility, i.e., employee, serious mechanical breakdown, union action, etc.).

Describe incident (who, what, when, where, why & how) and circumstances surrounding it.

Full name of staff on duty and their location at the time of incident:

Critical Incident Report (cont.)

Describe Injuries (attach Medical Report):

Signature: _____

Date: _____

Recommendation/Follow Up:

(To be completed by Supervisor)

Follow-up Signature: _____

Date: _____

(Verbal Notification within 48 hours, indicate date and time):

Commissioner _____
Associate Commissioner _____
Assistant Commissioner _____
Executive Director of Secure/NSD _____
Administrator on Call _____
Facility Director (NSD) _____
OCFS _____

Parent or Legal Guardian _____
Director, Case Management _____
Inspector General _____
(Only for Child Abuse Allegation, Death or Escape)
Your supervisor _____
Attorney of record (when death or escape occurs) _____
Appropriate Clergy (when death occurs) _____

Critical Incident Report Distribution Instructions (within 5 days):

- The Coordinator of Child Welfare is responsible for forwarding copies to:
Commissioner
Executive Deputy Commissioner Division of Youth & Family Justice
Executive Director (Secured/Non-Secured Detention)
Inspector General (Only for Child Abuse Allegation, Death or Escape)
Director, Case Management
Unit Manager
DFYJ
- Executive Director of all NSD facilities will be responsible for distribution of:
Critical Incident/Incident reports occurring within NSD facilities.