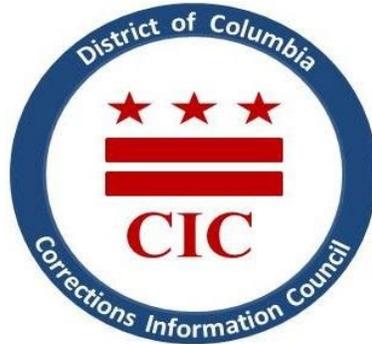
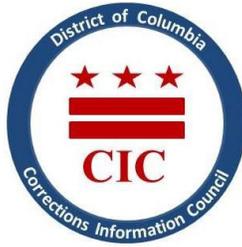


**District of Columbia
Corrections Information Council**



**District of Columbia
Youth Rehabilitation Act Report**

June 4, 2021



About the District of Columbia Corrections Information Council

The District of Columbia Corrections Information Council (CIC) is an independent oversight body mandated by the United States Congress and the Council of the District of Columbia to inspect, monitor, and report on the conditions of confinement in correctional facilities where residents from the District of Columbia are incarcerated. This includes facilities operated by the Federal Bureau of Prisons (BOP), the District of Columbia Department of Corrections (DOC), and private contractors.

The CIC reports its observations and recommendations to the District of Columbia Representative in the United States Congress, the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Deputy Mayor for Public Safety and Justice, the Director of the BOP, the Director of the DOC, and the community.

Additionally, in accordance with the CIC statutory mandate §24-101.01 (f)(1)(C). The CIC is responsible for publishing an annual report on the conditions of confinement and programming provided to District of Columbia youth offenders, as that term is defined in § 24-901(6), in the custody of the Bureau of Prisons.

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Introduction

In the 2018 amendment of the Youth Rehabilitation Act (YRA), the Mayor of the District of Columbia was required to develop and submit a strategic plan for providing facilities, treatment, and services for YRA offenders [in the care and custody of the DOC] by September 30, 2019¹. The statute also specified that the BOP is authorized to provide these services for (YRA) offenders in their custody². At the conclusion of fiscal year 2020, the development of a strategic plan for YRA offenders was not yet finalized.

In May 2019, the Justice Policy Institute (JPI) was awarded the contract to develop the Mayor's strategic plan for YRA offenders. The DC Emerging Adult Justice Action Collaborative (DC Action Collaborative) was formed as an initial workgroup on behalf of the Justice Policy Institute (JPI) in partnership with the Office of the Deputy Mayor for Public Safety and Justice - and the Department of Youth Rehabilitation Services (DYRS).

The "DC Action Collaborative is an initiative supported by the Public Welfare Foundation comprised of system stakeholders, advocates, and impacted community members working to build a robust community-based continuum of services, supports and opportunities to respond to the needs of DC's emerging adult population (18-24 years of age). Specifically, the collaborative will finalize, help implement, and monitor the city's strategic plan to serve justice involved young adults, a requirement of the Youth Rehabilitation Amendment Act of 2018."³

Youth Act Offender Definition

Youth offender means a person 24 years of age or younger at the time that the person committed a crime other than murder, first degree murder that constitutes an act of terrorism, second degree murder that constitutes an act of terrorism, first degree sexual abuse, second degree sexual abuse, and first degree child sexual abuse.⁴

¹ Youth Rehabilitation Amendment Act of 2018, D.C. Code § 22-197 (2018), <https://code.dccouncil.us/dc/council/laws/22-197.html>.

² Youth Rehabilitation Amendment Act of 2018, D.C. Code 22-197 (2018), Sec. 301. (E)(5)(c).

³ Justice Policy Institute. Strategic Plan. p 51.

⁴ Youth Rehabilitation Amendment Act of 2018, D.C. Code 22-197 (2018), Sec. 102. (a)(6).

Population and Placement of Youth Act Offenders

There are currently 154 DC YRA offenders housed in different BOP facilities throughout the United States, and there are 12 DC YRA offenders housed in the DC Department of Corrections (DOC)⁵:

- 81 housed in Federal Correctional Institutions (medium)
- 4 housed In Federal Correctional Institutions (low)
- 30 housed in United States Penitentiaries (high)
- 6 housed in Administrative United States Penitentiaries (max)
- 1 housed in Federal Medical Facility
- 3 housed in Federal Transit Centers
- 20 housed in Residential Reentry (halfway house)
- 12 housed in the DOC

Bureau of Prisons (BOP) institutions are classified into one of five security levels: minimum, low, medium, high, and administrative - based on the level of security and staff supervision the institution can provide. The Bureau of Prisons (BOP) designates the place of the prisoner's imprisonment, and shall - subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons - place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence.⁶

Initial designations to BOP institutions are initiated, in most cases, by staff at the Designation and Sentence Computation Center (DSCC), Grand Prairie, Texas, who assess and enter information from the sentencing court, U.S. Marshals Service, U.S. Attorney's Office or other prosecuting authority, and the U.S. Probation Office about the inmate into a computer database (SENTRY). SENTRY then calculates a point score for that inmate, which is then matched with a corresponding security level institution.⁷ There are no special accommodations provided to YRA offenders regarding where they will be housed in the BOP. YRA offenders are held to the same process and point system as everyone else in BOP custody.

⁵ Numbers are subject to fluctuations.

⁶ U.S. Dept of Justice Federal Bureau of Prisons Program Statement 5100.08.

⁷ U.S. Dept of Justice Federal Bureau of Prisons Program Statement 5100.08 ch.1 p.2.

Strategic Plan Development

Under the current YRA legislation, the mayor was charged with the task of constructing a plan for YRA offenders by September 2019. JPI was awarded the contract and conducted a series of meetings to discuss the strategic plan and solicited input from a variety of stakeholders, including government agencies, community service providers, advocates, and impacted individuals. Subsequently, JPI formed the DC Action Collaborative, which consists of subcommittees comprised of the following organizations:

- DC Young Men Emerging Unit
- Free Minds
- DC Gun Violence Prevention Initiative
- School Justice Project
- Office for Students in the Care of DC
- DC Department of Corrections
- CSOSA
- Office of the Deputy Mayor of Public Safety and Justice
- Counsel for Councilmember Charles Allen
- DC Justice Lab
- DC Office of the Attorney General
- Public Welfare Foundation
- National Reentry Network
- Voices for a Second Chance and DC Reentry Action Network
- Department of Youth Rehabilitation Services

In accordance with the Mayor's strategic plan in development, JPI developed a list of goals and objectives to bring this plan to fruition for YRA offenders. Subcommittees each focus on a specific area for developing ideas. There are three goals, and each goal has its own objectives.

Goal Number One: increase District agencies providing services that are developmentally-appropriate, trauma-informed, and healing-centered and restorative.

Objectives

- 1) The District's Mayor Office must engage in a process to develop District-wide guiding principles that are trauma-informed, healing centered, and restorative.
- 2) District agencies must adopt these principles within a certain time frame.
- 3) The District's Office of the Deputy Mayor for Public Safety and Justice (DMPSJ) must provide guidance and support to District agencies and partners to develop initiatives, programs, and responses to ensure compliance of the YRA.

Goal Number Two: build a community-based continuum of care.

Objectives

- 1) Build diversion programming and opportunities for emerging adults. Diversion programs are intervention programs that “seek to offer individuals who have entered the criminal justice system, such as through arrest, and opportunity to avoid prosecution or sentencing by taking part in treatment, education, community service or other pro-social activities.”⁸
- 2) Build restorative justice programming and opportunities for emerging adults. Restorative Justice is an approach and set of practices that engages a community in building relationships and repairing harm through mutual, inclusive dialogue, understanding and cooperation.⁹ As opposed to punitive punishment and isolation, this approach emphasizes that the path of justice lies problem solving and healing between the person who was responsible for harming others and those affected by the harm done.¹⁰
- 3) Build housing programming and opportunities for emerging adults. Stable affordable housing is a key ingredient to basic stability and overall success for any person. In the District of Columbia, affordable housing options are still a significant challenge that impact all age demographics.
- 4) Build behavioral, mental, and physical health programming and opportunities for emerging adults. Behavioral health is a measure of how aptly one acts and responds to stimuli in their daily life. Someone with strong behavioral health will likely have strong mental and physical health, since the capacity to respond “appropriately” relies on the physical and psychological ability to navigate the social world.¹¹

Mental health is a measure of one’s psychological and emotional well- being.¹² It includes questions of one’s cognitive functioning, everyday mood, impulse control, etc..¹³ Someone with poor mental health may have or develop a psychiatric disorder that inhibits their ability to think, feel, and operate as they normally would.¹⁴

⁸ “Brief: Diversion and Deflection in the District of Columbia,” *District of Columbia Statistical Analysis Center*. https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/DIVERSION%20AND%20DEFLECTION%20IN%20THE%20DISTRICT%20OF%20COLUMBIA.pdf

⁹ “Restorative Justice Trainings and Resources,” *Office of the State Superintendent of Education*, Accessed September 25, 2019. <https://osse.dc.gov/page/restorative-justice-trainings-and-resources>.

¹⁰ “DC Alliance for Restorative Justice Practices Policy Platform on Restorative Practices for Youth,” *DC Alliance for Restorative Practices*, Accessed September 25, 2019.

¹¹ “Defining Behavioral Health,” *Insight*, Accessed August 19, 2019. <http://insighttelepsychiatry.com/defining-behavioral-health/>.

¹² “Mental Health,” *Lexco*, Accessed August 19, 2019. <http://english.oxforddictionaries.com/mental%20health>.

¹³ “What is Mental Health?” *Mentalhealth.gov*, Accessed 2019, 2020. <https://www.mentalhealth.gov/basics/what-is-mental-health>.

¹⁴ “What is Mental Health?”

Physical health measures the condition of one's body, considering the functionality and fitness of a variety of life-sustaining processes and body parts.¹⁵ Someone with optimal physical health will not have a disease or illness, will be physically active multiple times a week, will have access to clear water and air, and will have a sufficiently sizable nutritious diet.¹⁶ Many also consider having reliable housing and weather appropriate clothing to be pillars of optimal physical health.¹⁷

- 5) Build educational programming and opportunities for emerging adults. Education in this context are legal-involved emerging adults who are trying to obtain, or need support in, obtaining one or more of the following education options:

High School Diploma: In order to receive a high school diploma, students are required to finish the District of Columbia's 5-A DCMR § 2203 academic requirements. The academic requirements include coursework in English, Mathematics, Science, Social Studies, World Language, Music, Physical Education/Health, and selected electives.¹⁸ Students with special education needs may remain in high school, receiving services and working toward their diploma, until age twenty-two.¹⁹ Older students can enroll in DCPS' alternative high school programs.

General Education Development (GED): The GED is a four-subject high school equivalency test administered by the District's General Education Development Program Office. The exam covers science, social studies, mathematical reasoning, and reasoning through language arts. This exam is available for DC residents age 18 or older who have not completed high school. Applicants under 18 must provide documentation of being withdrawn from school for at least six months, as well as consent from a guardian, government agency, or court.²⁰

Vocational Certification: Organized educational programs offering a sequence of courses which are directly related to the preparation of individuals employment in current or emerging occupations requiring other than a baccalaureate or advanced degree.²¹

¹⁵ "Physical Health," *Eupati*, Accessed August 19, 2019. <https://www.eupati.eu/glossary/physical-health/>.

¹⁶ "Physical Health."

¹⁷ "How does housing influence our health?" *The Health Foundation*, Accessed August 19, 2019.

<https://www.health.org.uk/infographic/how-does-housing-influence-our-health>.

¹⁸ "203 Academic Requirements," *Office of the State Superintendent of Education*, Accessed October 23, 2019.

¹⁹ See D.C. Mun. Reg. Tit. 5-E §3000.1.

²⁰ "The GED Tests," *Office of the State Superintendent of Education*, Accessed October 23, 2019.

<https://osse.dc.gov/service/ged-tests>.

²¹ "Vocational Education," *National Center for Education Statistics*, Accessed October 23, 2019.

<https://nces.ed.gov/pubs/web/95024-2.asp>.

- 6) Build workforce development programming and opportunities for emerging adults. Workforce development strategies aim to strengthen skill sets and gain experience to meet the needs of potential employers. This can include hard and soft skill training, financial literacy, resume and cover letter development, interviewing skills, workplace etiquette, etc. Programs may also have a specific focus to develop skills for in-demand labor. Programmers shall work with participants to identify barriers to employment and assess proper strategy to overcome them to create attainable career goals.
- 7) Build family support programming and opportunities for emerging adults. Family engagement opportunities involve establishing a collaborative relationship in which families or caregivers are partners in both treatment and in developing the policies, programs, and practices that are use within the system.²²

Family centered services are generally for “incarcerated parents, their children, and families” which include “parenting programs, family strengthening activities, nurturing of family relationships, community supports for families during incarceration and following release, and gender-specific interventions.”²³

Goal Number Three: build a system-based continuum of care.

Objectives

- 1) Build specialized court programming and opportunities for emerging adults. Specialty Courts are problem-solving courts that “bring together criminal justice and community partners and corresponding resources to respond to crime and safety issues, hold defendants accountable, address defendants’ needs and the underlying causes of their criminal behavior, improve the quality of life in communities, and administer justice.”²⁴
- 2) Build specialized probation programming and opportunities for emerging adults. Specialized probation is alternative probation programs that aim to meet the particular needs of a specific community that traditional probation programs do not adequately address such as young adults, sex offenders, and women.

²² This definition is modified to reflect family engagement in a broader justice involved population beyond the juvenile justice system. Development Services Group, Inc, Family Engagement in Juvenile Justice (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2018) <https://www.ojjdp.gov/mpg/litreviews/Family-Engagement-in-Juvenile-Justice.pdf>.

²³ “Supporting Children and Families Affected by Parental Incarceration”. *Child Welfare*, Accessed November 4th, 2019. <https://www.childwelfare.gov/topics/supporting/support-services/incarceration/>.

²⁴ “Community Courts and Problem Solving Courts,” *District of Columbia Courts*, Accessed September 17, 2019. <https://www.dccourts.gov/services/criminal-matters/community-court-and-problem-solving-courts>.

- 3) Build specialized unit programming and opportunities for emerging adults. Specialized units can offer services and supports targeting the unique needs of emerging adults offer space for individuals to mature, learn new skills, and develop prosocial behaviors among their peers.”
- 4) Build Reentry Programming and opportunities for emerging adults. Reentry diversion programs offer legal-involved individuals a pathway to prosocial activities including treatment, education, or community service as an alternative to prosecution or sentencing. The outcomes sought by diversion programs include reducing the likelihood of reoffending while providing individuals with the opportunity to change behaviors that have led to legal involvement.²⁵

All aforementioned information is in the developmental stage of the Mayor’s strategic plan that was mandated by statute. Once these ideas are fully developed and brought into fruition, absent the cooperation of the BOP, the only way that YRA offenders will reap the full benefits of the current YRA legislation would be to remain in DOC custody where all these possibilities would be accessible to them.

BOP Programs for Youth Act Offenders

After a YRA offender is sentenced, if he is not released, he will be sent to the Federal Bureau of Prisons (BOP) where he/she may end up anywhere in the United States that has a BOP facility. Depending on the individual’s custody level, he/she may end up in a high, medium, or low security level federal facility. The District of Columbia does not currently have its own prison; therefore, they are subject to end up anywhere in the United States in federal custody.

The BOP is not suited nor obligated to provide specialized programming or a continuum of care for DC YRA offenders. The BOP has expressed that it does not accommodate specialized populations, but it allows everyone in their custody access to the same universal BOP programs.

Below is a list of the programs that are universal throughout the BOP:

- Literacy Program is a program designed to prepare inmates to get a General Equivalency Development (GED) credential.

²⁵ “Brief: Diversion and Deflection in the District of Columbia,” *District of Columbia Statistical Analysis Center*, Accessed July 31, 2019.
https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/DIVERSION%20AND%20DEFLECTION%20IN%20THE%20DISTRICT%20OF%20COLUMBIA.pdf

- English – as – a Second Language (ESL) Program is for inmates who are not proficient at speaking English. Inmates are enrolled in this program until they can function at the equivalency of the eighth-grade level in listening and reading comprehension.
- Federal Prison Industries (FPI) Inc. Program, also known as UNICOR, is a critical component of the bureau's effort to improve reentry.
- Occupational Education Programs are designed to help inmates acquire marketable skills in a wide variety of trades. Programs which vary from institution to institution are provided by either career civil-service vocational training instructors or through contracts with colleges and technical schools.
- Parenting Program provides inmates information and counseling through direct classes on how to enhance their relationship with their children while incarcerated.
- Bureau Rehabilitation and Values Enhancement Program (BRAVE) is a cognitive-behavioral, residential treatment program for young males, serving their first federal sentence.
- Challenge Program is a cognitive-behavioral, residential treatment program developed for male inmates in penitentiary settings.
- Drug Abuse Education is a program designed to encourage inmates with a history of drug use to review the consequences of their choice to use drugs and the physical, social, and psychological impacts of that choice.
- Mental Health Step Down Unit Program is a residential treatment program offering an intermediate level of care for inmates with serious mental illnesses.
- Nonresidential Drug Abuse Program is a flexible, moderate intensity cognitive-behavioral treatment program.
- Residential Drug Abuse Program (RDAP) is designed to provide intensive cognitive-behavioral, residential drug abuse treatment.
- Resolve Program is a cognitive-behavioral program designed to address the trauma related mental health needs of inmates.
- Sex Offender Treatment Program – Nonresidential (SOTP-NR) is a moderate intensity program designed for low to moderate risk sexual offenders.

- Sex Offender Treatment Program – Residential (SOTP-R) is a high intensity program designed for high risk sexual offenders.
- Skills Program is a residential treatment program designed to improve the institutional adjustment of inmates with intellectual disabilities and social deficiencies.
- Steps Towards Awareness, Growth, and Emotional Strength Program (STAGES) is a residential treatment program for inmates with serious mental illnesses and a primary diagnosis of Borderline Personality Disorder.
- Life Connections Program (LCP) is a residential faith-based program offered to inmates of all faith traditions, including for those who do not hold to a religious preference.

None of the programs offered by the BOP are designed specifically with DC YRA offenders in mind, nor address the specific needs of this population. The only way at the present moment for DC YRA offenders to receive the treatment and care that they need as an emerging adult population is to be housed in the District of Columbia where the continuum of care, facilities, resources, treatment, and programs will be made available to them as a consequence of the implementation of the Mayor’s strategic plan.

Conclusion

The District of Columbia has no jurisdiction or enforcement power over the BOP. The only way that the mayor’s strategic plan can benefit the YRA population that is currently in BOP custody is if they are able to remain in DOC custody to serve their YRA sentence.

At some point after the Mayor’s plan is fully developed and in action, perhaps the District of Columbia can make some proposal to the BOP in accordance with what DC specifically desires for YRA offenders. That proposal should discuss the type of programs that DC envisions for our YRA population in BOP custody, but until that occurs - YRA offenders in BOP custody will only have access to standard BOP programming.

Recommendation

The CIC recommends that additional legislation be considered that would allow for YRA offenders to remain in DOC custody where they can receive the continuum of care, treatment, facilities, and programs that are most beneficial to this population.