



CIC | DC Corrections Information Council

COUNCIL OF THE DISTRICT OF COLUMBIA
Committee on the Judiciary & Public Safety – Public Hearing
Bill 22-0451, the “Youth Rehabilitation Amendment Act of 2017”
October 26, 2017

Testimony of Michelle Bonner
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Good afternoon, Chairman Allen and other members of the Committee on the Judiciary and Public Safety.

I am Michelle Bonner, the Executive Director of the Corrections Information Council, commonly known as the “CIC.” Board members Charles Thornton, Katharine Huffman and Phylisa Carter join me in thanking you for the opportunity to share with you the CIC’s concerns regarding the lack of rehabilitative programming for incarcerated young adults eligible for such programming under the existing *Youth Rehabilitation Act* (YRA) and its hopes for increased services to the incarcerated young adult population through the proposed amendments in Bill 22-0451.

As you know, the CIC is an independent monitoring body initially established under the *Revitalization Act of 1997*, with its mandate further expanded and detailed in the *DC Jail Improvement Act of 2003*. The CIC is mandated to inspect, monitor, and report on the conditions of confinement in the prisons, jails, and halfway houses where DC residents are incarcerated. This includes over 4,700 residents in over 116 Federal Bureau of Prisons (BOP) facilities and contract facilities in 33 states and the District of Columbia, as well as approximately 2,100 residents in the custody of the DC Department of Corrections (DOC).

Since before 2012, the CIC and advocates for the agency have stressed that CIC’s mandate extends beyond mere inspection of bricks and mortar, to include assessments of programs and services available to DC incarcerated residents, as well as the policies and procedures that govern them. Since 2012, the CIC has inspected 40 BOP prisons, one BOP-contract prison, three halfway houses, and the two DOC jail facilities. The CIC’s observations have been confirmed by the research of the Criminal Justice Coordinating Council (CJCC) in its September 8, 2017 report, *The District’s Youth Rehabilitation Act: An Analysis*, “There are no programs targeted to the YRA population.”

The BOP has one program designed for younger incarcerated individuals up to age 32 with 60-months or longer sentence, the Bureau Rehabilitation And Values Enhancement (BRAVE) Program. This program was designed, not as a rehabilitative program, but as an orientation to prison life, “designed to facilitate favorable institutional adjustment and

reduce incidents of misconduct.”¹ Furthermore, the BRAVE Program is offered in only two BOP facilities: FCI Beckley in West Virginia, and FCI Victorville Medium II in California. The District has no control over the designation of persons convicted of felonies in the Superior Court of the District of Columbia (DCSC). Other programs offered in BOP facilities across the country are not designed specifically for incarcerated young adults.

The same is true for DOC: there are no programs offered in the DOC facilities targeted to young adults sentenced under the YRA. There are about two dozen young adults age 18 to 22 who are in DOC custody and are receiving special education services from the Inspiring Youth Program (IYP), operated by DC Public Schools (DCPS). This school is for those incarcerated young adults determined to have an education disability, and therefore eligible for special education and related services under the *Individuals with Disabilities Education Act* (IDEA). While there might be young adults sentenced under the YRA who are also eligible for services under IDEA, this is a more discrete population with disability rights independent of the YRA.

The proposed Act defines rehabilitative “treatment” as “guidance for youth offenders designed to improve public safety by facilitating rehabilitation and preventing recidivism.” Correctional agencies might argue that they already provide programming to general populations that facilitate rehabilitation and prevent recidivism, and that young adults incarcerated in their facilities can participate in these existing programs like their older cohorts. However, modern brain science indicates that a human’s cognitive capacity (the ability to reason) develops at a different rate from one’s psychosocial capacity (the ability to control impulses, resist peer pressure, and ascertain risks/consequences), and that young people under 25 have not yet fully developed the ability to think rationally.² This brain science has been accepted in juvenile justice, and, as a result, the move towards more developmentally appropriate responses to juvenile justice has resulted in a 50% reduction in juvenile incarceration over the past decade.³ The existing YRA and proposed amendments discussed today show that we as a community are willing to implement developmentally appropriate legislation; however, the missing piece has long been developmentally appropriate programming for this young adult population.

The proposed amendments include an Executive strategic plan by January 2019. However, there are other actions the District can consider implementing in corrections. The CJCC funded *The District of Columbia Custodial Population Study*, conducted and written by Justice Research and Statistics Institute (JRSI) and The Moss Group, Inc., in September 2017. The study highlighted some differences between “young adult offenders” and older incarcerated DC persons (including that young offenders are disproportionately represented; less likely to have a GED or diploma; more likely to have been unemployed; twice as likely to be in BOP with person offense, and have more infractions while there).

¹ Federal Bureau of Prisons, “Directory of National Programs,” November 21, 2016, p. 9.

² See, Steinberg, Lawrence, et al., “Are Adolescents Less Mature Than Adults?” *American Psychologist*, October 2009, Vol. 64, No. 7, 583–594.

³ Justice Policy Institute, “Improving Approaches to Serving Young Adults in the Justice System,” December 2016, p. 11.

While the study also highlighted a major drawback to program-based housing units in that they can each be limited to one need, specialized units can be designed to address multiple needs of a discrete population. A young adult unit can be designed much like one in Cheshire Correctional Institution in Connecticut, where up to 70 young adults are in essentially a therapeutic community within the facility, with mentors and specially trained staff to meet their needs.⁴ Although the District does not currently have a prison, it can take steps to create such a program unit for young adults held in DOC custody, designed to assess their needs prior to release or transfer, while providing them targeted service, education, and treatment while here.

The Council is aware of the existing intergovernmental agreement (IGA) between BOP and DOC to use 200 beds in DOC for DC short-term sentenced felons in BOP custody. However, BOP has regularly used no more than about 60 of these beds. The CIC and others have advocated for full use of this agreement so that more DC incarcerated persons can remain in the District to receive transition services, special education services, or other needs better served closer to home as one is closer to release. Of eighty young adults under age 22 incarcerated in BOP with sentences of 2 years or less, only 16 of them do not have a YRA sentence. Forty-three of 80 have sentences of 1 year or less, and they are nearly all in medium or lower security facilities. These are manageable numbers where the District can start implementing rehabilitative services required under the Act. The Mayor's Office has tried and continues to be open to working with BOP to allow more DC persons convicted of felonies to stay in the District. Meanwhile, the District can employ sentencing measures so that these young adults are more likely to stay in the District to receive specialized programming.

It is CIC's goal to provide information and insight that advocates, government officials, decision-makers, and corrections agencies can use to improve the conditions of confinement for incarcerated DC residents. The CIC now has increased capacity to focus more attention on DOC and its services, and is in support of expanding its statutory mandate to include monitoring with specific emphasis on young adults. The CIC is grateful for this opportunity to provide information relating to this population today and for the continued opportunity to do so in the future.

Thank you.

⁴ Porter, Mikaela, "New Prison Program Pairs Mentors With Young Offenders," Hartford Courant, March 13, 2017. The T.R.U.E. Program (Truthfulness to oneself and others, Respect toward the community, Understanding ourselves and what brought us here, Elevating into success) consists of seventy 18-25 year-olds, twelve older mentors, therapeutic community environment, and staff trained in the areas of "human development and behavioral impact, motivational interviewing, mediation and conflict resolution for young offenders, trauma-informed interventions for young adult offenders and family engagement."