



Statement of
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of the COUNCIL FOR COURT EXCELLENCE
before the
DC COUNCIL COMMITTEE ON THE JUDICIARY
on BILL 15-673,
the BLUE RIBBON JUVENILE JUSTICE AND YOUTH REHABILITATION ACT of 2004; and
on BILL 15-666,
the PUBLIC ACCESS TO JUVENILE JUSTICE AMENDMENT ACT of 2004;
March 17, 2004

Good evening, Madame Chair and members of the Committee. I am pleased to be here on behalf of the Council for Court Excellence, which is a local non-partisan civic organization that works to improve the administration of justice in the courts and related agencies of our city. For 23 years, the Council for Court Excellence has been a unique resource for our city, bringing together members of the civic, legal, judicial, and business communities to work in common purpose to improve the administration of justice. Let me stress that no judicial member of the Council for Court Excellence has participated in the formulation of this testimony.

The Council for Court Excellence (CCE) has recently been engaged in several of the fundamental administration of justice reform efforts of the District of Columbia. Through its Criminal Justice Committee, CCE has just published a report that tracked the implementation of new arrest and criminal case processing procedures and analyzed police overtime data. In addition, CCE's Children in the Courts Committee will soon publish a comprehensive review of the city's child welfare system's compliance with federal and local law. CCE is focused continually on improving the administration of justice while enhancing the safety of our community.

The District's juvenile justice system has been operating under a court-supervised consent decree for 17 years.ⁱ In August of 2000, Mayor Williams created the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform,ⁱⁱ composed of a broad membership of juvenile justice and community stakeholders. The Commission members spent a year studying best practices and model programs throughout the country, mapping the juvenile justice system in the District and identifying its strengths and weaknesses, and developing policy



recommendations based on their findings.ⁱⁱⁱ In 2001, the Blue Ribbon Commission issued its report and recommendations meant to bring the city finally into compliance with the consent decree. We strongly support the implementation of these recommendations as articulated in Bill 15-673, the Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004 and we urge the Council to adopt this bill.

We also recognize the inherent value in lending transparency to court proceedings as promoted by Bill 15-666, the Public Access to Juvenile Justice Amendment Act. However, the complexity of serving and rehabilitating youths raises several concerns about this proposed legislative change. CCE takes no position on this bill until those concerns have been fully scrutinized, but we would like to offer several comments on the bills being considered today.

I. Reforming the Juvenile Justice System

The Blue Ribbon Juvenile Justice and Youth Rehabilitation Act makes significant strides in truly reforming DC's system of care for children. As we noted in this Committee's January 14 hearing on other juvenile justice bills, the adoption of a clear purpose clause is key to creating a unified vision of system reform. Bill 15-673 would adopt the purpose clause articulated in the Blue Ribbon Commission report. We commend the Council for proposing language that demonstrates a sincere commitment to that purpose clause – holding youth responsible for their actions, while remaining committed to their rehabilitation. This dedication to prevention and rehabilitation is essential to the primary purpose of juvenile justice – providing for the safety of our children and our community.

Transfers to adult criminal court should occur only in the most serious cases and only after the prosecution has demonstrated that rehabilitation is not possible. It is crucial that the judge retain the discretion to determine transfers on a case-by-case basis, weighing whether the youth can reasonably be rehabilitated and whether incarceration is necessary to protecting the community. Thus, we fully support the language eliminating the prosecutor's direct file authority and removing the presumption of guilt in transfer hearings. As we previously testified, incarcerating children in adult facilities only increases and intensifies recidivism.

Section (f) of the bill requires the Youth Services Administration to develop Individual Treatment Plans for committed youth. This is the fundamental building block of successful rehabilitation. Most of the children who come to the attention of the juvenile justice system are



grappling with a variety of complex issues – substance abuse, poverty, neglect, inadequate education, lack of job skills, etc. Boiler-plate treatments cannot effectively address those issues. We support this requirement as the most effective method for establishing a continuum of services for committed youth; however, this section appears to contain a drafting error. D.C. Code § 16-2319(f) would be amended to state “The Youth Services Administration shall obtain the child’s social file from the Director of Court Services and shall develop the *individualized treatment plan* within 3 days of taking legal custody of the child. The Youth Services Administration shall develop the individualized treatment plan within 14 days of completing the initial assessment of the child...” (emphasis added). This section should be corrected to state that YSA shall conduct *an initial assessment* of the child within 3 days of taking custody and then complete an individual treatment plan within 14 days of completing the assessment.

Promoting the safety of children who come into contact with the justice system should be a top priority in reforming the current system. We support the monitoring requirements added by Bill 15-673. The Act would require the Mayor to appoint individuals to monitor the safety of all children, in shelters, group homes and in secure detention at Oak Hill, and would prevent children determined to be in need of supervision from being placed in detention facilities for delinquent youth. The Act would also compel YSA to conduct monthly evaluations of the child’s progress and need for services with the child, the child’s attorney and the judge who ordered the disposition. However, it is unclear from the language of this section how the judge is to be involved in these evaluations. We recommend that the language be amended to require YSA to submit the evaluation to the judge on a monthly basis, but require hearings before the judge every six months. These requirements send the clear message to committed children that they are being cared for and their rehabilitation is important to this community.

Though we support this bill on the whole, CCE continues to believe that a meaningful discussion about appropriate and quality youth services can be held only after an extensive examination of the nature, extent, causes of, and conditions contributing to the delinquency of DC children. The DC Council should take this opportunity to identify and fund an entity to conduct such an evaluation. As noted in the Blue Ribbon Commission recommendations, this study should include juvenile arrest patterns, diversion, recidivism, probation revocation and detailed characteristics of the population served. The overrepresentation of minority youths in commitment status points to a much larger issue of the lack of services for low-income children



in this city. Establishing an effective continuum of care requires an investigation of the efficacy of existing services, and an assessment of continuing needs.

II. Public Access to Juvenile Court Hearings

Bill 15-666 would open the DC Superior Court Family Court's juvenile delinquency proceedings and child in need of supervision hearings to the general public. The Mayor's Blue Ribbon Commission recognized that there are potential benefits to easing the confidentiality restrictions on juvenile records, but allowing public access to juvenile hearings significantly alters the rehabilitative setting in which the juvenile court traditionally operates. However, there are varying degrees of "openness." Determining the level of openness that meets the needs of system partners, victims and the general public while maintaining the rehabilitative aims of the juvenile justice system is a very complicated question. CCE intends to develop a position on this complex issue and wishes to submit a more comprehensive response to this bill to the DC Council at a later time. At this point, we merely identify several of the competing concerns that must be taken into consideration.

The rehabilitative process is certainly aided by the expansion of social service resources available to the child. Easing access to juvenile proceedings for social service agencies and schools would facilitate the Mayor's efforts to implement the *Safe Passages Information System* and reduce the impediments to constructing a successful system of care for youths. With records opened, DC agencies, the Court, law enforcement officials, and social service agencies would have the information necessary to make informed and conscientious decisions about a youth. Enhanced access to information would aid in the creation of Individual Treatment Plans as well.

Secondly, it makes little sense to grant one victim information about his assailant, but prevent another victim from learning information about the case simply because the offenders are of different ages. CCE supports the Blue Ribbon recommendation that victims receive information about the detention status of the offender before and after adjudication. However, the Family Court already provides victims and their families access to these hearings under the theory that they can demonstrate a proper interest in the case.

Finally, some argue that opening juvenile hearings to the public can expose a failing system to much-needed public scrutiny, and restore public investment in youth services. While this may be accurate, it is important to remember that the Family Court is only one facet of the



juvenile justice system. In fact, our recent evaluation of the Family Court revealed judges deeply committed to the needs of children and families. More intensive scrutiny of the juvenile justice system as a whole is clearly necessary, but allowing the public access to courtrooms is only a small part of the picture. In addition, due to the demographic situation in the current juvenile justice system, this also means that it will be solely low-income, minority families whose problems will be publicized. Allowing the public access to court hearings could create a sensationalized atmosphere in proceedings dealing with highly sensitive and private matters.

CCE does appreciate that this bill would allow the judge to retain some discretion in who is permitted in the courtroom and gives parties an opportunity to object. We do recognize that the public has a legitimate interest in the transparency of operations within the justice system. CCE plans to continue evaluating this subject and will submit further comments to the DC Council.

Conclusion

CCE strongly encourages the DC Council to adopt the Blue Ribbon Juvenile Justice and Rehabilitation Act. The findings of the Blue Ribbon Commission were based on solid and extensive research in states that have maximized rehabilitation of juvenile offenders and reduced the rate of youth crime. The bill represents a strong commitment to enhancing service delivery for children and families involved in the juvenile justice system. This is a bill that truly treats children as children while promoting the safety of the public at large.

ⁱ *Jerry M., et. al v. District of Columbia, et. al.* No. 1519-85. (IFP) (D.C. Sup. Ct.).

ⁱⁱ Office of the Mayor. August 18, 2000. Mayor's Order 2000-130: Establishment – Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform.

ⁱⁱⁱ *Final Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform.* November 6, 2001.