



COUNCIL FOR COURT EXCELLENCE

**Statement of
the Council for Court Excellence
to the
DC Council Committee on Human Services
Concerning Fiscal Year 2009 Performance Oversight of the
Department of Youth Rehabilitation Services**

February 26, 2010

The Council for Court Excellence is a local, non-partisan civic organization that works in a variety of ways to improve the administration of justice in our city. For 28 years, the Council for Court Excellence has been a unique resource for our city, bringing together members of the civic, legal, business, and judicial communities to work in common purpose to improve the administration of justice in the courts and related agencies. As is our policy, no judicial member of the Council for Court Excellence board of directors participated in preparing this statement.

The Council for Court Excellence joins with others to commend this committee, the DC Council, the Mayor, the Department of Youth Rehabilitation Services, and the DC Superior Court for designing, implementing, and supporting the recent reform of the District's juvenile justice system. The reform seeks to conform the system to its longtime statutory mandate to hold delinquent youth accountable for their actions in the least restrictive setting that is consistent with their safety and the safety of the community. All national research studies confirm that such a system of accountability coupled with humane rehabilitation services yields the best outcomes for both the delinquent youth and the community. We all want – and need – delinquent youth to be able to turn their lives around, build on their strengths, develop new skills, and become productive adults in our city.

In the past fiscal year, closing the disgraceful Oak Hill facility and opening the New Beginnings center were a major achievement by DYRS and the District of Columbia. The District now has a state of the art facility in which to confine those committed youth who pose the greatest risk to the community and who need the high-end round-the-clock rehabilitation services of a locked facility. At the end of fiscal 2009, DYRS also achieved another key milestone by launching its Lead Entity/Service Coalition networks of community-based non-



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governmental service providers to implement the DYRS individual case plans for the great majority of committed youth who are not in locked facilities but are instead being monitored and rehabilitated in the community. These two 2009 DYRS achievements now finally provide the structure for the reform envisioned by the 2001 report of the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform: closing Oak Hill, replacing it with a smaller facility, and redirecting resources to community-based alternatives to incarceration. We want to commend the DYRS leadership for its success in achieving these reforms and express our support for Interim Director Marc Schindler as he continues to implement further reform efforts.

Last year at this oversight hearing, CCE expressed our frustration with the almost total absence of public information about the District's juvenile justice system in general and about DYRS's performance as one part of that system in particular. Our general frustration with missing and disjointed public information continues, but we do commend DYRS for including some important performance indicators in its FY09 Performance Accountability Report, which is available to the public on the DYRS and DC websites. Specifically:

- 95% of the youth who were released between their initial hearing and their adjudication hearing completed their detention alternatives without rearrest or failure to appear in court. This is a very positive measure of the success of the Juvenile Detention Alternatives Initiative (JDAI). However, we'd also like to know much more about JDAI, such as year-by-year numbers and percentage of youth who were released compared to the numbers and percentage of youth who were detained. As best we can determine, performance data for the JDAI program, coordinated by the Criminal Justice Coordinating Council, not DYRS, is not accessible to the public.
- The average length of stay in secure pretrial detention at the Youth Services Center (YSC) for youth awaiting court-ordered placement in a less restrictive shelter home was 2.5 days, compared to 4 days in fiscal 2008. This confirms the continuation of the progress CCE found in its September 15, 2008 *Final Evaluation of the Effect of Juvenile Speedy Trial Emergency Legislation*, a study performed under contract to the DC Council.
- The average length of stay in secure pretrial detention at the YSC for youth who have been court-ordered into such secure detention until their adjudication hearing was 23 days



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compared to 21 days in fiscal 2008. Both figures tend to confirm the progress CCE found in its 2008 Juvenile Speedy Trial study and suggest that the District's juvenile system continues to comply with the 30-day deadline for adjudicating youth who have been held in secure detention. However, we will need to see the Family Court's 2009 annual report to see how this average compares to the percentage rate of compliance with the deadline.

- The average daily population at the YSC was 96.5 youth, though the facility was designed to house no more than 88. We know from press reports that in November 2009, just after the end of the fiscal year, there were 156 youth confined at the YSC, and that last month the population at YSC was 110. We have heard that the YSC is now below its 88-bed capacity, which is good news. However, being below capacity temporarily does not reduce the need to study why the facility has been operating at above capacity for more than a year, so that corrective measures can be taken. We encourage this committee to ensure that such an analysis is done and the results made public.
- 24.5% of all the youth committed to DYRS were placed by the agency in out-of-state residential treatment facilities in fiscal 2009, double the agency's self-identified target rate. Being unable to accommodate such a large percentage of committed youth locally is a problem both programmatically and fiscally. The issue needs immediate attention by this committee and the District government in order to plan and budget for an appropriate solution.
- Only 69% of newly committed youths in fiscal 2009 underwent a complete case planning process and were in placements and receiving services that were consistent with their case plan. Even though this statistic is above DYRS' 65% target, it is a very troubling indicator, particularly given the agency's new reliance on the Lead Entities to ensure that the DYRS case plans for youth in community settings are being followed. It is difficult to ensure accountability if there is no case plan. We are pleased to see that DYRS has increased its performance goal for fiscal 2010 on this measure to 90% but, again, it is hard to hold the case managers at DYRS and the care coordinators at the two Lead Entities accountable if any committed youth does not have a case plan.



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In June 2009, the Council for Court Excellence was proud to publish the first-ever *Guide to the DC Juvenile Justice System* in English and Spanish, to describe, in general, what happens from the time a youth is taken into custody by the police until he or she leaves the juvenile justice system at any stage along the way. So far, we have distributed 5,600 copies of the English guide and 1,500 copies of the Spanish guide, and many more people have opened the guides on our website. So we are hopeful that this guide is lifting some of the cloud of mystery and misconception about DC's juvenile justice system.

But as informative as CCE's guide is, it is purely descriptive, not analytic. It does not tell the DC community how its juvenile justice system is performing -- to improve public safety or to improve the likelihood that the city's young people who pass through the juvenile justice system will be rehabilitated and better-equipped to be productive adults. That is crucial information about such an important public function.

What little data about juvenile justice that is available is not readily available to the public, and it is presented piecemeal rather than comprehensively:

- We find no juvenile justice data reports on the DC Council's website. We suggest that, as part of its oversight function, this committee post on its website at least all testimony presented at its hearings that contains any data about the juvenile justice system. We do commend this committee for posting last year's DYRS responses to performance oversight questions and urge you to post this year's responses as well.
- There is comprehensive adult and juvenile arrest data on MPD's website, but it is not easy to find, so most people have no idea that juveniles account for only 7% of arrests in the city (though they are 13% of the population).
- The Family Court posts its annual reports on the DC Courts website, but the most recent report, on calendar 2008, provides juvenile data that is far less comprehensive than the report's child neglect data. It reports on juvenile case processing time, but only for the detained cases, not for the large majority of cases where the juvenile is released before adjudication. The only case-results data provided is that of the 3,448 juvenile cases adjudicated in calendar 2008, only 449, or 13%, resulted in commitment of the youth to DYRS. There is no data at all on outcomes for the vast majority (87%) of adjudicated juveniles who are placed on probation under the



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supervision of the Family Court. We hope that the Family Court's 2009 report, due on March 31, will begin to provide the community with more information on outcomes for youths who have been placed on probation.

- DYRS's website, while improved over the past year, still provides too little public information of any kind. There is one report, DYRS's important fall 2008 recidivism report, but the only link to open it is buried deep within the "News Room," inside a press release. There are three testimonies from 2009, but those do not include the director's testimony at last year's performance oversight hearing. DYRS has a wealth of data about its performance, and providing more of the data to the public on the DYRS website would enable members of the community to make their own informed assessments of how well DYRS's limited but crucial portion of the city's juvenile justice system is performing on their behalf. We believe that such assessments would help the agency continue to build public support for its reform efforts.

Finally, as we did last year at this oversight hearing, the Council for Court Excellence urges this committee and the full DC Council to provide close attention to the performance of the District's whole juvenile justice system -- including the Metropolitan Police Department, the Office of the Attorney General, and the Family Court, not simply DYRS. We recognize that the complexity of the District's governance structure, and the fact that the Court is not locally funded, complicates doing so. However, the Court does run the great majority of the District's juvenile justice system, and assessing the system's performance without evaluating the Court's activities cannot suffice.