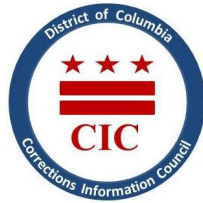


**District of Columbia
Corrections Information Council**



**District of Columbia
Youth Rehabilitation Act Update**

February 16, 2022

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Background

On June 4, 2021, the CIC published a mid-year report on the Youth Rehabilitation Act (YRA). The mid-year report was premised upon a strategic plan assigned for development to the Justice Policy Institute (JPI), on behalf of the Mayor, in accordance with a statutory mandate¹. During May 2019, the Justice Policy Institute (JPI) was assigned to develop the Mayor's plan by September 30, 2019. This strategic plan was required to encompass how the Mayor would provide facilities, treatment, and services for the developmentally appropriate care, custody, subsistence, education, workforce training, and protection for those who fall within the statutory age designation for a youth offender. At the conclusion of fiscal year 2020, JPI had not concluded the development of the strategic plan.

JPI continued work in conjunction with other entities and formed the DC Emerging Adult Justice Action Collaborative (DC Action Collaborative)². The partnership also included the Office of the Deputy Mayor for Public Safety and Justice – and the Department of Youth Rehabilitation Services (DYRS).

In November 2021, JPI completed its strategic plan for YRA offenders in the District of Columbia and presented it to the Mayor for implementation in accordance with the statute.

Plan Highlights

The strategic plan developed by JPI highlights current research and best practices relating to the unique needs of those who fall within the YRA, and it provides recommendations to implement developmentally appropriate responses for emerging adults as required under the YRA. This plan is underpinned by the voices of impacted, legal-involved emerging adults and a broad array of District stakeholders.³

The strategic plan presents the District with two overarching goals: reclaiming control of the District's justice system functions, and officially transferring jurisdiction of 18-24 year legal involved individuals to the Department of Youth Rehabilitation Services (DYRS). Additionally, there are three service-oriented goals for the next 3-year period⁴:

¹ See DC Code § 24-902 (a-1) (1). Available at [https://code.dccouncil.us/us/dc/council/code/sections/24-902#:~:text=to%20main%20content-,%C2%A7%2024%E2%80%93902.,and%20services%20for%20youth%20offenders.&text=\(a%2D1\)\(1,\(a\)%20of%20this%20section](https://code.dccouncil.us/us/dc/council/code/sections/24-902#:~:text=to%20main%20content-,%C2%A7%2024%E2%80%93902.,and%20services%20for%20youth%20offenders.&text=(a%2D1)(1,(a)%20of%20this%20section).

² See Amended Youth Rehabilitation Act (YRA) of 2018 Emerging Adult Strategic Plan 2020-2025, prepared by Justice Policy Institute (JPI) Pg. ii, (November 2021).

³ Id.

⁴ Id. at iii.

1. Increase the number of District agencies and community-based organizations providing services, supports, and opportunities that are developmentally appropriate, healing-centered, and restorative.
2. Build a community-based continuum of care to respond to the needs of emerging adults.
3. Build a criminal legal system-based continuum of care to respond to the needs of emerging adults.

The District must build on the best features and principles of the YRA, while improving its approach to meeting the needs of emerging adults. To achieve broad public safety policy goals, the District must implement this evidence-based strategic plan and provide sufficient funding to meet the objectives.⁵

In order to realize the benefits of the strategic plan provided by JPI, the District of Columbia will need control of the systems governing YRA offenders. Currently, the vast majority of YRA offenders are housed in the Bureau of Prisons (BOP). The District of Columbia has no jurisdiction or authority over the BOP. Therefore, absent control of the placement and care of YRA offenders, the implementation of the Mayor's strategic plan will not benefit the YRA population for which it was designed.

In the Mayor's strategic plan, there are objectives necessary to progress the District towards building robust continuums of care. It contains district-wide recommendations for the Mayor's office and the DC Council to consider, such as the following⁶:

- Inform the District: The Executive Office of the Mayor should inform District and federal agencies, providers, and the community about the YRA Strategic Plan and improvement initiatives to enhance programming, supports, and services for legal-involved emerging adults.
- Raise the Age of Juvenile Justice Jurisdiction: The District must enact legislation raising the age of juvenile justice jurisdiction to under 25, thereby allowing the District to retain jurisdiction.
- Re-establish local control of all legal system functions: With the passage of the 1997 DC Revitalization Act, many adult criminal legal functions were transferred to the control of the federal government, including prison sentences, parole, and community supervision. Therefore, emerging adults in DC are subject to adult criminal court jurisdiction and the requirements under the DC Revitalization Act for serving their prison sentence, parole, and community supervision under federal jurisdiction. This hybrid

⁵ Id. at 14.

⁶ Id. at 18.

approach to justice limits the District's ability to implement reforms addressing the unique needs of legal-involved emerging adults. Without the ability to direct programmatic action within the Federal Bureau of Prisons or Court Services and Offender Supervision Agency (CSOSA), the District may only apply disjointed approach to servicing legal involved emerging adults. For maximum effectiveness, the District must reestablish full local control of its legal system while building a comprehensive approach.

At a minimum, CSOSA should reestablish the Young Adult Unit, which was a program focused on the development of the individual while emphasizing education, job readiness, and skills training. CSOSA currently utilizes high intensity probation supervision, which focuses on impulsive behaviors, criminal thinking, and antisocial behaviors while failing to consider the unique needs of emerging adults. For example, legal-involved emerging adults have higher rates of foster care placements, mental health issues, parental incarceration, poverty, and substance misuse disorders and these factors should be taken into consideration when fashioning a successful supervision plan.

Probation should operate in conjunction with community-based organizations to assist individuals ages 18 to 24 years of age. By providing age-appropriate, individualized treatments with community partners, probation can prioritize educational, social, or vocational services to those who missed such markers into adulthood while incarcerated. Such efforts might establish shorter and more useful periods of supervision.

Timeline for Implementation

Years 1 – 2: Research, convene stakeholders, transmit Strategic Plan

Year 3: Mayor works with elected officials and authorities on statutory and regulatory practices for full authority over emerging adults; hires emerging adult coordinator who begins operationalizing plan

Year 4: Multiple pilots implemented/existing programs expanded through budget and appropriations – housing, diversion, employment, education, and family support

Year 5: Continue programming, develop evaluations

Year 6+: Continue to innovate and expand efforts resulting in positive outcomes; address and improve other interventions⁷.

⁷ Id. at 61.

Recommendations

- Anyone sentenced under the DC YRA should remain in DC DOC custody until the completion of their DC YRA sentence.
- The Mayor's Office must provide sufficient funding for the implementation of the YRA Strategic Plan.

Conclusion

For DC YRA offenders to reap the full benefits of this new strategic plan, adequate funding and offender placement within the District of Columbia are required. The statute dictates that those who fall within the parameters of the YRA shall be provided treatment, facilities, services, and care, where they can receive workforce training, education, and protection. Currently, those who are sentenced under the YRA are sent to BOP facilities where they do not have access to any of the strategies discussed in JPI's Strategic Plan. Instead, those individuals receive the same minimal programming as the general BOP population, as opposed to tailored programs that are suitable to the population at their stage of development. Due to jurisdictional limitations, the District of Columbia does not have direct enforcement power over the BOP, so the most effective method for providing these statutorily mandated services requires the YRA population to remain within the jurisdiction of the District of Columbia.