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**Statement of the
Council for Court Excellence
Before the Committee on Recreation and Youth Affairs Public Hearing
Of the Council of the District of Columbia**

Bill B23-0291, “The Detained Youth Access to the Juvenile Services Program
Amendment Act of 2019”

October 17, 2019

Good Morning, Chairman White, and members of the committee. My name is Adam Bernbaum. I am a Policy Analyst at the Council for Court Excellence (CCE). No judicial members of CCE participated in the formulation of this testimony.

CCE is a local nonpartisan civic organization founded in 1982 to improve the administration of justice in the courts and related agencies in the District of Columbia.

This testimony addresses B23-0291, the “Detained Youth Access to the Juvenile Services Program Amendment Act of 2019.” This legislation is an opportunity for the District of Columbia to demonstrate its commitment to transparency and legal services for detained youth.

Passage of this legislation would ensure continuation of the current reality in Department of Youth Rehabilitation Services (DYRS) facilities. Currently, Juvenile Services Program (JSP) personnel from PDS and detained youth have confidential access to each other. However, access to this space is merely a function of short-term memoranda of agreement between PDS and DYRS.

In 1978 the Council formed the Task Force on the Reorganization of the Department of Human Services (the predecessor to the Department of Youth Rehabilitation Services). The Task Force studied the conditions of youth confinement and concluded there were numerous deficiencies which needed to be addressed. The Task Force then recommended the Public Defender Service (PDS) establish an office at the detention center with the aim of protecting the legal rights of detained youth.

At that time, the Council felt that the Task Force was correct in that detained youth needed access to services that would ensure their rights were maintained, approving funding for a Juvenile Services Program which was to operate through PDS in 1982.

In 2014, and again in 2017, PDS entered into short-term memoranda of agreement with DYRS that guaranteed PDS’s right of access to detained youth. The MOA agreed upon in 2017 is set to expire on January 4, 2020.

Passage of this legislation would ensure a permanent right of confidential access between PDS and youth detained in secure juvenile facilities, rather than leaving youth access to legal services to the continued uncertainty of MOAs.

The Juvenile Services Program that operates at DYRS facilities is a crucial program, ensuring access to various rights for detained youth. The services offered by JSP address complex needs, essential services, and continued representation for youth committed to DYRS facilities.

The population served by JSP are a diverse group of youth ages 12 to 21 who generally do not have a strong understanding of the court system. This lack of understanding is often exacerbated by mental health issues, trauma and anxiety associated with their detention, lack of family support, and lack of educational support.¹ JSP provides essential services to meet the needs of this vulnerable population.²

First, JSP provides legal rights orientation to all detained youth. These orientations provide an opportunity to explain to the youth their rights and responsibilities during detention, as well as any potential consequences of their actions. This service is especially important as JSP is able to offer on-site assistance as the need arises.

JSP would also have access to housing units in the DYRS facilities which allows them to interact with and observe the more vulnerable youth who may need help but are unable to ask for it.

Many youths who are held at DYRS facilities may be charged and sentenced with adults and await transfer to a federal B.O.P. facility. The presence of JSP at these facilities allows youth access to representation during disciplinary proceedings which often impact the youth's designation in the Bureau of Prisons, with infractions often leading to more restrictive prisons.³ JSP stall also assist the youths in understanding their B.O.P. classifications and give them the tools, such as conflict avoidance and education, to improve their scores. Lowering their scores could mean that they are sent to B.O.P. facilities that will be safer and have greater opportunities for programming.⁴

Additionally, JSP assists youths in understanding the court process and communicating with their attorneys. It is important to note that a detained youth's attorney is not a substitute for JSP. Attorneys do not have the time and resources to dedicate to their clients in a way that will adequately address all their needs. JSP provides legal resources, such as the law library at New Beginnings, to help youths research their questions and concerns and more effectively communicate with their attorneys. JSP connects youths to their attorneys so that they may get answers to the process their case will take.

Youth are often transferred to out-of-District facilities once they are committed, and they do not retain the same access to counsel post-commitment. JSP ensures that children have continued access to

¹ Office of Juvenile Justice and Delinquency Prevention. 2017. *Intersection Between Mental Health and the Juvenile Justice System*. <https://www.ojjdp.gov/mpg/litreviews/Intersection-Mental-Health-Juvenile-Justice.pdf>

² The Public Defender Service for the District of Columbia. *Community Defender Division: Juvenile Services Program*. [https://www.pdsdc.org/docs/default-source/cdd/pds-230-cdd-jsp-flyer_508-\(cm\)-1-6.pdf?sfvrsn=49c79dd0_2](https://www.pdsdc.org/docs/default-source/cdd/pds-230-cdd-jsp-flyer_508-(cm)-1-6.pdf?sfvrsn=49c79dd0_2)

³ U.S. Department of Justice Federal Bureau of Prisons. September 4, 2019. *Inmate Security Designation and Custody Classification*.

⁴ Federal Bureau of Prisons. "About Our Facilities." https://www.bop.gov/about/facilities/federal_prisons.jsp

representation, even on short notice. Additionally, JSP established relationship with youth who are later transferred to other facilities which aids in ensuring appropriate placements and assisting with successful reentry when the youth return to the District.

Juvenile Services Program also provides non-legal advocacy services to detained youth such as elevating their medical concerns and working with them to ensure they get the treatment and care they need.

The ability of detained youth to access pro bono legal services at their place of detention is crucial to ensuring that their rights are upheld. Access to JSP services should no longer be subject to the uncertainty of a MOA.

The Council should establish permanent access to resources for vulnerable children by granting them these legal protections through this legislation.