AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

JUSTICE FOR ALL: AN EXAMINATION OF THE DISTRICT OF COLUMBIA JUVENILE JUSTICE SYSTEM

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

OCTOBER 28, 2005

Serial No. 109–92

Printed for the use of the Committee on Government Reform

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html
http://www.house.gov/reform

U.S. GOVERNMENT PRINTING OFFICE

24–770 PDF WASHINGTON : 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON GOVERNMENT REFORM

TOM DAVIS, Virginia, *Chairman*

CHRISTOPHER SHAYS, Connecticut
DAN BURTON, Indiana
ILEANA ROS-LEHTINEN, Florida
JOHN M. MCHUGH, New York
JOHN L. MICA, Florida
GIL GUTKNECHT, Minnesota
MARK E. SOUDER, Indiana
STEVEN C. LATOURETTE, Ohio
TODD RUSSELL PLATTS, Pennsylvania
CHRIS CANNON, Utah
JOHN J. DUNCAN, JR., Tennessee
CANDICE S. MILLER, Michigan
MICHAEL R. TURNER, Ohio
DARRELL E. ISSA, California
JON C. PORTER, Nevada
KENNY MARCHANT, Texas
LYNN A. WESTMORELAND, Georgia
PATRICK T. MCHENRY, North Carolina
CHARLES W. DENT, Pennsylvania
VIRGINIA FOXX, North Carolina
JEAN SCHMIDT, Ohio

HENRY A. WAXMAN, California
TOM LANTOS, California
MAJOR R. OWENS, New York
EDOLPHUS TOWNS, New York
PAUL E. KANJORSKI, Pennsylvania
CAROLYN B. MALONEY, New York
ELIJAH E. CUMMINGS, Maryland
DENNIS J. KUCINICH, Ohio
DANNY K. DAVIS, Illinois
WM. LACY CLAY, Missouri
DIANE E. WATSON, California
STEPHEN F. LYNCH, Massachusetts
CHRIS VAN HOLLEN, Maryland
LINDA T. SANCHEZ, California
C.A. DUTCH RUPPERSBERGER, Maryland
BRIAN HIGGINS, New York
ELEANOR HOLMES NORTON, District of Columbia

BERNARD SANDERS, Vermont (Independent)

MELISSA WOJCIAK, *Staff Director*
DAVID MARIN, *Deputy Staff Director/Communications Director*
ROB BORDEN, *Parliamentarian*
TERESA AUSTIN, *Chief Clerk*
PHIL BARNETT, *Minority Chief of Staff/Chief Counsel*

CONTENTS

	Page
Hearing held on October 28, 2005	1
Statement of:	
Cardin, Hon. Benjamin L., a Representative in Congress from the State of Maryland; and Hon. Steny H. Hoyer, Minority Whip, a Representative in Congress from the State of Maryland	20
Cardin, Hon. Benjamin L.	20
Hoyer, Hon. Steny H.	34
Satterfield, Lee F., presiding judge, District of Columbia Family Court; Eugene Hamilton, senior judge, District of Columbia Superior Court; Charles H. Ramsey, chief of police, District of Columbia Metropolitan Police Department; and Vincent Schiraldi, director, District of Columbia Youth Rehabilitation Services	42
Hamilton, Eugene	58
Ramsey, Charles H.	77
Satterfield, Lee F.	42
Schiraldi, Vincent	83
Letters, statements, etc., submitted for the record by:	
Davis, Chairman Tom, a Representative in Congress from the State of Virginia:	
Prepared statement of	4
Prepared statement of Mr. Black	17
Cardin, Hon. Benjamin L., a Representative in Congress from the State of Maryland, prepared statement of	23
Hamilton, Eugene, senior judge, District of Columbia Superior Court, prepared statement of	60
Hoyer, Hon. Steny H., Minority Whip, a Representative in Congress from the State of Maryland, prepared statement of	36
Norton, Hon. Eleanor Holmes, a Delegate in Congress from the District of Columbia, prepared statement of	12
Porter, Hon. Jon C., a Representative in Congress from the State of Nevada, prepared statement of	111
Ramsey, Charles H., chief of police, District of Columbia Metropolitan Police Department, prepared statement of	80
Satterfield, Lee F., presiding judge, District of Columbia Family Court, prepared statement of	45
Schiraldi, Vincent, director, District of Columbia Youth Rehabilitation Services, prepared statement of	86
Waxman, Hon. Henry A., a Representative in Congress from the State of California, prepared statement of	7

JUSTICE FOR ALL: AN EXAMINATION OF THE DISTRICT OF COLUMBIA JUVENILE JUSTICE SYSTEM

FRIDAY, OCTOBER 28, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m., in room 2154, Rayburn House Office Building, Hon. Tom Davis (chairman of the committee) presiding.

Present: Representatives Davis of Virginia, Issa, Dent, Waxman, Cummings, Clay, Watson, Van Hollen, Ruppersberger, Higgins, and Norton.

Also present: Representative Cardin.

Staff present: Keith Ausbrook, chief counsel; John Hunter, counsel; Rob White, press secretary, Drew Crockett, deputy director of communications; Victoria Proctor, senior professional staff member; Shalley Kim, professional staff member; Teresa Austin, chief clerk; Kristin Amerling, minority general counsel; Karen Lightfoot, minority senior policy advisor & communications director; Michelle Ash, minority chief legislative counsel; Mark Stephenson, minority professional staff member; Earley Green, minority chief clerk; Cecelia Morton, minority officer manager; and Kim Trinca, minority counsel.

Chairman TOM DAVIS. The committee will come to order.

Welcome to today's hearing entitled, "Justice for All: An Examination of the D.C. Juvenile Justice System." This is a continuation of the Government Reform Committee's oversight of the city's juvenile justice system.

Earlier this year, Police Chief Charles Ramsey testified before the committee that, in 2004, Metropolitan Police Department officers arrested approximately 2,950 juveniles for crimes ranging from homicide, robbery, and weapons violations, to various misdemeanor offenses.

The District is the defendant in the Jerry M. class-action lawsuit filed in 1985 by the D.C. Public Defender Services and the American Civil Liberties Union. The complaint alleged that the District failed to provide adequate care and rehabilitation services to the committed youth at the Oak Hill Youth Center.

In July 1986, the parties entered into a Consent Decree, and a monitor was appointed to assess the District's compliance. Despite the existence of the Consent Decree, for many years the city failed to address the atrocious conditions at Oak Hill, allowing the com-

mitted youth to languish in an overcrowded facility that was unsafe and unhealthy.

Oak Hill has become a symbol of a broken system. Too many of the city's young people are finding themselves victims of crime. Too many of the city's youth are committing crimes, many of them violent. And too often, those who enter the city's care are not getting rehabilitated.

After years of non-compliance and several million dollars in fines, Mayor Anthony Williams' administration is continuing its commitment to terminate the city's involvement in lengthy court cases, as it has done for D.C. child welfare services in the LaShawn case.

The District averted a complete court takeover when it agreed to the appointment of an arbiter. In order to comply with the terms of the Consent Decree, the city must perform a top-to-bottom reorganization of the YSA, the Youth Services Administration. Therefore, YSA was renamed the Youth Rehabilitation Services [YRS], and elevated to cabinet-level status.

A youth who is arrested in D.C. comes under the auspices of the Metropolitan Police Department, the D.C. Family Court, and Youth Rehabilitation Services. Coordination among these agencies is critical.

We hope this hearing will provide a forum to address system-wide problems and review implementation of new initiatives to improve operation of the city's juvenile justice system. What I don't want to see is the District of Columbia juvenile justice system function as a feeder to the adult penal and correctional systems. Kids should not be sent to languish in a chaotic system that places the public and the children in danger.

The Post recently reported on the death of Marcel Merritt, a 16-year-old who had been under the supervision of the District of Columbia Youth Rehabilitation Services. Marcel was suspected of several killings and robberies, and had been charged twice for gun possession.

Despite recommendations from Peaceoholics, a non-profit group that had mentored him, to keep him at a detention center, he was released to his relatives' care in August, and then couldn't be located by District officials. The system simply lost track of Marcel. The death of Marcel Merritt raises serious concerns regarding the city's juvenile justice system. I have written the District; I hope they can shed some light on this incident.

On the upside, the Post ran an article in August that praised Vincent Schiraldi, the new Director of the Youth Rehabilitation Services. In January, the Mayor appointed Mr. Schiraldi to lead the overhaul of YRS. The department has also made great strides under his leadership, but further improvements to the system are needed.

Today, we want to hear about the District's reform strategies. We will not only hear from Mr. Schiraldi, but also from Chief Ramsey, and Judge Satterfield, the presiding judge of the District of Columbia Family Court, and Judge Hamilton, senior judge of the District Superior Court and former chairman of the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform. I look forward to an informative discussion.

The committee will also examine H.R. 316, a bill introduced by Congressman Ben Cardin, which provides for the disposition of Federal property located in Anne Arundel County, MD; a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility. I want to welcome Congressman Cardin and Mr. Hoyer. Both will speak on this proposal today.

[The prepared statement of Chairman Tom Davis follows:]

COMMITTEE ON GOVERNMENT REFORM
OVERSIGHT HEARING
"JUSTICE FOR ALL: AN EXAMINATION OF THE DISTRICT OF COLUMBIA JUVENILE JUSTICE SYSTEM"
FRIDAY, OCTOBER 28, 2005
10:00a.m.
ROOM 2154 RAYBURN HOUSE OFFICE BUILDING

OPENING STATEMENT

Good morning and welcome to today's hearing entitled "Justice for All: An Examination of the District of Columbia Juvenile Justice System." This is a continuation of the Government Reform Committee's oversight of the District of Columbia juvenile justice system.

Earlier this year, Police Chief Charles Ramsey testified before the Committee that in 2004, Metropolitan Police Department officers arrested approximately 2,950 juveniles for crimes ranging from homicide, robbery, and weapons violations, to various misdemeanor offenses.

The District is the defendant in the *Jerry M.* class-action lawsuit filed in 1985 by the D.C. Public Defender Services and the American Civil Liberties Union. The complaint alleged that the City failed to provide adequate care and rehabilitation services to the committed youth at the Oak Hill Youth Center. In July 1986, the parties entered into a Consent Decree and a Monitor was appointed to assess the District's compliance. Despite the existence of the Consent Decree, for many years the District failed to address the atrocious conditions at Oak Hill, allowing the committed youth to languish in an overcrowded facility that was unsafe and unhealthy.

Oak Hill has become a symbol of a broken system. Too many of the city's young people are finding themselves victims of crime. Too many of the District's youth are committing crimes, many of them violent. And, too often, those who enter the city's care are not getting rehabilitated.

After years of non-compliance and several million dollars in fines, Mayor Anthony Williams' administration is continuing its commitment to terminate the City's involvement in lengthy court cases, as it has done for D.C. child welfare services in the *LaShawn* case. The District averted a complete court takeover when it agreed to the appointment of an arbiter. In order to comply with the terms of the Consent Decree, the City must perform a top-to-bottom reorganization of the Youth Services Administration (YSA). Therefore, YSA was renamed the Youth Rehabilitation Services (YRS) and elevated to a cabinet-level status.

A youth who is arrested in D.C. comes under the auspices of the Metropolitan Police Department, the D.C Family Court, and Youth Rehabilitation Services. Coordination among these agencies is critical. We hope this hearing will provide a forum to address system-wide problems and review implementation of new initiatives to improve operation of the D.C. juvenile justice system. What I do not want to see is the District of Columbia juvenile justice system

function as a feeder to the adult penal and correctional systems. Kids should not be sent to languish in a chaotic system that places the public and children in danger.

The Washington Post recently reported on the death of Marcel Merritt, a 16-year-old who had been under the supervision of the District of Columbia Youth Rehabilitation Services. Marcel was suspected of several killings and robberies, and had been charged twice for gun possession. Despite recommendations from Peaceoholics, a non-profit group that had mentored him, to keep him at a detention center, he was released to his relatives' care in August and then could not be located by District officials. The system simply lost track of Marcel. The death of Marcel Merritt raises serious concerns regarding the District of Columbia juvenile justice system. I have written the District and hope they can shed some light on this incident.

On the upside, the Post ran an article in August that praised Vincent Schiraldi, the new Director of the Department of Youth Rehabilitation Services. In January 2005, the Mayor appointed Mr. Schiraldi to lead the overhaul of YRS. The Department has already made great strides under his leadership, but further improvements to the system are needed.

Today, we want to hear about the District's reform strategies. We will hear not only from Mr. Schiraldi, but also from Chief Ramsey and Judge Satterfield, the Presiding Judge of the District of Columbia Family Court and Judge Hamilton, Senior Judge of the District Superior Court and the former Chairman of the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform. I look forward to an informative discussion.

The Committee will also examine H.R. 316, a bill introduced by Congressman Ben Cardin, which provides for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility. I want to welcome Congressmen Cardin and Hoyer who will both speak on this proposal.

Chairman TOM DAVIS. Mr. Waxman.

Mr. WAXMAN. Mr. Chairman, thank you for holding this important hearing to examine the District's juvenile justice system, which for years has been plagued with problems. I know that you are dedicated to finding ways to fix this system.

I believe that any effort to improve the juvenile justice system must include a focus on preventing youth from entering the system in the first place. I am pleased to hear that there are new efforts in the District for early intervention, prevention, and education. And I look forward to hearing more about them today.

Also, it is imperative that any juvenile justice system deal with what happens to juveniles who have been committed, upon their release. After transitioning out of the system, those children, all too often, are lost.

The District, as well as other jurisdictions, does not have a good track record with providing a continuum of care for such youth. Many times, juvenile offenders are released back into the situation that led them to crime in the first place. We need better training and education for juveniles while they are in custody, and better opportunities and aftercare once they are out.

Finally, we need to realize that children are different from adults, even those children that commit crimes. They have different needs and ways of being rehabilitated. These children need community-based services and support systems. I understand that the current plan for revamping the District's juvenile justice system involves creating a number of home-like facilities. I am interested in hearing how these facilities will work, how many juveniles will be in those settings, and how many juveniles will remain at the larger facilities.

In addition to reviewing the overall juvenile justice system run by the District, I understand that this hearing will also address the specific issues of the Oak Hill Youth Center in Laurel, MD. Everyone agrees that the current conditions at Oak Hill cannot continue. Under the District's plans, the current facilities are due to be torn down. I believe there is widespread support for that initiative.

The issue is, what happens to the property? The District wants to build new, smaller District juvenile justice facilities on the same site. Others have suggested that the District build on other locations. And I am hopeful that all of the interested parties can work together to resolve this issue. I look forward to hearing the thoughts of my colleagues from Maryland on this property.

We all share the goals of public safety, and rehabilitation and accountability for young people in the juvenile justice system. Today's hearing can bring us closer to those goals. Thank you, Mr. Chairman.

[The prepared statement of Hon. Henry A. Waxman follows:]

Statement of Rep. Henry A. Waxman, Ranking Minority Member
Committee on Government Reform
Hearing on
"Justice for All: An Examination of the
District of Columbia Juvenile Justice System"

October 28, 2005

Mr. Chairman, thank you for holding this important hearing to examine the District's juvenile justice system, which for years has been plagued with problems. I know that you are dedicated to finding ways to fix this system.

I believe that any effort to improve the juvenile justice system must include a focus on preventing youth from entering the system in the first place. I am pleased to hear that there are new efforts in the District for early intervention, prevention, and education, and I look forward to hearing more about them today.

Also, it is imperative that any juvenile justice system deal with what happens to juveniles who have been committed upon their release. After transitioning out of the system, those children are all too often lost. The District, as well as other jurisdictions, does not have a good track record with providing a "continuum of care" for such youth. Many times juvenile offenders are released back into the situation that led them to crime in the first place. We need better training and education for juveniles while they are in custody and better opportunities and aftercare once they are out.

Finally, we need to realize that children are different from adults, even those children that commit crimes. They have different needs and ways of being rehabilitated. These children need community-based services and support systems. I understand that the current plan for revamping the District's juvenile justice system involves creating a number of homelike-facilities. I am interested in hearing how these facilities will work, how many juveniles will be in those settings, and how many juveniles will remain at the larger facilities.

In addition to reviewing the overall juvenile justice system run by the District, I understand that this hearing will also address the specific issue of the Oak Hill Youth Center in Laurel, Maryland. Everyone agrees that the current conditions at Oak Hill cannot continue. Under the District's plans, the current facilities are due to be torn down. I believe there is widespread support for that initiative.

The issue is what happens to the property. The District wants to build new smaller District juvenile justice facilities on the same site. Others have suggested that the District build on other locations. I am hopeful that all of the interested parties can work together to resolve this issue. I look forward to hearing the thoughts of my colleagues from Maryland on this property.

We all share the goals of public safety, and rehabilitation and accountability for youth in the juvenile justice system. Today's hearing can bring us closer to those goals. Thank you, Mr. Chairman.

Chairman TOM DAVIS. Thank you very much.

Ms. Norton, any opening statement?

Ms. NORTON. Thank you, Mr. Chairman.

Chairman TOM DAVIS. Let me just state, all Members will have until the end of the day to submit written statements.

Ms. NORTON. Thank you, Mr. Chairman, for working with me on this hearing concerning what the District and the Federal Government are doing to improve the life chances of children committed to the city's juvenile justice system, and the progress the city is making in meeting court and congressional juvenile justice mandates.

Notwithstanding Home Rule and the District's responsibility for its own children, this is an appropriate congressional hearing, because a major part of the juvenile justice system, the D.C. courts, are Article I courts, fall under Federal jurisdiction; although the applicable laws are enacted and enforced by the District.

Local and State governments, regardless of the nature and income of their residents, have been significantly unsuccessful in answering the question: What should society do when children commit crimes? Judging by newspaper reports, the District, Maryland, and Virginia are not exceptions. However, the District, one of America's big cities, has more of the conditions that breed not only juvenile delinquency, but also the serious crimes that children in cities and suburbs alike commit today.

Regrettably, the District's facilities themselves have been so inadequate that public and governmental attention have been disproportionately focused on the facilities, more so than on the children. The District has responded by opening a new, first-class facility in the city for juvenile detainees, a very important step in reducing the housing of children who are being detained separately from those who have been committed.

In addition, the Forest Haven juvenile facility was closed several years ago. This leaves one facility for detainees and committed youth, the Oak Hill Youth Center located in Laurel, MD. The committee will be particularly interested in this facility today.

I appreciate the thinking of my good friend and colleague, Representative Ben Cardin, due to testify here today, who has worked to find a practical way to move Oak Hill from his district, and has offered some innovative and attractive ideas.

These ideas, however, depend on finding a realistic alternative site, as I believe he recognizes; notwithstanding that his bill, H.R. 316, contemplates the closure of Oak Hill and the transfer of the land to the National Park Service and to his district, Anne Arundel County, MD.

Representative Cardin's bill seeks a "win-win," with the bordering National Security Agency paying for the construction of a new facility. Finding a location in the District, as his bill prefers, or elsewhere, poses a structural barrier to moving such a bill, however. The District is a small and constricted city whose land is disproportionately occupied by the Federal Government; the major reason that Congress located the facility outside of the city in the first place.

I am pleased that today's hearing presents all involved an opportunity to get this and other ideas on the table for public discussion.

This hearing will offer a bonus if it moves us pragmatically to solutions which burden no community, while focusing us on the District's most disadvantaged children.

These are not children in a state of teenage rebellion typical of these ages. These children have been cheated out of childhood itself. Most have been cheated from the beginning, from birth, out of every child's birthright: two caring parents, or an extended family. Many are fatherless, have struggling single mothers, or no family; live in high-crime neighborhoods long ago deserted by jobs, where thugs ply the underground economy that has replaced the jobs once available to their fathers and grandfathers.

We are all implicated in making a mess of the lives of these children in our country. The bankruptcy of national, State, and local thinking and approaches is perhaps best shown by the move toward more and more adult sentences, even for small children, and the outcry by some when the Supreme Court ruled that juveniles under 18 should not be subjected to the death penalty.

I hope that today's hearing will help us get beyond where and how juveniles are housed, to how to keep them out of detention and commitment, and how to make sure that those who nevertheless must be committed do not turn the mistakes of childhood into the crimes of manhood.

I will listen to all of today's witnesses with intense interest. I am grateful to each of the witnesses for their work and efforts for the District, and for coming forward today. Thank you, Mr. Chairman.

[The prepared statement of Hon. Eleanor Holmes Norton follows:]

Opening Statement of Congresswoman Eleanor Holmes Norton
Committee on Government Reform
Justice for All: An Examination of the District of Columbia Juvenile Justice System

October 28, 2005

Thank you, Mr. Chairman for working with me on this hearing concerning what the District of Columbia and the federal government are doing to improve the life chances of children committed to the city's juvenile justice system and the progress the city is making in meeting court and congressional juvenile justice mandates. Notwithstanding home rule and the District's responsibility for its own children, this is an appropriate congressional hearing because a major part of the juvenile system, the D.C. Courts, are Article I courts that fall under federal jurisdiction, although the applicable laws are enacted and enforced by the District.

Local and state governments, regardless of the nature and income of their residents, have been significantly unsuccessful in answering the question, what should society do when children commit adult crimes? Judging by newspaper reports, the District, Maryland, and Virginia are not exceptions. However, the District, one of America's big cities, has more of the conditions that breed not only juvenile delinquency but also serious crimes that children in cities and suburbs alike commit today. Regrettably, the District's facilities themselves have been so inadequate, public and governmental attention has been disproportionately focused more on the facilities than on the children. The District has responded by opening a new first class facility in the city for juvenile detainees, a very important step in reducing the housing of children who are being detained separately from those who have been

committed. In addition, the Forest Haven juvenile facility was closed several years ago. This leaves one facility for detainees and committed youth, the Oak Hill Youth Center located in Laurel, Maryland. The subcommittee will be particularly interested in that facility today.

I appreciate the thinking of Representative Ben Cardin, due to testify here today, who has worked to find a practical way to move Oak Hill from his district and has offered some innovative and attractive ideas. These ideas, however, depend on finding a realistic alternative site, as I believe he recognizes, notwithstanding his bill, H.R. 316 that contemplates the closure of Oak Hill and the transfer of the land to the National Park Service and to Anne Arundel County, Maryland. Rep. Cardin's bill seeks a win-win, with the bordering National Security Agency paying for the construction of a new facility. Finding a location in the District, as his bill prefers poses a structural barrier to moving such a bill, however. The District is a small and constricted city whose land is disproportionately occupied by the federal government, the major reason that Congress located the facility outside of the city in the first place.

I am very pleased that today's hearing presents all involved an opportunity to get this and other ideas on the table for public discussion. This hearing will offer a bonus if it moves us pragmatically to solutions which burden no community while focusing us on the District's most disadvantaged children. These are not children in a state of teenage rebellion typical of these ages. These children have been cheated out of childhood itself. Most have been cheated from the beginning with birth out of every child's birthright, two caring parents or an extended family. Many are fatherless, have struggling single mothers, or no family, live in high crime neighborhoods long ago deserted by jobs, where thugs ply the underground economy that has replaced the jobs once available to their fathers and grandfathers. We are all implicated in

making a mess of the lives of these kids in this country. The bankruptcy of national, state and local thinking and approaches is perhaps best shown by the move toward more and more adult sentences, even for small children and the outcry by some when the Supreme Court ruled that juveniles under 18 should not be subjected to the death penalty.

I hope that today's hearing will help us get beyond where and how juveniles are housed to how to keep them out of detention and commitment and how to make sure that those who nevertheless must be committed do not turn the mistakes of childhood into the crimes of manhood. I will listen to all of today's witnesses with intense interest. I am grateful to each of the witnesses for their work and efforts and for coming forward today.

Chairman TOM DAVIS. Thank you.

Mr. Ruppersberger.

Mr. RUPPERSBERGER. First thing, thank you, Mr. Chairman, for this hearing. I think it is a very important hearing. We have two major priorities at this hearing today. And Congresswoman Norton, I agree with you that these children in the detention center, whether it is Washington, DC, or anywhere in our country, are very high priority, one of our highest priorities in the criminal justice system. And we have to get to these children before they become adults, before they get out into our society, and give them the chance to be functional members of our community.

We also have another priority here, though. And that is the priority of the land where Oak Hill is located. Just recently, the decision was made to bring over 5,000 jobs to Fort Meade and the NSA area. This area was chosen because NSA now exists with Fort Meade. NSA is one of the country's oldest and largest intelligence agencies. It plays a critical role in fighting the war against terror, and also provides real-time intelligence for our war fighters in Iraq and Afghanistan.

Now, one of the reasons that the commission, the BRAC Commission, decided to bring the jobs into this area is because it had the ability to grow near NSA and Fort Meade. In the intelligence arena, it is not only our NSA and our military and the CIA, but it is also the private sector that works with them and has contracts with NSA. And they tend to locate near this area.

So we will have a tremendous growth along the 295 corridor, and Oak Hill is needed as a part of this growth with respect to NSA, or the private sector that works with NSA. This should be a "win-win" situation for all. The land is valuable enough that we should be able to sell the land, or whatever we do with the land, and build a first-class, functional facility for Oak Hill.

The problem and the issue we have to resolve is: Where do we put the facility? And it is very important that we prioritize where we are going to put this facility. And we should be able to resolve this issue by sitting down together and finding out what is best for our juveniles from Washington, DC, and also for our national security.

I support Mr. Cardin's H.R. 316. I am glad that both of my friends from Maryland are here, Congressman Hoyer and Congressman Cardin, and I look forward to your testimony. Thank you.

Chairman TOM DAVIS. Thank you.

Ms. WATSON. Mr. Chairman.

Chairman TOM DAVIS. Yes, ma'am?

Ms. WATSON. Can I make an opening statement?

Chairman TOM DAVIS. Yes.

Ms. WATSON. Mr. Chairman, thank you for holding this most important hearing on an issue that has major short and long-term effects on the District of Columbia, and really around the country. Rehabilitation of our Nation's youth after they have committed crimes is vital for them to become law-abiding citizens and make positive contributions to society.

D.C.'s Youth Rehabilitation Services must operate cohesively and productively, so that when these youth finish their sentences they will be ready to face a brighter future.

In my home State of California, nearly 6,000 young people are hospitalized every year for some form of violent injury they receive on the streets, including assault, child abuse, domestic violence, and rape. This number does not include incidents inside correctional facilities, where violence happens on a regular basis.

Many youth who commit crimes come from broken homes, disastrous backgrounds; are in need of more than just a program to change their thought patterns and habits. They need parental support. Many of these youths have never had a parent at home, and look to the streets to provide their surrogate mothers and fathers.

It is our job as legislators to ensure that whatever crimes they have committed before entering a correctional institution, they will not commit them again, and look to become leaders, not followers.

If a youth is arrested by the D.C. Metropolitan Police Department, and is placed in a juvenile detention facility, that facility should operate under acceptable standards. It should not be another haven for crime and danger. Correctional institutions should not be as dangerous as on the streets. Yes, there are youth in their facilities that have significant problems, but their lives should not be lost or put in distress while serving their time.

In a time of budget cuts and financial scarcity in all areas of Government, I know it is extremely hard to have the most elaborate program in these institutions. It is also important to realize that these are our children—all of them. Yes, they have made mistakes; but they will be a part of this society once they are released. We want them to leave the rehabilitation facilities rehabilitated; not worse than they were when they came in.

Mr. Chairman, our goal should be to do whatever we can to orient correctional facilities more toward rehabilitation, and less toward punishment. We must ensure that the medical, psychological, educational, and vocational needs are met for these youth in D.C. and elsewhere in our Nation.

And so thank you for your willingness to come, the members of the panel, and testify. And I appreciate all of your efforts in continuing to make the District of Columbia's Youth Rehabilitation Services the best in the Nation and a model for the rest of the Nation. And please let us know what we can do to help in these efforts.

Thank you, Mr. Chairman. I yield back.

Chairman TOM DAVIS. Well, thank you very much. Again, Members will have 7 days to submit opening statements for the record.

I would ask unanimous consent that the statement of Bill Black, the Deputy Director of the National Security Agency, be entered into the official record. Without objection, so ordered.

[The prepared statement of Mr. Black follows:]

STATEMENT FOR THE RECORD BY

MR. BILL BLACK

DEPUTY DIRECTOR, NATIONAL SECUR TY AGENCY

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

U.S. HOUSE OP REPRESENTATIVES

D.C. JUVENILE JUSTICE HEARING

28 OCTOBER 2005

Mr. Chairman, Ranking Member Waxman, and distinguished Committee members, thank you for the opportunity to provide written comments on behalf of the National Security Agency. The NSA was established in 1952. For more than half a century, the Agency has provided warfighters and policymakers with timely, actionable intelligence and secure communications.

Since 1957, the National Security Agency's headquarters has been at Fort George G. Meade in Maryland, and that is why I am providing comments today. The NSA has no role in the District of Columbia's juvenile justice system, nor should we. But the Oak Hill detention center is right across Maryland Route 32 from our Headquarters. Who and what occupies the land at Oak Hill now and in the future is important to the NSA's security. That is why we appreciate the Committee gad members of the Maryland delegation taking the Agency's interests into account and giving us this opportunity to comment.

The National Security Agency is interested in assuring that part of the Oak Hill parcel continues to serve as a security buffer zone for our Fort Meade Headquarters. Due to the close proximity of the Oak Hill parcel, NSA would have security concerns should the areas adjacent to Maryland Route 32 become available for commercial or residential development or public access. Such development or access could increase the probability that an adversary may target or exploit NSA's Headquarters complex.

We would therefore like to ensure that the northern portion of the Oak Hill parcel, bounded by Maryland Routes 32 and 295 and north of the Little Patuxent River, continues to serve as a security buffer. Should the designated Oak Hill property become available, NSA would like to obtain exclusive use of that area to protect our security interests' and. our mission.

Mr. Chairman, Ranking Member Waxman, and other members of the Committee, the National Security Agency is committed to protecting our workforce and our mission. We

appreciate Congressional interest in ensuring that the NSA's mission, security interests, and facilities needs are taken into account when considering any possible changes in the status or use of the Oak Hill properly.

Chairman TOM DAVIS. On our first distinguished panel, we have the Honorable Benjamin L. Cardin, a Congressman from the State of Maryland, who has legislation that could help remedy this problem; and we have the Honorable Steny Hoyer, distinguished Minority Whip, from the State of Maryland, too.

Mr. Cardin, do you want to start?

STATEMENTS OF HON. BENJAMIN L. CARDIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND; AND HON. STENY H. HOYER, MINORITY WHIP, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

STATEMENT OF HON. BENJAMIN L. CARDIN

Mr. CARDIN. Thank you, Mr. Chairman. Let me thank you very much for conducting this hearing on a very important subject that involves the juvenile services within the District, but also an 800-acre-plus piece of land that is located in the Third Congressional District of Maryland.

I also want to thank Eleanor Holmes Norton for her leadership. We have had many discussions, and they have all been positive, and we are going to be working together to try to resolve these issues. And I concur in her statement.

I want to thank Mr. Ruppersberger, who has part of the area that we are talking about. The National Security Agency and Fort Meade are located in the Second Congressional District of Maryland, which Dutch Ruppersberger represents. And I am pleased to be here with Steny Hoyer, who has been a real leader on these issues in this region. The three of us represent parts of Anne Arundel County, along with Wayne Gilchrest. So it is in four congressional districts, the county itself.

The legislation which I have introduced, H.R. 316, involves a piece of land, 800-plus acres, located about 30 miles south of here, off of the BW Parkway. It is federally owned property. It is adjacent to Fort Meade; it borders Fort Meade.

If you look at the east of the property, you will see that it is where Fort Meade is located, as well as its major tenant, the National Security Agency. The property is located in the Third Congressional District of Maryland, and on the property is the Oak Hill Juvenile Detention Facility for the District of Columbia, that houses today a little bit in excess of 150 children.

The legislation deals with three needs. First, the closing, the relocation, and construction of a new facility for the District of Columbia. The current system, the current facility, is dilapidated, and does not meet the needs of our juvenile facilities.

The children there are not being properly provided for. Since 1985, there have been court cases pending in regards to Oak Hill. Since 1986, there has been a Consent Decree that points out the need for community-based facilities for these children. There have been 60-plus court orders; millions of dollars of fines.

In 2001, the District of Columbia had a blue ribbon committee that reported back, recommending the closure of Oak Hill and the relocation to community facilities within the District. I fully concur with that blue ribbon commission's recommendation.

In July 2003, the Washington Post ran a series of articles on the failures at Oak Hill. So there is no question that we need to do something concerning the facilities. There is a photograph over there, Mr. Chairman, that shows one of the buildings that is not being occupied; shows you the condition of the property.

I have been there. I know that Eleanor has been there, and Congressman Hoyer has been there. The property cannot be rehabilitated; the property needs to be knocked down. There is an issue of community safety. There have been children who have escaped from the facility. So we need a new facility.

Second, the National Security Agency needs the protection of the perimeter areas. The Deputy Director, Mr. Black, has issued a statement for the record that you referred to, indicating that he wants, and the NSA would like to have, the exclusive use of the northern sector of the property for the National Security Agency. That happens to be where the juvenile detention facility is currently located.

And the third area that we are trying to address by this legislation is to deal with the community, the needs of the people in the immediate vicinity. There is sensitive environmental property that needs to be dealt with. The Little Patuxent River flows through it and provides an opportunity for the community. And as Dutch Ruppersberger has pointed out, we need additional land for private development to deal with the contractors that work with the National Security Agency and the tenants at Fort Meade.

The recent BRAC decision made yesterday indicates that about 5,000 more jobs, positions, will be coming to the National Security Agency at Fort Meade. This will generate a need for a lot more private contract work. We need land to locate the private companies that are going to be working with the National Security Agency to deal with the intelligence needs of our community.

H.R. 316 deals with all three. I know you have a map in front of you, so let me just cover it quickly. First, it disposes the land to three major stakeholders. First, the land that is to the north and west of the Baltimore-Washington Parkway would be transferred to the Park Service. The Park Service currently operates the BW Parkway because of the desire to have a direct access between Fort Meade and the Nation's Capital. The land that is to the north and west is mostly environmentally sensitive land; needs to be kept in open space and wetlands. And the National Park Service would be the best entity to handle that.

The property that is to the north of the Little Patuxent River, marked "2" on the map, would be turned over to the National Security Agency for their exclusive use. This is the land that they believe they need for perimeter security for NSA.

The largest tract is the part that is south of the Little Patuxent River. That would be transferred to Anne Arundel County, and used for development.

The reason why this is a "win-win" situation is that the development of the land south of the Little Patuxent River will allow us to have the resources to build the new facility for the District of Columbia. That is one of the problems we have had, is finding the money to do the transfer. So this bill will provide a structure where we will be able to get the dollars.

From a structural point of view, we have the Secretary of the Army originally paying the cost, but we expect that the money would be paid for through the development of the land that is south of the Little Patuxent River.

Mr. Chairman, I believe that this bill will allow us to move forward. It gives us the financing; it disposes of the land properly. We do need to find a location. I agree with Ms. Norton: we need to find a location. It may be helpful if we can get involved in that. I don't know.

This legislation allows us to move forward, though. It puts in place the proper use of the land and a method to finance the new facility, which has been the major hang-up over the last 20 years. So I think it is a positive step for this legislation to move forward, and will allow us to say at last we are not going to allow the status quo to continue to remain as it is. We can't do it, for the sake of the children; and it is not fair to the people in Anne Arundel County; and it is not fair for the national security needs of our area.

One last point. Anne Arundel County is committed to putting in a lateral park along the river for recreational purposes for the community; so that we have, I think, all the stakeholders who are in support of how we need to move forward in regards to a replacement facility for Oak Hill and the distribution of this very important property.

And I thank you, and I look forward to working with the committee.

[The prepared statement of Hon. Benjamin L. Cardin follows:]

TESTIMONY OF THE HONORABLE BENJAMIN L. CARDIN

BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM

HEARING

"JUSTICE FOR ALL: AN EXAMINATION OF THE DISTRICT OF COLUMBIA JUVENILE JUSTICE SYSTEM"

Friday, October 28, 2005

10:00 a.m.

2154 Rayburn House Office Building

Chairman Davis, Ranking Member Waxman, members of the committee, I appreciate the opportunity to testify before the Committee on Government Reform today. Thank you for conducting this hearing on the future of the juvenile justice system in the District of Columbia. I am here today because of the unique relationship between this system and my Congressional District in Maryland.

Within the borders of that Congressional District--the Third District of Maryland–are approximately 150 District of Columbia citizens. They are imprisoned at the Oak Hill detention center, a maximum security juvenile justice facility near Laurel, Maryland, approximately 30 miles from Washington.

Located on more than 800 acres of federal land adjacent to the National Security Agency (NSA) at Fort George Meade, the primary facility was originally constructed fifty years ago. Few renovations have been made since that time, and the entire campus is now in a severe state of neglect and disrepair, littered with partially-boarded abandoned buildings that are frequently vandalized and set on fire. The lack of appropriate security measures for detainees at Oak Hill and the numerous deserted buildings threaten the safety of citizens in the surrounding area. The facility has been the subject of more than sixty judicial orders, millions of dollars in fines, and several dozen monitoring reports.

Four years ago, a 2001 "blue-ribbon" mayoral commission recommended closing Oak Hill and placing youth offenders in a network of residential treatment facilities, community-based group homes, and other less restrictive settings. I support that commission's recommendations, including the closing of Oak Hill. Some progress has been made toward that goal, including the completion last January of a long-awaited facility on Mount Olivet Road in Northeast Washington for pre-trial detainees. Previously, I was informed that when the Mount Olivet facility was completed, the population at Oak Hill would be reduced by half to approximately 70 detainees. However, as of September 2005–nine months after the opening of Mount Olivet--Oak Hill still had 152 residents: 78 are committed (sentenced) and 74 are detained (awaiting trial).

A July 2003 four-part series in The Washington Post documented a near-complete breakdown of the community-based rehabilitative care system that now exists for the District's youth offenders. The District needs to develop an appropriate community-based system for them.

This need is exacerbated by the fact that the District of Columbia has only one residential treatment center, which has been plagued by numerous allegations of physical and sexual abuse, and the city must send many children in need of lengthy treatment to other areas of the country. According to The Washington Post, more than 400 District of Columbia children are in residential treatment centers--some as far away as Arizona--at a conservative cost estimate of $25 million a year. District government officials have been quoted as saying they don't know whether this approach is effective, because the city has failed to keep track of these children after they return to Washington.

Mayor Anthony Williams has acknowledged that his juvenile justice system is in a state of "serious dysfunction," and he has pledged to take corrective action. But he was also quoted as saying, "There hasn't been an embrace, at the agency level, of the issue. There hasn't been the sense of urgency." I would tell the Mayor that a sense of urgency has existed for some time–both in the District of Columbia and in my district in Maryland.

Two years ago, I had the opportunity to meet with my colleague, Mrs. Norton, and District of Columbia's Deputy Mayor Carolyn Graham, and we subsequently visited Oak Hill. There I met with then-Youth Services Administrator Gayle Turner and her staff, and I toured the facility and surrounding grounds. I was impressed with both administrators, their openness and candor, and their willingness to discuss problems facing the District's juvenile justice system, and possible remedies.

As a result of our initial discussions, we were moving in the right direction:
-- toward a plan to raze the dilapidated structures that are beyond rehabilitation;
-- and toward developing proposals to make more cost-effective and more appropriate use of the land.

Shortly after my visit, both of the administrators were terminated from their positions. Ms. Graham resigned in June 2003, and Ms. Turner in July. It appears that they became scapegoats for the failures of an underfunded system that has been in turmoil for decades.

Today this committee is considering the future of the city's juvenile justice system. I am here to present a plan that seeks to provide a better course of treatment for children in DC's juvenile justice system, a better way to ensure the safety of our communities, and a much more appropriate use of federal land. My goal is threefold: more efficient use of the property, a more modern and secure youth facility for the District of Columbia, and access to a large area of land for NSA.

I have introduced HR 316, legislation to finance a new facility for the District of Columbia and provide much needed space for Fort Meade and for the citizens of the surrounding communities. Senator Paul Sarbanes has introduced companion legislation.

In brief, this bill would accomplish the following:

Section 1, the wetlands west of the Baltimore-Washington Parkway, which is not currently in use, would be transferred to the National Park Service as an addition to the Baltimore-Washington Parkway.

Section 2, which is east of the Baltimore-Washington Parkway and north of the Little Patuxent River, would be transferred to the Secretary of the Army for use by the National Security Agency, whose headquarters abut the Oak Hill property. The bill provides for the construction of a state-of-the-art facility for DC juvenile detainees to replace the existing cluster of buildings adjacent to NSA and the smaller facility that is being used for female detainees.

As a condition of the transfer, the federal government would pay for the construction of a replacement facility for the juvenile detention facility, with priority given to a location within the District. Although the federal government would initially pay for the new facility, it is anticipated that it would be reimbursed for this cost under Section 3.

Section 3, which is east of the Baltimore-Washington Parkway, and south of the Little Patuxent River, would be transferred to Anne Arundel County. The County would be required to designate a segment of the property adjacent to the river for a lateral park. It is anticipated that Anne Arundel County would develop a significant portion of its property for other than recreational purposes, obtaining significant revenues in the process, and the legislation would require the County to reimburse the federal government for the construction costs of the juvenile detention facility from these revenues.

I would point out that for years there has been significant interest in this property. The land is a prime site for the expansion of NSA. We know that substantial growth in the Fort Meade area is expected over the next several years. The BRAC Commission has chosen to expand operations at Fort Meade, which is home to the largest joint-service and intelligence center in the world. It is estimated that the workforce at Fort Meade will expand by approximately 5,000 through the further consolidation of intelligence and security-related operations there. There is also a great deal of interest from the State of Maryland and Anne Arundel County to develop environmental, recreational, and economic opportunities.

Mr. Chairman, as the representative of the community surrounding Oak Hill, I want to assist you in improving the state of juvenile justice services for the District of Columbia by helping to build a state-of-the-art facility that will not just warehouse District youth, but rehabilitate them.

These are District of Columbia citizens, and I believe, as do my constituents, that they should be rehabilitated within the District's borders. My bill would facilitate that process in a cost-effective way that would also address federal needs and local community interests.

Mr. Chairman, Ranking Member Waxman, I look forward to working with you, and with Mrs. Norton, and with members of the Committee to develop the right solutions for all involved. I thank you again for the opportunity to testify.

-##-

I

109TH CONGRESS
1ST SESSION

H. R. 316

To provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2005

Mr. CARDIN introduced the following bill; which was referred to the Committee on Government Reform

---

A BILL

To provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DISPOSITION OF OAK HILL PROPERTY.**

4 (a) IN GENERAL.—The Oak Hill property shall be
5 disposed of as follows:

6 (1) The portion of the property which is located
7 west of the Baltimore-Washington Parkway shall be
8 transferred to the jurisdiction of the Director of the

1 National Park Service, who shall use such portion
2 for parkland purposes.
3 (2) Subject to subsection (b), the portion of the
4 property which is located east of the Baltimore-
5 Washington Parkway and 200 feet and further
6 north of the Patuxent River shall be transferred to
7 the Secretary of the Army (acting through the Chief
8 of Engineers) for use by the Director of the Na-
9 tional Security Agency, who may lease such portion
10 to the District of Columbia.
11 (3) The portion of the property which is located
12 east of the Baltimore-Washington Parkway and
13 south of the portion described in paragraph (2) shall
14 be transferred to the jurisdiction of the Adminis-
15 trator of General Services, who shall in turn convey
16 such portion to Anne Arundel County, Maryland, in
17 accordance with subsection (c).
18 (b) PAYMENT FOR CONSTRUCTION OF NEW JUVE-
19 NILE DETENTION FACILITY FOR DISTRICT OF COLUM-
20 BIA.—As a condition of the transfer under subsection
21 (a)(2), the Director of the National Security Agency shall
22 enter into an agreement with the Mayor of the District
23 of Columbia under which—

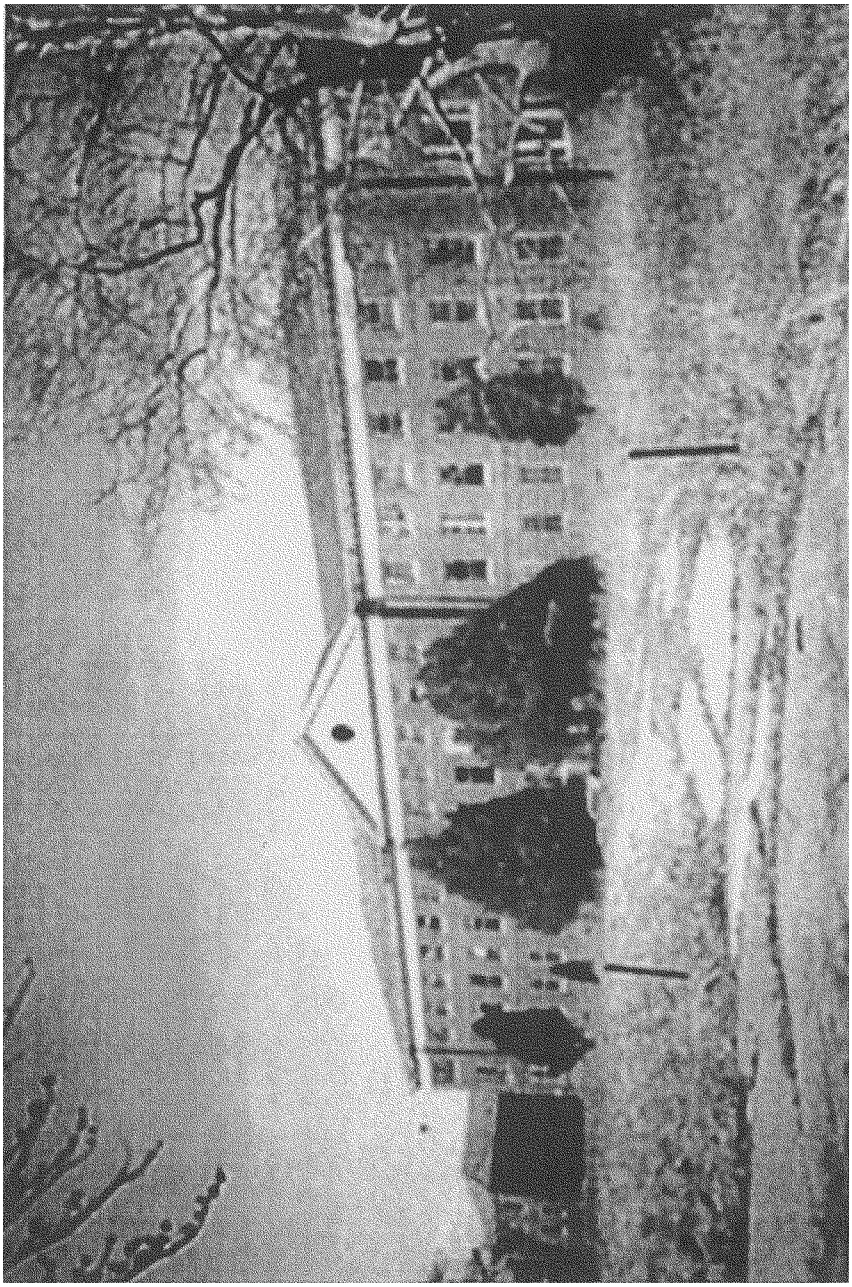
1 (1) the juvenile detention facility for the Dis-
2 trict of Columbia currently located on the Oak Hill
3 property shall be closed; and
4 (2) subject to appropriations, the Agency shall
5 pay for the construction of a replacement facility at
6 a site to be determined, with priority given to a loca-
7 tion within the District of Columbia.
8 (c) CONVEYANCE OF PORTION OF PROPERTY TO
9 ANNE ARUNDEL COUNTY.—
10 (1) IN GENERAL.—The Administrator of Gen-
11 eral Services shall convey, without consideration, to
12 Anne Arundel County, Maryland, all right, title, and
13 interest of the United States in and to that portion
14 of the Oak Hill property referred to in subsection
15 (a)(3).
16 (2) TERMS AND CONDITIONS OF CONVEY-
17 ANCE.—The conveyance under paragraph (1) shall
18 be carried out under such terms and conditions as
19 may be agreed to by the Administrator and Anne
20 Arundel County, except that, as a condition of the
21 conveyance—
22 (A) Anne Arundel County shall agree to
23 dedicate a portion of the property which is ad-
24 jacent to the Patuxent River to parkland and
25 recreational use; and

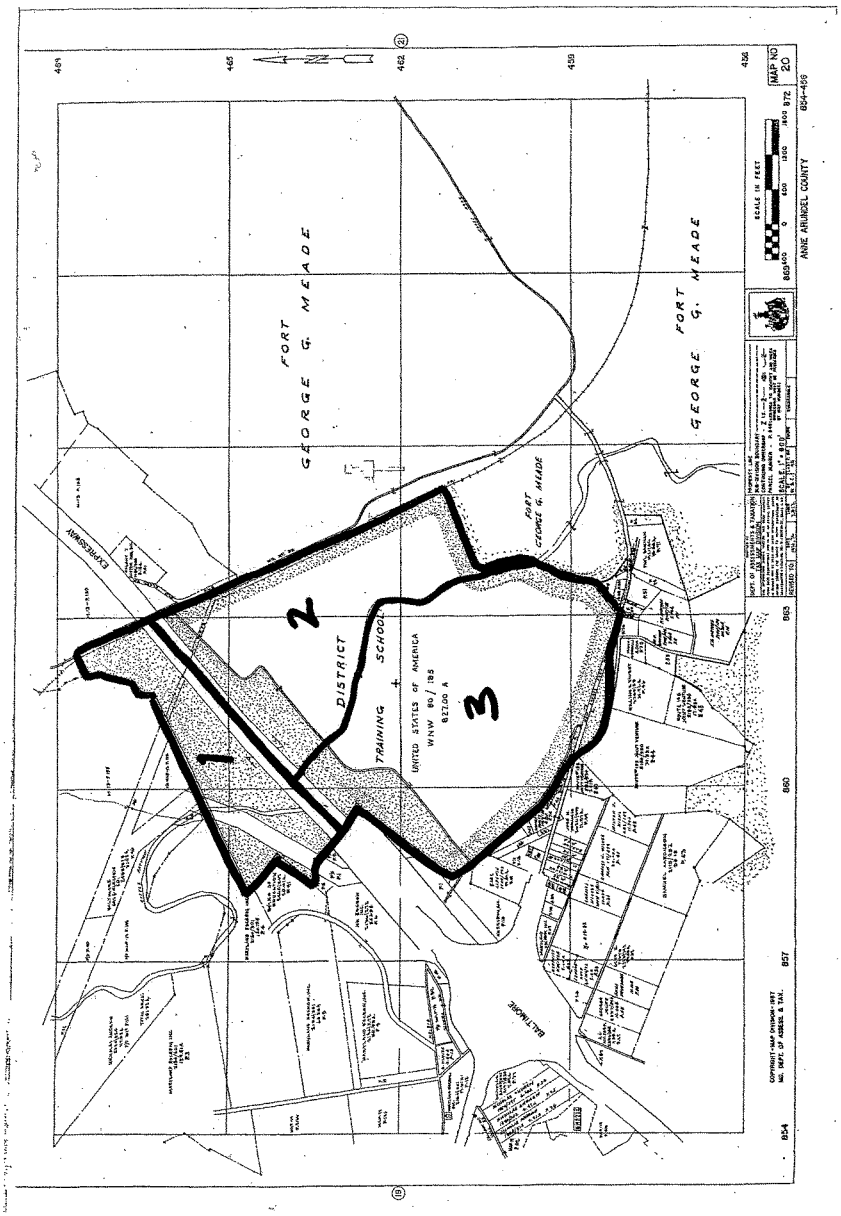
1 (B) Anne Arundel County shall agree to
2 reimburse the National Security Agency for the
3 amounts paid by the Agency under subsection
4 (b) for the construction of a new juvenile deten-
5 tion facility for the District of Columbia, but
6 only if the County makes 25 percent or more of
7 the property conveyed under this subsection
8 available for purposes other than open space or
9 recreational use.

10 **SEC. 2. OAK HILL PROPERTY DEFINED.**

11 In this Act, the term "Oak Hill property" means the
12 Federal property consisting of approximately 800 acres
13 near Laurel, Maryland, a portion of which is currently
14 used by the District of Columbia as a juvenile detention
15 facility, and which is shown on Map Number 20 in the
16 records of the Department of Assessments and Taxation,
17 Tax Map Division, of Anne Arundel County.

○




FORT
GEORGE G. MEADE
FORT
GEORGE G. MEADE
FORT
GEORGE G. MEADE
DISTRICT
TRAINING + SCHOOL
UNITED STATES OF AMERICA
WNW 80/185
82100 A
1
2
3
EXPRESSWAY
BALTIMORE
SCALE IN FEET
ANNE ARUNDEL COUNTY
MAP NO. 20
854-459

Chairman TOM DAVIS. Mr. Cardin, thank you very much.
Mr. Hoyer.

STATEMENT OF HON. STENY H. HOYER

Mr. HOYER. Thank you very much, Mr. Chairman. Today, I am here to support H.R. 316, which, as has been said, transfers portions of the 800 acres of Federal property located in Anne Arundel County to the National Park Service, the Secretary of the Army, for the use of NSA, and to GSA, who in turn will convey the property to Anne Arundel County for parkland and recreational use.

Additionally, this legislation requires the District of Columbia juvenile detention center known as Oak Hill to be closed, and provides—and this is critical—for construction of a new facility on a site yet to be determined. Obviously, "site to be determined" is the difficult part of this equation.

For well over 15 years, problems have plagued the various juvenile facilities located on this property. Originally, Mr. Chairman, as I am sure everybody in the room knows, they were designed for juveniles who, as Ms. Norton characterized them, were simply juveniles who had behavior problems, as opposed to criminal involvement.

From dilapidated buildings and run-down facilities to rampant escapes and inadequate treatment programs, the property became nothing but a problematic neighbor and a public nuisance to the people in nearby communities; not to mention the challenge that it was causing to District of Columbia officials.

Working with the District of Columbia officials, promises were made to address improvements in not just the infrastructure, but the quality of treatment received by the youths detained in the facilities and the security measures offered. Again, the security measures were inadequate, because the facility was originally designed for essentially what we would call children in need of supervision, as opposed to children who had been involved in possible criminal activity, either detained to determine their involvement, or having been found to be involved.

Many of the most troublesome programs were shut down, and youths transferred to more adequate placements. However, when I represented this area—and I do not now—but when I represented this area, Cedar Knoll was the particular focus. And Mr. Chairman, I started to call it "Cedar Sieve," and the reason for that is it simply was not designed to hold the types of young people that were being held at that facility.

However, the Oak Hill facility remains. Security concerns continue, and the youth of the District of Columbia are still not receiving the treatment they need or the environment to be held either pre or post-finding.

I am encouraged by the advances made by Mayor Williams and his administration over all the juvenile justice system. It is a difficult task, and I want to congratulate them for addressing it.

Making Youth Rehabilitation Services a cabinet-level position, and placing Mr. Schiraldi in charge of revamping all of the juvenile services programs, shows a strong commitment, in my opinion, to do what is right to assure that every effort is made to modernize

services and establish an effective treatment program for incarcerated young people.

With the commitment of everyone involved to build a new, state-of-the-art facility, we have an opportunity, Mr. Chairman: an opportunity to provide appropriate housing, sound treatment, and the security measures needed to reassure the public. We must take this opportunity to work together to find the most suitable location for such a facility, while assuring that the Federal land involved is used in the most appropriate and cost-effective manner.

As my colleague, Mr. Cardin, stated, this plan offers options to the many stakeholders involved. And I want to congratulate him for working closely with Ms. Norton, as I have in the past, to solve what is a very difficult problem. It is easy to demagogue about these issues. It is difficult to solve them. But we can do so, working together.

Mr. Cardin's plan offers the Fort Meade community the space needed for the population increases brought on by BRAC, as referred to by Mr. Ruppersberger, who represents this area of our State; NSA, the property it needs to continue its important work and maintain security; and Anne Arundel County, space for park and recreation use. And most importantly, Mr. Chairman, the funding for a secure treatment option to serve the District of Columbia's youth and the District of Columbia citizens.

Closing Oak Hill is the right thing to do, and I look forward to working to develop a plan, and a solution, which serves the needs of the District, its youth, and the community at large. And I thank you for this opportunity.

I have a longer statement, which I will submit for the record.

Chairman TOM DAVIS. Without objection, it will be entered.

[The prepared statement of Hon. Steny H. Hoyer follows:]

TESTIMONY OF CONGRESSMAN STENY HOYER
BEFORE THE
COMMITTEE ON GOVERNMENT REFORM
"JUSTICE FOR ALL: AN EXAMINATION OF THE DISTRICT OF COLUMBIA JUVENILE JUSTICE SYSTEM"

FRIDAY, OCTOBER 28, 2005

TESTIMONY OF CONGRESSMAN STENY HOYER
BEFORE THE
COMMITTEE ON GOVERNMENT REFORM
"JUSTICE FOR ALL: AN EXAMINATION OF THE DISTRICT OF COLUMBIA JUVENILE JUSTICE SYSTEM"

FRIDAY, OCTOBER 28, 2005

MR. CHAIRMAN, IT IS MY PLEASURE TO JOIN YOU AND MY COLLEAGUES FROM BOTH THE DISTRICT OF COLUMBIA AND MARYLAND TODAY TO SHARE WITH YOU MY PERSPECTIVE ON SOME OF THE CHALLENGES PRESENTED TO MARYLAND RESIDENTS BY THE VARIOUS JUVENILE DETENTION CENTERS, PARTICULARLY, THE OAK HILL FACILITY, LOCATED ON FEDERAL LAND IN LAUREL MARYLAND AND TO VOICE MY SUPPORT FOR H.R. 316 WHICH CALLS FOR CLOSING OF OAK HILL, AND THE CONSTRUCTION OF A NEW JUVENILE DETENTION FACILITY FOR THE DISTRICT OF COLUMBIA..

IN 1990 WHEN THE NORTHWESTERN SECTION OF ANNE ARUNDEL COUNTY BECAME PART OF MY DISTRICT, I HEARD LOUD AND CLEAR FROM THE CITIZENS OF THE AREA ABOUT THE ALL TOO FAMILIAR PROBLEMS OF MISMANAGEMENT, DETERIORATING LIVING CONDITIONS, LACK OF EDUCATIONAL PROGRAMS AND MOST NOTABLY THE UNACCEPTABLE NUMBER OF INMATE ESCAPES INTO THE COMMUNITY FROM THE JUVENILE DETENTION CENTERS LOCATED ON FEDERAL PROPERTY LEASED TO THE DISTRICT OF COLUMBIA JUST WEST OF FORT MEADE.

THE TWO LARGEST FACILITIES, CEDAR KNOLL AND OAK HILL, HAD BEEN UNDER CLOSE WATCH. IN JULY 1986, IN RESPONSE TO CHARGES OF MALTREATMENT AND UNSAFE LIVING CONDITIONS, A CLASS ACTION SUIT SETTLEMENT REQUIRED THE DISTRICT GOVERNMENT TO CLOSE CEDAR KNOLL BY DECEMBER 1, 1987. UNFORTUNATELY, THE DISTRICT OF COLUMBIA NEVER COMPLIED WITH THE 1986 SETTLEMENT, AND THE TROUBLED FACILITY REMAINED OPERATIONAL.

THE STATISTICS WERE ALARMING FOR CEDAR KNOLL – IN 1986 14 ESCAPES IN THREE DAYS; IN 1987, 10 ESCAPES IN TWO DAYS; AND BETWEEN 1990 AND 1992, 177 YOUTHS EITHER ESCAPED FROM THE THEN UNFENCED FACILITY OR FAILED TO RETURN FROM WEEKEND PASSES. – I BEGAN TO CALL THE PLACE – "CEDAR SIEVE".

FOLLOWING A SHOOTING OF A LOCAL CAPITOL HEIGHTS CONVENIENCE STORE CLERK BY A CEDAR KNOLL ESCAPEE, THE SITUATION HAD GROWN SO TENSE THAT I FELT THERE WAS NO COURSE OF ACTION LEFT BUT TO TAKE MEASURES TO CLOSE THE DYSFUNCTIONAL FACILITY.

IN THE BEST INTEREST OF THE YOUTH IN THE FACILITY AND THE SURROUNDING COMMUNITY, I INCLUDED LANGUAGE IN THE FY 93 DISTRICT OF COLUMBIA APPROPRIATIONS BILL WHICH REQUIRED THE CEDAR KNOLL FACILITY TO BE CLOSED BY JUNE 1, 1993 AND PROHIBIT THE USE OF ANY FEDERAL FUNDS TO OPERATE THE FACILITY AFTER THAT DATE AND FURTHER ORDERED THAT THIS PARTICULAR PARCEL OF 150 ACRES BE TURNED OVER TO THE COUNTY.

AND ON JUNE 1, 1993, I INSPECTED CEDAR KNOLL TO MAKE CERTAIN ALL ITS CHARGES WERE GONE AS IT HAD BECOME CLEAR THAT THE 39 YEAR OLD FACILITY WAS NO LONGER APPROPRIATE FOR ITS USE AS A DETENTION CENTER.

HOWEVER, THAT ONLY SOLVED PART OF THE PROBLEM. WITH THE CLOSING OF CEDAR KNOLL, THE DISTRICT WAS FORCED TO PLACE MANY OF THE YOUTH WITH "MEDIUM SECURITY RISK" IN THE HIGH SECURITY FACILITY OF OAK HILL MIXING NON-VIOLENT OFFENDERS WITH THOSE ACCUSED OF MORE SEVERE CRIMES SUCH AS RAPE, ASSAULT AND EVEN MURDER. THE OAK HILL YOUTH CENTER, THE CITY'S MAXIMUM SECURITY JAIL FOR JUVENILES SHARED MANY OF THE SAME ISSUES OF CEDAR KNOLL – WITH FREQUENT ESCAPES, POORLY MAINTAINED BUILDINGS, INADEQUATE SERVICES FOR YOUTH AND LACK OF SUPERVISION AND SECURITY IN THE FACILITY.

THE LONG AND TROUBLED HISTORY OF OAK HILL GREW EVEN MORE SIGNIFICANT AS ESCAPES CONTINUED AND THE SURROUNDING COMMUNITY REMAINED CAUTIOUS OF THE COMMITMENT OF THE DISTRICT TO IMPROVE SERVICES, SECURITY AND COMMUNICATION.

IN 1994, WORKING WITH THE EIGHT LOCAL AND FEDERAL POLICE AGENCIES, AN EIGHTEEN POINT MEMORANDUM OF UNDERSTANDING WAS AGREED TO WHEREBY FOR THE FIRST TIME A WRITTEN NOTIFICATION POLICY WAS PUT IN EFFECT TO COORDINATE RESOURCES TO CAPTURE "ESCAPEES" AND NOTIFICATION WOULD BE PROVIDED TO LOCAL CITIZENS WHEN AN ESCAPE OCCURRED AND COMMUNICATION ON THE PROGRESS OF CAPTURING THE YOUTH WOULD BE SHARED WITH DESIGNATED REPRESENTATIVES.

WITH A COMMITMENT BY THE DISTRICT FOR VAST IMPROVEMENTS IN STAFF HIRING AND TRAINING; INVESTMENT IN INFRASTRUCTURE; INCREASES IN SECURITY MEASURES AND ADVANCEMENTS IN PROGRESSIVE TREATMENT PROGRAMS, SOME PROGRESS WAS SEEN AT THE OAK HILL FACILITY AND ESCAPES WERE DOWN. FROM JUNE 1998 UNTIL MAY 2001, THE OAK HILL FACILITY HAD NO ESCAPES. IN MAY 2001, SEVEN YOUTH ESCAPED AND IN DECEMBER 2001, SEVEN YOUTH FAILED TO RETURN TO OAK HILL FOLLOWING THE CHRISTMAS HOLIDAY.

THE CITIZENS OF THE AREA AND I CONTINUED TO PRESS THE CASE FOR MORE ADEQUATE SECURITY, BETTER COMMUNICATION WITH THE COMMUNITY AND AN OVERALL PLAN TO ENHANCE THE TREATMENT AND CONDITIONS FOR YOUTH AT THE OAK HILL FACILITY.

IN DECEMBER 2001, GAYLE TURNER , YOUTH SERVICE ADMINISTRATOR, WROTE TO ME STATING "THAT CLOSING THE JUVENILE DETENTION CENTER WOULD LEAVE WASHINGTON, D.C. WITHOUT A VIABLE OPTION FOR THE YOUTH IN THE CITY."

WHILE FULLY RECOGNIZING THAT WITHOUT AN ADEQUATE PLACEMENT ALTERNATIVE, THE DISTRICT COULD NOT CLOSE THE DOORS TO OAK HILL, WE PUSHED FOR A COMPREHENSIVE PLAN TO ADDRESS THE LONG TERM NEEDS OF THE DISTRICT'S JUVENILE JUSTICE SYSTEM AND FOCUSED ON THE NEED TO FIND AN ALTERNATIVE LOCATION FOR DETAINED YOUTH.

EVEN THE BLUE RIBBON COMMISSION ESTABLISHED BY MAYOR ANTHONY WILLIAMS ULTIMATELY CALLED FOR THE DEMOLISHING OF OAK HILL AND REPLACING IT WITH NEW SEPARATE FACILITIES FOR DETAINED AND COMMITTED YOUTHS AND WITH MORE COMMUNITY BASED PROGRAMS. WORKING WITH THE YOUTH SERVICES ADMINISTRATION, WE WERE INFORMED THAT THE PLAN BEING ADVANCED INCLUDED THE 80 BED PRETRIAL DETENTION FACILITY ON MT. OLIVET ROAD, NE WHICH OPENED IN SEPTEMBER 2005, AS WELL AS FINDING ALTERNATIVE SITES IN VARIOUS PROGRAMS BOTH WITHIN THE CURRENT SYSTEM AND OPTIONS WITH PLACEMENT TO OUTSIDE PROGRAMS.

I BELIEVE IT IS ESSENTIAL FOR THE DISTRICT TO TAKE THE FIRST STEP IN SOLVING ITS OWN PROBLEMS AND KNOW A VIABLE SOLUTION CAN BE MADE FOR ITS JUVENILE POPULATION. I APPLAUD STEPS MADE BY MAYOR WILLIAM'S ADMINISTRATION IN JANUARY 2005 TO MAKE THE DEPARTMENT OF YOUTH REHABILITATION SERVICES A CABINET LEVEL AGENCY. I AM ENCOURAGED BY THE PROGRESS BEING MADE AND PLANS BEING SET FORTH BY VINCENT SCHIRALDI, THE NEW DIRECTOR OF YOUTH REHABILITATION SERVICES TO REFORM THE OVERALL JUVENILE JUSTICE SYSTEM IN THE DISTRICT. AND I AM REASSURED BY THE STATISTICS SHOWING A REDUCTION IN JUVENILE CRIME.

WE ARE ALL IN AGREEMENT WITH THE ESTABLISHED AND LEGISLATED PLAN TO CLOSE OAK HILL. AND AM PLEASED WITH MAYOR WILLIAMS ANNOUNCED PLAN TO REBUILD THE JUVENILE DETENTION CENTER, MAKING IT MORE HOMELIKE AND LESS INSTITUTIONAL WITH SMALLER FACILITIES AND MORE DIRECT SERVICES.

THIS IS THE RIGHT THING AND A STEP IN A FORWARD DIRECTION.

AND I JOIN CONGRESSMAN CARDIN IN SUPPORTING THE CLOSURE OF OAK HILL, AND SETTING FORTH A NEW BEGINNING FOR TREATMENT OF YOUTH OFFENDERS IN THE DISTRICT. THE NEW "STATE- OF- THE - ART" FACILITY WILL PROVIDE ADVANTAGES FOR THESE TROUBLED YOUTH AND PROVIDES THE OPPORTUNITY FOR YOUTH TO RECEIVE TRUE TREATMENT AND REHABILITATION.

HOWEVER, THIS FACILITY SHOULD NOT BE PLACED IN MARYLAND SOME 30 MILES FROM THE DISTRICT OF COLUMBIA – FAR FROM SERVICES, FAMILY AND THE COURT SYSTEM. THIS STATE OF THE ART FACILITY SHOULD BE A COMMUNITY BASED PROGRAM WITHIN THE JURISDICTION OF DISTRICT.

PROVISIONS OF THE LEGISLATION BEING CONSIDERED CALL FOR PAYMENT FOR CONSTRUCTION OF A NEW JUVENILE DETENTION CENTER FOR THE DISTRICT OF COLUMBIA SUBJECT TO APPROPRIATIONS. IT IS MY HIGHEST HOPE THAT CONSIDERATION WILL BE GIVEN TO LOCATING THE NEW FACILITY IN THE DISTRICT OF COLUMBIA.

CLOSING OAK HILL IS THE RIGHT THING TO DO FOR THE YOUTH IT SERVES, FOR THE BEST INTEREST OF THE FEDERAL AGENCIES IN THE AREA AND FOR THE NEIGHBORS OF ANNE ARUNDEL COUNTY. AND I LOOK FORWARD TO WORKING WITH CONGRESSMAN CARDIN, THE DISTRICT OF COLUMBIA AND THIS COMMITTEE TO DEVELOP A PLAN AND A SOLUTION WHICH BEST SERVES THE NEEDS OF THE DISTRICT'S YOUTH AND THE COMMUNITY AT LARGE.

Chairman TOM DAVIS. Thank you both. Let me just say, this brings back the days of Lorton Prison; the same kinds of issues that we had with the city, and it took us years to work something out. It is constructive. I think the key is to find an alternative. If we can find an alternative spot, I think we can bring all the parties together. You are providing a way that we could get funding, that we could take this asset, turn it into something that could produce some revenue so that the city wouldn't be disadvantaged. But it is a question of finding a spot.

And I know this committee looks forward to working with you on that. I know Ms. Norton would work with you. And we could try to make this a "win-win." But the legislation is a first start.

Any thoughts on that? Do you have any thoughts, in terms of where else you can locate kids? Unlike the Lorton situation—and there was a youth component to that—but we moved those prisoners into the Federal prison system. We did put a mile radius, so they wouldn't be too far away. But with kids it has to be a little closer. And there is just no immediate sites in the city for this, it seems.

Mr. CARDIN. My understanding is that the size of the facility is modest, as far as the need of how much land is actually needed. I don't want to minimize the challenge. I know that there have been lands that have been made available to the District through this committee, and I am not prepared to try to designate any specific site. But I really do think we should look at the properties that could be made available.

The city administration has told me there are some zoning issues with properties, and other issues. But I think we need to take a look at it because, obviously, all the reports have shown that the best location would be closest to the families within the District, that is an important part of the equation here. So I think that needs to be, by far, the first order of business, is to make an effort to try to find——

Chairman TOM DAVIS. Let me interrupt. I think that is constructive. Let me interject something. The Federal Government has a lot of property in the area, a lot of it surplus. We are transferring a piece of that, or we are in the process of transferring a piece of that, to the city in cooperation with the administration. But if we can get an inventory of all Federal properties, working with Mr. Hoyer and the other affected Members, maybe we can find an appropriate transfer that works in this case.

The Federal Government has some responsibility here, with our oversight with the District, and maybe there would be an appropriate transfer on that. And I think we would have to look at all of these.

We are in the process of trying to get a complete data base of all Federal properties in Washington, and see what is utilized, what isn't utilized, what could be utilized, and see if there is a way around this. But I think you have identified what appears to be a major problem; and try to come up with a constructive solution.

Ms. NORTON. If I could just say——

Chairman TOM DAVIS. Go ahead.

Ms. NORTON [continuing]. Because I don't have a question. I simply want to thank my colleagues for doing what they always do;

which is working with me to try to find a solution. And they have handled this very difficult problem, it seems to me, in the way that this region does in fact operate.

I just want to say, just for the record, that the District was not responsible for putting this facility in someone else's district. And I could not sympathize more with the Members. The District did not have Home Rule when this decision was made. And I don't think the Congress made it because it was punishing Maryland, either. I think it had to do with available land. And very frankly, the Federal Government has taken the lion's share of the land that is not used for residential use or is not used for commercial use.

But I join the chairman in saying I still believe that Mr. Cardin's idea is a very fruitful idea. The major problem you have in these kinds of things usually is how you are going to get the money to do it. Now we have a question of, "Where are you going to put it?" And we obviously know we don't need all of that huge space out there in Laurel, MD. But, you know, Congress put it out there in that huge space; we didn't do it.

There ought to be a way, as the chairman says, with all the Federal land all around this region, to find a smaller space where we could accommodate this facility, and move it out of a district where people have every right to say, "Why is it in my district?" So I thank you, both of you, for the way you have handled this matter.

Chairman TOM DAVIS. Thank you. And Mr. Ruppersberger, before I recognize you, let me just say this isn't just about where it is located; this is about the kids. This is a program that is not working for the kids, and it has been documented now for over 15 years. So that remains a huge problem. And perhaps a locational change could add to new management and giving these kids a shot.

Mr. RUPPERSBERGER. Mr. Chairman, I want to thank you for agreeing to work with us. And a lot of issues in this town can't be resolved, unfortunately; but this is an issue that we all, if we put our heads together, can do the right thing. And I think the children will benefit, and our national security will also benefit.

Also, Mr. Chairman, I know NSA submitted a statement. Basically, the key to this statement is that they want to make sure there is a security buffer zone for Fort Meade-NSA, for national security. And that is really most of the extent of their testimony.

And Mr. Cardin, it is a good plan, and you are a smart man. [Laughter.]

Chairman TOM DAVIS. You can take that and run with it.

Mr. CARDIN. Yes.

Chairman TOM DAVIS. Do any other Members have questions?

[No response.]

Chairman TOM DAVIS. If not, thank you both.

Mr. CARDIN. Thank you, Mr. Chairman.

Chairman TOM DAVIS. We will take a 3-minute recess, as we get ready for the next panel.

[Recess.]

Chairman TOM DAVIS. We are ready to resume our second panel. Without objection, Congressman Cardin will be permitted to sit in.

It is a distinguished panel. We have the Honorable Lee Satterfield, presiding judge, District of Columbia Family Court; the Honorable Eugene Hamilton, the senior judge of the Superior

Court—Judge, nice to see you again—Charles Ramsey, the chief of police for the Metropolitan Police Department, and no stranger to this committee; and Vincent Schiraldi, the director of the District of Columbia Youth Rehabilitation Services. And this is your inaugural visit here, Mr. Schiraldi. We appreciate your being here.

It is our policy that all witnesses are sworn before you testify, so if you would, just rise and raise your right hands.

[Witnesses sworn.]

Chairman TOM DAVIS. Thank you very much.

Judge Satterfield, we will start with you. And we appreciate your being here today.

STATEMENTS OF LEE F. SATTERFIELD, PRESIDING JUDGE, DISTRICT OF COLUMBIA FAMILY COURT; EUGENE HAMILTON, SENIOR JUDGE, DISTRICT OF COLUMBIA SUPERIOR COURT; CHARLES H. RAMSEY, CHIEF OF POLICE, DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT; AND VINCENT SCHIRALDI, DIRECTOR, DISTRICT OF COLUMBIA YOUTH REHABILITATION SERVICES

STATEMENT OF LEE F. SATTERFIELD

Judge SATTERFIELD. Good morning. Thank you. Chairman Davis, Congresswoman Norton, other members of the committee, thank you for the invitation to testify today about the role of the D.C. Superior Court's Family Court in the District's juvenile justice system.

The Family Court has jurisdiction to hold youth in secure detention prior to trial, to release youth with conditions pre-trial, to conduct a trial and, if the youth is found involved—which is the equivalent of guilty in the criminal system—to sentence him or her.

There are only two sentencing options available to Family Court judges: a judge can place the child or youth on probation, or commit the youth to the custody of the city.

Under current D.C. law, Family Court judges cannot sentence youth to a period of incarceration in a secure facility, but may only commit them to the city's Department of Youth Rehabilitation Services. At that point, even if the youth violates his probation conditions repeatedly, or commits other crimes, even serious or violent crimes, the judge has no control over where the youth is placed. We submit to you that this distracts from the accountability that we are trying to instill in young people and children in this case.

Our juvenile delinquency caseload represents about 25 percent of the Family Court caseload. One of the Family Court's goals, as set forth in the transition plan required by the Family Court Act and submitted to Congress in April 2002, is to provide early intervention and opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety. Prevention, public safety, accountability, and rehabilitation are key goals of the Family Court. Continued accountability directly to the sentencing judge is a key element in public safety and successful rehabilitation.

Our Family Court Social Services Division plays a vital role in our response to juvenile delinquency, and is responsible for supervising juvenile offenders who are pre-trial, or those serving a probationary sentence and that are not committed to the city's care.

Our division currently supervises about 1,900 juvenile offenders, a number that represents the majority of youth in the juvenile justice system.

I have submitted for the record a manual that outlines how the Court Social Services supervises youth, and the role that they play in accountability and keeping the community safe.

Also, in my written testimony, I review the juvenile delinquency guidelines that were established by the National Council of Juvenile and Family Court Judges for the purpose of improving court practices in juvenile cases. And I discuss those goals, and how we meet those goals, in my written testimony. In the interest of time, I will not go over them now.

I would like to tell you about a new program that we have implemented in Family Court just last week, and it relates to truancy. As you know, the short-term consequence of truancy is often delinquency, and the long-term consequences of truancy are also incarceration, illiteracy, and unemployment.

We have launched just last week in the Garnet-Patterson Middle School a program to divert youth out of the system, or away from the system. This new program is a Truancy Court diversion program for middle-school students, and was developed by the Family Court in partnership with the District of Columbia Public Schools; the District of Columbia School Board; the Deputy Mayor for Children, Youth, Families, and Elders; and the Child and Family Services Agency.

Students who have more than 15 unexcused absences and who could be referred to Family Court for prosecution are eligible to participate, with their parents or guardians. This is a voluntary program. The goals of the program are to increase attendance, improve grades, and improve behavior. In addition to the students and parents, other participants include the teacher, attendance counselor, and the family advocates who are social workers.

I conduct hearings at the school weekly, and the social workers work with the families to provide services that strengthen the families, to ensure that the students remain in school.

I also want to talk just briefly about parental participation because, as you know, if you want to help children, you must help their parents. And sometimes, helping parents means holding them accountable.

Involving parents is a key part of the Family Court's juvenile justice prevention and intervention response. We enter participation orders in just about every juvenile case, unless it is not in the best interests of the child. In 2005, we entered participation orders in 91 percent of the cases: requiring parents to participate in the rehabilitation process with their children; requiring parents to participate in parenting classes, substance abuse treatment, and monitor their children's curfew and school attendance.

Let me just conclude by saying that our goals for the future are to continue to sustain our current programs; to launch an adolescent girls' program for girls that are on probation; to continue our partnership with MPD in gang intervention; to open drop-in centers for youth to receive services and be closely monitored in the community; and to acquire global positioning system technology, so

that we can better monitor the movement of youths to provide for our juvenile probation officers.

I thank you for this opportunity to testify, and I welcome any questions that you may have.

[NOTE.—The District of Columbia Superior Court, Family Court report entitled, "Court Social Services, a Division of the Family Court," may be found in committee files.]

[The prepared statement of Judge Satterfield follows:]

TESTIMONY OF THE HONORABLE LEE F. SATTERFIELD
PRESIDING JUDGE, D.C. FAMILY COURT

BEFORE THE COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

FRIDAY, OCTOBER 28, 2005

Chairman Davis, Ranking Member Waxman, and Congresswoman Norton, I thank you for the invitation to testify about the role of the District of Columbia Superior Court's Family Court in the juvenile justice system. The Family Court consists of the two divisions: the Operations Division and the Court Social Services Division. The Court Social Services Division is responsible for supervising juvenile offenders pre-trial and while serving a probationary sentence for those found 'involved' who are not committed to the city. The Division currently supervises about 1900 juveniles, a number that represents the majority of youth in the juvenile justice system. I have attached a copy of the Court Social Services Division's manual to my testimony; the manual outlines the Division's organizational structure, the methods of supervision it can provide and the array of services and programs available.

The Family Court has jurisdiction a) to hold youth in secure detention prior to their trial, b) to release youth with conditions pre-trial, c) to conduct the trial and d) if the youth is found "involved," to sentence him or her. There are only two sentencing options available to Family Court judges: probation or committing the youth to the custody of the District of Columbia. Under current law, Family Court judges cannot sentence youth to a period of incarceration in a secured facility, but may only commit them to the city's Department of Youth Rehabilitative Services (DYRS). At that point, even if a youth violates his probation conditions repeatedly, or commits other crimes, the judge has no control over where the youth is placed, jurisdiction having passed to the DYRS.

Juvenile delinquency cases represent about 25% of the Family Court's caseload. One of the Family Court's goals, as set forth in Transition Plan required by the Family Court Act and submitted to Congress in April 2002, is to provide early intervention and opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety. Prevention, public safety, accountability, and rehabilitation are key goals of the Family Court. Continued accountability directly to the sentencing judge is a key element in public safety and successful rehabilitation.

In July 2005, the National Council of Juvenile and Family Court Judges (NCJFCJ) issued the Juvenile Delinquency Guidelines (hereinafter "the guidelines"). The guidelines were developed by the NCJFCJ in partnership with the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention for the purpose of improving court practices in juvenile delinquency cases. The goals of the Family Court are consistent with the guidelines' recommended goals for a delinquency court of excellence. The guideline goals are:

- Increase safety in communities by supporting and implementing both effective delinquency prevention strategies as well as a continuum of effective and least intrusive responses to reduce recidivism;

- Hold juvenile offenders accountable to their victims and community by enforcing completion of restitution and community service requirements; and

- Develop competent and productive citizens by advancing the responsible living skills of youth within the jurisdiction of the juvenile delinquency court.

The guidelines also established 16 key principles of a delinquency court of excellence. We have performed a preliminary review of these principles. Let me review the D.C. Family Court's accomplishments as they relate to some of those principles:

Juvenile Delinquency Court Judges Should Engage in Judicial Leadership and Encourage System Collaboration

Since January 2002, the Family Court Implementation Committee -- which includes members of the Office of Attorney General (OAG), the Public Defender Service (PDS), DYRS, private bar, Child and Family Services Agency and court managers -- has met monthly to work on efforts to improve the system. Specifically, the Juvenile Subcommittee, which is chaired by Deputy Presiding Judge Anita Josey-Herring, has accomplished the following:

- developed attorney practice standards for legal representation in juvenile cases;
- drafted court rules that will be submitted to the Superior Court Rules Committee to implement the Omnibus Juvenile Justice Act of 2004 (hereinafter, "the Juvenile Justice Act") which was passed by the District of Columbia City Council earlier this year;
- collaborated with CASA to establish a system where CASA volunteers work on cases of neglected children who have related delinquency cases in Family Court; coordinated training with PDS for new juvenile panel attorneys to ensure that panel attorneys meet the training requirement of the practice standards; and
- collaborated with the Child Guidance Clinic of the Court Social Services Division to develop the Juvenile Interpersonal Behavior Management Program. This program is a comprehensive outpatient treatment program for juveniles charged with sex offenses. The program is designed to explore factors contributing to these types of criminal behavior in juveniles and guide them toward identifying coping mechanisms to control deviant sexual behaviors. The eligibility requirements for this program are strict. Juvenile offenders deemed to be sexual predators are not eligible to participate in the program. This is the only program in the District of Columbia community servicing adjudicated juvenile sex offenders and, although a year old, the program is showing promising results. Ninety-five percent of the youth who participated in the program have not re-offended.

The Family Court participates in a citywide task force on truancy and participated on the Mayor's Juvenile Justice Task Force during its existence. Family Court also collaborates with the Mayor's Liaison Office to provide services to youth and their families. This office, as specified in the Family Court Act, is on-site in the Moultrie Courthouse.

Recently, the Family Court began working with the Deputy Mayor, DYRS, OAG, and PDS on a new initiative called Juvenile Detention Alternative Initiative. This initiative

has been successful in other jurisdictions in enhancing public safety while using alternatives to detention.

Juvenile Delinquency Systems Must Have Adequate Staff, Facilities and Program Resources.

The Family Court is currently assessing whether it needs additional resources in the area of juvenile justice to effectively carry out its goals of prevention, public safety, accountability and rehabilitation. We are very thankful for the generous funding that Congress has provided to the Court to implement the Family Court Act.

Juvenile Delinquency Courts and Juvenile Abuse and Neglect Courts Should Have Integrated One Family-One Judge Case Assignments

The Family Court has fully implemented the one judge one family case management system, as required by the Family Court Act, which Ms. Norton played an integral role in drafting and which was signed into law in January 2002. Generally, subject to a few very limited exceptions consistent with due process, one judge handles both the neglect and juvenile matters relating to one family. Judges who handle the neglect cases are usually assigned the related juvenile cases for sentencing or soon after the sentencing in the juvenile cases. This approach has led to greater consistency and increased knowledge of the youth and family.

Juvenile Delinquency Court Judges Should Have the Same Status as the Highest Level of Trial Court in the State and Should Have Multiple Year or Permanent Assignments

The associate judges in Family Court are assigned to hear juvenile delinquency trials. Consistent with the Family Court Act, these judges have volunteered to serve in Family Court and have certified that they will participate in training. Consistent with the Family Court Act, the judges serve mandatory terms of 3 or 5 years depending upon when the judge was appointed to the Superior Court bench.

All Members of the Juvenile Delinquency Court Shall Treat Youth, Families, Crime Victims, Witnesses, and Others With Respect, Dignity, Courtesy and Cultural Understanding

The mission of the Family Court as set forth in the Transition Plan is to protect and support children brought before it, strengthen families in trouble, provide permanency for children and decide disputes involving families fairly and expeditiously while treating all parties with dignity and respect. The Juvenile Justice Act -- which was passed by the District of Columbia City Council this year -- reinforces this principle in a provision that requires victims or eyewitnesses of delinquent acts be treated with dignity, respect, courtesy, sensitivity, and with respect for their privacy. The Family Court strives to put this principle into practice in every case. The Family Court, like all divisions of the D.C. Superior Court, provides certified interpreters to assist families who do not speak English

or are hearing-impaired and legal materials -- including an increasing number of orders, such as parental participation orders -- are available in Spanish.

Juvenile Delinquency Court Judges Should Ensure Their Systems Divert Cases to Alternative Systems Whenever Possible and Appropriate

In 2004, the Family Court referred 667 youth to the Utilized Time Dollar Institute's Youth Court Diversion Program, a program designed to divert low risk youth out of the juvenile justice system and reduce recidivism by using positive peer pressure. In 2004, Family Court judges referred 54 youth to the Operation Prevent Auto Theft program, a restorative justice supervision program to address an increase in car theft by juveniles. In this program, officers of the Metropolitan Police Department and Court Social Services probation officers team up to work with juvenile car thieves in areas of crime prevention education, public speaking, life skills and community services.

On October 18, 2005, the Family Court -- in partnership with the District of Columbia Public Schools, the District of Columbia School Board, the Office of Deputy Mayor for Children, Youth, Families and Elders, and the Child and Family Services Agency -- began a Truancy Court Diversion Program in Garnett Patterson Middle School. The goals of this 10-12 week program are to increase attendance, improve grades and improve behavior among students who have a significant number of unexcused absences. The program is designed for students and parent who otherwise could be referred to court and charged as truants or in the cases of the parents, charged criminally under the compulsory attendance law for failure to ensure that their children attend school. In addition to the students and parents, the other participants in the program include the judge, teachers, attendance counselor and family advocates who are social worker. The judge conducts court hearings at the school weekly and the social workers work with the families to provide services that strengthen the families to ensure that the students remain in school. Next year, at the request of the District of Columbia Public School superintendent, there are plans to expand this program to an additional middle school.

Youth Charged in the Formal Juvenile Delinquency Court Must Have Qualified and Adequately Compensated Legal Representation

Family Court provides legal representation to all youth charged with delinquent acts and provides such representation at the time the youth is charged in court. In 2003, the Family Court created panels of qualified attorneys who may represent youth in juvenile proceedings and in 2004 adopted attorney practice standards governing attorney representation juvenile proceedings. This change complied with language in the FY'03 D.C. Appropriations conference report in which "[t]he conferees strongly urge[d] the D.C. Superior Court to evaluate the quality of legal services rendered by lawyers appointed under the Criminal Justice Act to handle juvenile delinquency cases. The Court [was] urged to take immediate, affirmative steps to ensure that lawyers who lack the requisite training, experience, and skill are not appointed to delinquency cases."

Juvenile Delinquency Court Judges Should Ensure Crime Victims Have Access to All Phases of the Juvenile Delinquency Court Process and Receive All Services to Which They are Entitled by Law

The Juvenile Justice Act permits victims, witnesses and immediate family members to attend juvenile court proceedings. It also permits victim impact statements to be submitted and considered by the court and for victims to receive restitution. Family Court judges ensure that all provisions of this law are met.

Juvenile Delinquency Courts Should Render Timely and Just Decisions and Trials Should Conclude Without Continuances

The Family Court schedules and holds most hearings at a specific time. The District of Columbia Code and Superior Court Rules establish that juveniles detained prior to trial in secure detention have an adjudicatory hearing within either 30 days or 45 days depending on the seriousness of the charge. Court rules require that the disposition in cases of detained juveniles be held within 15 days after adjudication. During 2004, the median time between initial hearings and the trial was 36 days and the median time between trial and sentencing was 43 days. For detained juveniles charged with the most serious offenses, who are required to have a trial within 45 days, the median time to trial was 43 days and the median time between trial and sentencing was 43 days.

D.C. law permits a judge to continue a trial when the delay is due to:

- examinations to determine mental competency or physical capacity;
- a hearing with respect to other charges against the youth;
- request for transfer proceedings;
- the absence of an essential witness; or
- necessary autopsies, medical examinations, fingerprint examinations, ballistic tests, drug analysis or other scientific test not having been completed.

D.C. law permits a judge to continue sentencing due to:

- the request of the child or his counsel;
- other proceedings concerning the youth not being complete;
- OAG request for a continuance due to unavailability of evidence in the case;
- the imposition of a consent decree;
- the absence or unavailability of the child; or
- joining the youth for a hearing with another youth whom the time for a hearing has not run.

As part of the Juvenile Alternative to Detention Initiative the Family Court will collect data on the reasons for the delays in juvenile proceedings.

Juvenile Delinquency System Staff Should Engage Parents and Families at all Stages of the Juvenile Delinquency Court Process to Encourage Family Members to Participate Fully in the Development and Implementation of the Youth's Intervention Plan

The Juvenile Justice Act provides that the Family Court enter parental participation orders in every juvenile case and thus mandate the attendance of parents or guardians at each proceeding unless it is not in the best interests of the child. In 2005, the Family Court entered parental participation orders in 91% of the cases filed. Such orders not only require parental participation at hearings but also may require parents to participate in parenting classes, substance abuse treatment and to monitor the youth's curfew and school attendance. In addition, programs such as the Juvenile Interpersonal Behavior Management Program and the OPAT program for juvenile theft offenders include parents. Court Social Services Division juvenile probation officers routinely meet with parents in the office and at their homes during curfew checks on their children. Judges assigned to juvenile cases reported that they have issued bench warrants when parents do not appear in court without a legitimate reason as set forth in D.C. law, have held parents in civil contempt and fined parents for not complying with the participation orders and have required parents to pay restitution to victims of stolen-car crimes.

The Juvenile Delinquency Court Should Engage the School and Other Community Support Systems as Stakeholders in Each Individual Youth's Case

Family Court participates on the city-wide task force on truancy and, as mentioned previously has started a truancy diversion program in a local school. The Family Court has also created a specialized Truancy Court where the cases of all parents charged criminally under the compulsory attendance laws and all youth charged as truants are heard by a single judge. As a result of the work of the task force and the Truancy Court, the city's truancy rate in elementary school in the first quarter of the 2004 school year decreased by 40% from the first quarter of the 2003 school year. The Family Court continues to enhance its relationship with the school system in order to routinely obtain information in every case to identity and address all of the youth's educational needs.

Juvenile Delinquency Court Judges Should Ensure Court Dispositions are Individualized and Include Graduated Responses, Both Sanctions and Incentives

Family Court programs such as the Juvenile Drug Court include both sanctions and incentives in order to hold youth accountable. D.C. law requires that the Family Court impose at least 90 hours of community service in the majority of juvenile cases. Disposition reports are individualized and prepared by trained juvenile probation officers with the assistance of evaluations from psychologists at the Court Social Services Division's Child Guidance Clinic and psychiatrics at the D.C. Department of Mental Health. The Court Social Services Division is in the process of developing a more extensive graduated sanction response to supervision of probationers. Judges hold probation revocation hearings as often as needed. However, we believe that it is

essential that judges have the authority to impose a jail sentence at a secure facility as a sanction for violation of probation conditions. Accountability is key.

Juvenile Delinquency Court Judges Should Ensure Effective Post-Disposition Review Is Provided to Each Delinquent Youth as Long as the Youth Is Involved in any Component of the Juvenile Justice System

Family Court judges routinely conduct hearings to review a youth's compliance with the conditions of his or her probation and to determine whether the appropriate services are being provided. The Juvenile Justice Act provides that the Court Social Services Division and any other agency responsible for supervision, such as the city's DYRS, conduct periodic reviews of the youth's treatment plan to determine if rehabilitative progress is being made and if services provided to the youth have been effective and to determine what steps, if any, should be taken to ensure the rehabilitation and welfare of the youth and the safety of the public. Some judges continue to review cases involving youth who are committed to the District of Columbia, although the Family Court has no authority to change the DYRS's placement decisions.

Juvenile Delinquency Court Judges Should Hold Their Systems and the Systems of Other Juvenile Delinquency Court Stakeholders Accountable

The Family Court has begun capturing data electronically to determine if its programs are effective in reducing recidivism. The Court intends to have a "report card" on its programs' performance, on the amount of community service performed by juvenile offenders and on the amount of restitution imposed by judges and collected for victims of crimes. Family Court leaders continue to work collaboratively with city agencies and community organizations involved in the juvenile justice systems to ensure public safety and to improve outcomes for court involved youth.

Juvenile Delinquency Court Judges Should Ensure the Court Has an Information System That Can Generate the Data Necessary to Evaluate Performance, Facilitate Information Sharing with Appropriate Agencies and Manage Operations Information

As you know, the Superior Court is in the final stages of completing implementation of an integrated information database system. This system has been fully implemented in the Family Court and has already improved the court's ability to collect data and produce reports on case processing times in juvenile and neglect cases and on several performance measures relating to cases of neglected children. As stated earlier, the Family Court is focusing on collecting more data relevant to our performance in the area of juvenile justice. The new system has enabled the Family Court to fully implement the one judge one family provision of the Family Court Act. Efforts to share information with other agencies are ongoing.

Juvenile Delinquency Court Judge Is Responsible to Ensure that the Judiciary, Court Staff, and all System Participants Are Both Individually Trained and Trained across Systems and Roles

On October 24, 2005, the Family Court conducted its fourth annual Interdisciplinary Training Conference. The conference this year had 300 participants, including: judges, defense counsel, prosecutors, social workers, foster parents, police officers, substance abuse counselors, mental health professionals and attorneys with the private family law bar. I have attached a copy of the conference agenda to my testimony; this year's conference focused on the issue of substance abuse. Conference topics in previous years have included mental health and education. The Family Court also continues to conduct training programs specifically for the judges and bi-monthly cross training programs for all participants in the juvenile justice and child welfare systems. These bi-monthly programs are offered in the juror's lounge of the courthouse, during lunch hour or at the end of the business day and there is no charge to attend. We strive to make these programs as informative, and as convenient, as possible for the stakeholders in the juvenile justice system.

As you can see, we have made great strides in implementing the Family Court Act and in working to prevent juvenile delinquency, reduce recidivism, rehabilitate juvenile offenders and enhance public safety by following these nationally-renowned best practices. The Family Court goals for the future are:

- to sustain current initiatives, such as the programs I have outlined in my testimony today, as well as others such as our comprehensive curfew monitoring program;
- to launch an adolescent girl continuum–of-care probation program, unfortunately we have seen a significant increase in the number of young women and girls in the juvenile justice system; to enhance the gang intervention program that is a partnership with MPD;
- to open drop-in centers for youth to receive services and be closely monitored in the community where the Social Services Division currently has field offices; and
- to acquire global position system technology so that we may better monitor the movement of youth supervised by juvenile probation officers.

Also, the Family Court intends to continue the process of collecting data electronically to monitor our performance in achieving our goals and to evaluate programs to improve them so that youth can be rehabilitated, their families strengthened, and the community safer. Thank you for this opportunity to testify on an issue of great concern to us all. I welcome any questions.

Attachment II: 2005 Cross Training Conference

Substance Use and Abuse: Promoting Recovery and Celebrating Resilience

Conference Theme and Background

Substance abuse is a pervasive problem that has a devastating impact on children, youth, families, and the communities in which we live. Prevalence data indicate that in 2003 more than 16 million people (12 years or older) reported heavy drinking, 54 million reported they were problem/binge drinkers, and an estimated 19.5 million people were current illicit drug users. A 2005 study indicated that over 15.1 million people abuse prescription drugs; 2.3 million are teenagers who turn to prescription drugs at much higher rates than adults.

Substance abuse is the cause or a major contributing factor to increased rates of crime, family violence, incarceration, unemployment, homelessness, child abuse and neglect, illness and disease, physical and mental health conditions, and ultimately death. Substance abuse has deleterious effects on children. Research has proven that children of substance abusing parents are more likely to: (a) be born at higher risk for developmental, learning, and behavioral problems and health conditions, and (b) experience physical, sexual and emotional abuse or neglect. It is estimated that 6 million children live with at least one parent who abuses alcohol or other drugs. In a recent study, 85 percent of states reported substance abuse was one of the major problems exhibited by families in which maltreatment was suspected. These combined factors place a heavy burden on this nation's child welfare systems. While these are national statistics, the prevalence and impact of substance abuse on children, youth, and adults in the District of Columbia served by the Family Court is equally alarming.

This conference is designed to focus on the serious effects of substance abuse on the District's children and families by providing information on the most recent research, promising and evidence-based practices, and successful community-based interventions that foster cultural and linguistic competency and promote recovery and celebrate resiliency.

Conference Goals

To increase the capacity of the Family Court to address the needs of children, youth, and families who are impacted by substance abuse and to increase the capacity of the District of Columbia's service delivery systems to identify and respond effectively to children, youth and families who are at risk for or impacted by substance abuse.

Outcomes

Participants will be able to:

- Describe the impact of substance abuse on the growth and development of children and youth;
- Describe the correlation between mental illness and substance abuse;
- Identify risk factors for substance abuse for both youth and their caregivers;
- Identify best and promising practices in the delivery of substance abuse prevention and treatment services and supports;
- Partner with families/caregivers and youth to design effective treatment options; and
- Make informed decisions on treatment approaches for children, youth and families served by the Family Court.

The Family Court of the District of Columbia Superior Court Annual Interdisciplinary Training "Substance Use and Abuse: Promoting Recovery and Celebrating Resilience"

AGENDA
October 24, 2005

8:00 – 8:30 a.m.	**Registration**
8:30 – 9:00 a.m. **Concourse A** **Room 152**	**Welcome and Conference Overview** Rufus G. King, III, Chief Judge, DC Superior Court Lee Satterfield, Presiding Judge, Family Court, DC Superior Court
9:00 – 9:45 a.m. **Concourse A** **Room 152**	**Keynote Address** *H. Westley Clark, M.D., J.D. M.P.H., CAS, FASAM* Director, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration U.S. Department of Health and Human Services The keynote address will: (1) provide an overview of the nature and prevalence of substance abuse and the co-occurring disorder of mental illness and substance abuse in the U.S., (2) cite salient evidence about substance abuse prevention, treatment and interventions for youth, adults, and families, and (3) describe the legal implications for decision-making for court-involved children, youth and their families. **Moderator:** Tawara D. Goode, Associate Director, University Center for Excellence in Developmental Disabilities, Georgetown University Center for Child & Human Development
9:45 – 10:10 a.m. **Concourse A** **Room 152**	**Substance Abuse in the District of Columbia: The Local Perspective** *Robert Johnson, Senior Deputy Director* Addiction Prevention and Recovery Administration This presentation will address the nature and extent of substance abuse in the District of Columbia including the high rate of alcohol consumption and the prevalence of crack cocaine. It will also describe the social and financial impact of substance abuse on families, communities, schools, and other local institutions. **Moderator:** Krista Evans, Supervisory Compliance Specialist, Office of Quality Improvement, Addiction Prevention and Recovery Administration

10:10 – 10:25 a.m. **Break**

10:25 – 11:30 a.m.
Concourse A
Room 152

Plenary Panel I
Let our Voices be Heard – The Youth Perspective
A cross-section of the city's youth will talk about how substance abuse - their own or that of a family member - has affected their lives. The panel will discuss what leads youth to abuse drugs and alcohol, what motivates youth to sell drugs, the effectiveness of youth prevention and treatment programs, and what additional resources are needed to address substance abuse among youth and their families. The panel also will describe "Peaceaholics" an innovative youth mentoring group that has had a positive impact on the lives of substance-abusing youth in DC.

Moderators: Norma Taylor, Training Coordinator, Office of Training Services, Child and Family Services Agency, and Joyce White, Training Coordinator, DC Cings (Children Inspired Now Gain Strength), DC Department of Mental Health

11:30 – 12:45 p.m. **Concurrent Workshop Sessions**

Concourse A
Room 149A

Workshop 1: The Impact of Substance Abuse of Child Development

This session will address the developmental consequences of substance use and abuse on the growth and development of children based on the most current research and extensive clinical experience of the presenters. Critical areas to be addressed are the effects of substance abuse on children's learning, behavior, and health. The known impact of prenatal, perinatal and post-natal exposure to a broad array of substances (e.g. alcohol, cocaine, heroin, tobacco) will be presented. This session features experts in developmental pediatrics, genetics, psychology, and infant and child development.

Presenters:
Neal Horen, Ph.D., Clinical Psychologist & Senior Policy Associate Georgetown University Center for Child & Human Development; *Chahira Kozma, MD,* Associate Professor of Pediatrics & Clinical Geneticist/Developmental Pediatrician, Georgetown University Medical Center; *Toby Long, Ph.D.*, Director of Training & Director of Consortium of Children with Disabilities and Special Health Care Needs, Rehabilitation Research Training Center, Georgetown University Center for Child & Human Development

Moderator: Tawara Goode, Georgetown University Center for Child & Human Development

Chairman TOM DAVIS. Thank you very much.

Judge Hamilton, good to have you back.

STATEMENT OF EUGENE HAMILTON

Judge HAMILTON. Thank you. Good morning, Mr. Chairman, Ms. Norton, and other members of the committee. It is a pleasure to be here this morning to address this very timely and critical subject of juvenile justice in the District of Columbia.

I am privileged to be here today as a result of having served as chairman of the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform. This was a commission which was appointed by the Mayor of the District of Columbia, and the Mayor asked us to offer policy recommendations.

More specifically, we were to assess delinquency prevention strategies and explore model programs; identify strengths and weaknesses in rehabilitative and supportive services and programs; explore the research on youth violence and substance abuse; examine how our current institutions were working; and develop strategies for serving children and youth in their neighborhoods and communities.

The Mayor issued an explicit call for the commission to formulate a vision and a seamless network of youth service ideals that treat children as children. This is an approach, Mr. Chairman, with which I fully agreed, and I was happy to devote time and energy to that very important task.

The commission completed its study, and issued a very comprehensive study of the juvenile delinquency system in the District of Columbia. The commission made a series of very, very specific recommendations, including time lines within which it was hoped that these recommendations would be accomplished.

I should note, and am pleased to note at this time, that many of the commission's recommendations have now found their way into legislation of the District of Columbia, in the Omnibus Juvenile Justice Act of 2004, which was enacted into law in March of this year. This legislation, which seeks to codify many of the commission's recommendations, is based on research and study and a broad, balanced, and representative inquiry.

I should note that this legislation is in some important respects inconsistent with the recommendations of the commission; in that it allows for the transfer of more children out of the juvenile justice system and into the adult criminal system. This is diametrically opposed to the recommendation of the Blue Ribbon Commission. The commission's position on this was that the rules should not be relaxed for the transfer of children from the juvenile system into the adult system.

The commission also recommended that the Oak Hill facility be closed. Now, the recommendation of the commission was not just that the present Oak Hill facility be closed; but that the present Oak Hill facility be closed, and a new, state-of-the-art facility be built on that particular site. The two went hand in hand, because you can't close a secure commitment facility unless and until you have provided for a replacement of that secure commitment facility which is closed.

Everybody agrees that Oak Hill has outlived its usefulness. It is not serving the rehabilitative purposes of juveniles within the District of Columbia and, of course, it should be closed. The omnibus legislation which was enacted in March of this year provides that it be closed and that a new facility be constructed on the site.

We must understand that the Blue Ribbon Commission recommended that the present facility be replaced with a new, state-of-the-art, secure facility at the present campus, and that this facility be consistent with the Missouri model.

Now, any other site must offer all of the resources of the Oak Hill site: open space; fresh air; and it must be removed at a reasonable distance from the District of Columbia, but it must remain accessible by family, friends, and treatment providers. H.R. 316, unfortunately, does not address this concern.

The District of Columbia can now accomplish the Blue Ribbon Commission's objective of moving away from institutionalizing children in a non-rehabilitative environment by providing for the construction of a new, state-of-the-art facility at the present campus, or some other location which offers all of the resources that the present campus offers.

And those resources are very, very important. It is not just a building. It is not just a brick building. It is not just a residential facility. But it is a residential facility in an appropriate setting. And I cannot emphasize that too much.

Now, Mr. Chairman, I have submitted a full statement, and I ask that it be attached to the record and made a part of the record in this matter. And of course, I am willing to answer any questions that any members of the committee might have. Thank you, Mr. Chairman.

[The prepared statement of Judge Hamilton follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM

Testimony of

The Honorable Eugene N. Hamilton

Senior Judge of the Superior Court of the District of Columbia and Chair of the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform of the District of Columbia

October 28, 2005

Good morning Mr. Chairman and Ms Norton,

Mr. Chair and Members of the Committee, I am pleased to speak with you today regarding the District of Columbia's juvenile justice system. In terms of my personal outlook and with regard to my professional role (as a judge and as the former Chief Judge of the Superior Court), it is not customary for me to testify on matters of public policy. I do not speak here for the Superior Court of the District of Columbia or as a Judge of that court. I am here today in my status as the Chair of the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform, and because I share your concern about the children and families of the District of Columbia.

I would also like to note for the record that I appear before you today at your Committee's request. I have also provided testimony before the Judicial Committee of the D.C. Council, both at their request and on my own volition, as that legislative body considered proposals related to the District's juvenile justice system. I say this as I would like to make clear that I am sensitive to issues of "home rule" and believe that the D.C. Council and District agencies are equipped to deal with these local issues of concern, while I also acknowledge

Congress's oversight and funding responsibilities for the District of Columbia.

As I indicated, I had the privilege of leading an effort to study juvenile justice reform for the District of Columbia. The Mayor asked me to chair the Blue Ribbon Commission, which consisted of twenty talented people and outstanding staff, and the Commission members represented -- in various ways and from divergent perspectives – the broad concerns and mixed interests of this community. We worked together for about a year and a half.

The Mayor asked us to offer policy recommendations. More specifically, we were to: assess delinquency prevention strategies and explore model programs, identify strengths and weaknesses in rehabilitative and supportive services and programs, explore the research on youth violence and substance abuse, examine how our current institutions were working, and develop strategies for serving children and youth in their neighborhoods and communities. The Mayor issued an explicit call for the Commission to formulate a vision and seamless network of youth service ideals that "treat children as children." This is an approach with which I fully agreed, and I was happy to devote time to these critical issues.

The Commission did a comprehensive study of the delinquency system in D.C., examined the research, and looked at promising and effective approaches from around the country. Let me say, parenthetically, that the Commission, with its broad expertise and diversity of viewpoints, worked hard and worked successfully to find common ground, to find compromises and nuanced approaches that balanced the concerns expressed from every conceivable side of these issues. The Commission issued a lengthy report, which I incorporate in my Testimony – and I ask that it be made a part of the Record. In the Report, we provided many recommendations, which I believe constitute a solid "blueprint" for effective reform of the juvenile justice system in the District. This "blueprint" is based on research and study, as well as a broad, balanced, and representative inquiry.

I should note that I am pleased that many of the Commission's recommendations have now found their way into legislation of the District of the Columbia - the Omnibus Juvenile Justice Act of 2004. This legislation, which seeks to codify many of the Commission's recommendations, is based on research and study, and a broad, balanced, and representative inquiry. I should also note that this legislation is in some important respects inconsistent with the

Recommendations in that it allows for the transfer of more children out of the juvenile justice system and into the adult criminal system. This legislation also creates policies to punish parents of delinquent children in the name of "accountability" – policies that I believe will be counterproductive, and I have testified against this approach before the Council. I should remind you, in this regard, that as part of the 1997 District of Columbia Revitalization Act, the federal government assumed responsibility for housing through the Federal Bureau of Prisons all District of Columbia persons who are sentenced to prison through D.C.'s (adult) criminal system.

After failing for almost two decades to comply with the requirements of the *Jerry M.* consent decree, which was designed to treat children as children and reduce and prevent juvenile delinquency, the District of Columbia now seeks to treat more juveniles as adults (assuming, incorrectly, that redefining children as adults and sending them to federal prisons is an effective and humane approach for reducing and preventing criminal activity by children).

One of the Blue Ribbon Commission's primary goals was to set out a plan to get the services and supports in our delinquency system

to work. The Commission strongly believed that to accomplish this goal requires putting a sunset on the present Oak Hill Youth Center. The Commission has recommended that we all work together to close the present Oak Hill facility and to move away from placing delinquent (or allegedly delinquent) children into large facilities. It does not work to put troubled children into a place with 180 other troubled or delinquent children.

There are better ways to secure children whom we need to constrain. What the Commission found is that the "best practice" is to limit juvenile incarceration facilities to thirty beds. We investigated approaches around the country and settled particularly on what has happened in Missouri. At a time when Attorney General John Ashcroft was the governor, Missouri successfully moved to a system in which children who are incarcerated are in facilities that do not exceed thirty beds. Predictably, following this transformation, the recidivism rate in Missouri has declined significantly.

The Blue Ribbon Commission also identified and promoted for possible implementation in the District of Columbia several model state systems. The Commission identified in Figure 11 the Offenses for Committed Youth from June 16, 2000 to June 15, 2001. The

single largest numbers of offenses were unauthorized use of a motor vehicle (U.U.V.). This finding cries out for intensive rehabilitation and treatment programs shown to be effective in rehabilitating juvenile U.U.V. offenders. Over the period of the *Jerry M.* Decree, no such programs existed at Oak Hill. Community programs, such as the Auto Technician Training Program (EXCEL) under the direction of Mr. George Stark, are designed to place juvenile U.U.V. offenders in and around motor vehicles in a positive, productive manner, and Programs of this type should be greatly expanded. Unfortunately, in recent months we have experienced an alarming number of violent crashes involving youth engaged in operating vehicles without authority.

Moreover, the Office of Juvenile Justice and Delinquency Prevention (of the Department of Justice) has developed the Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders. The Annie E. Casey Foundation – that funded the Blue Ribbon Commission – has produced an extensive series of reports for understanding and implementing juvenile detention reform. I understand, as well, that the U.S. Surgeon General issued a report on Youth Violence in January of

2001, and that report contains a listing of tried and true programs, including, for example, multi-systemic therapy and therapeutic foster care. In the *Jerry M.* case, which is the litigation over conditions at the Oak Hill facility that I mentioned previously, there also exists "Order B" of the consent decree that provides a blueprint for a continuum of community-based services.

The District of Columbia Detention and Commitment Facilities Improvement Act of 2004 provides that the present Oak Hill facility be closed within four years. The Blue Ribbon Commission recommended that the present Oak Hill facility be closed much sooner than four years, but the important thing is that it is now officially established that the present facility must close within four years. The Act also provides that at least one new state-of-the-art facility be placed on the site of the existing Oak Hill facility.

As the present facility is closed, we must understand that the Blue Ribbon Commission recommended that the present facility be replaced with a new state-of-the-art secure facility at the present campus and that this facility be consistent with the Missouri model.

The District of Columbia can now accomplish the Blue Ribbon Commission's objective of moving away from institutionalizing children in a non-rehabilitative environment.

Now that a maximum date for the closure of the present Oak Hill facility has been established, there should be deadlines for establishing a continuum of services in the community. There should be a study to establish the number of secure beds that are needed.

The Act also provides that any new building house no more than 40 children, but there may be more than one building.

The Act is in complete agreement with the Recommendation of the Commission regarding the closure of the existing Oak Hill facility and the construction of a new secure detention facility on that site. The Commission's Report provides in part, as follows:

> 4. There is a need for child and youth-friendly state-of-the-art detention (pre-trial/pre-disposition youth) and commitment facilities, as part of a strategy to establish a seamless continuum of care for youth in secure and non-secure contexts. The lack of a state-of-the-art detention center in the District of Columbia, as well as the poor physical condition of Oak Hill, has contributed to poor programming, over-detention and commitment, and a lack of coordination of service delivery for juveniles and families. In order to meet the needs of children and youth who enter the juvenile justice system at various levels of pre-trial and commitment status, the Commission recommends three courses of action: *first*, the demolition of the

> outdated Oak Hill Youth Center in Laurel, Maryland, once plans for a new rehabilitation and treatment model for child and youth friendly services is established as part of an Oak Hill sunset and raising of a model for smaller cottage and home-like treatment based model consistent with the William Woods/Rosa Parks model (see Appendix for photographs) and other individualized and specialized care options visited by the Commission in Missouri; *second*, the construction of a state-of-the-art detention center on Mount Olivet Road, with its proposed network of services and multidisciplinary assessment and treatment pods; and *third*, continued support for the expansion of home and community-based options for placement of youth in their communities and neighborhoods. The Commission firmly believes that these steps are necessary to reform a fragmented juvenile justice system and ensure a seamless delivery of services for youth who may be in various stages of detention and commitment status.

(Final Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform, at pp. 147-148, November 6, 2001*)* (emphasis added).

Historically for the last 20 years, the two leading impediments to juvenile rehabilitation in the District of Columbia have been the outdated secure detention facility, the existing Oak Hill Youth Center, and the failure on the part of the District to perform individual comprehensive professional assessments of each committed child's treatment and rehabilitative needs and the development and implementation of an Individual Treatment Plan to address each child's treatment and rehabilitative needs. As a result of this latter

deficiency, there was no base line to determine whether any rehabilitation was taking place during commitment. To remedy this serious deficiency, the Blue Ribbon Commission made two important recommendations:

> 1. In this context, the Legislative Subcommittee recommends that the City Council and Mayor amend D.C. Code Section 16-2319 to require the YSA to conduct an evaluation of each child taken into custody to determine the appropriate services and *to develop an Individual Treatment Plan for the child.* In doing so, YSA must examine the child and investigate all pertinent circumstances in the child's background that will contribute to the recommendation of the treatment plan. YSA should complete an initial assessment of the child within two weeks of taking custody of the child and should develop the Individual Treatment Plan within 30 days of completing the initial assessment. If YSA fails to complete either the initial assessment or the Individual Treatment Plan within the time limits, the Superior Court may, in its discretion, remove the child from YSA's custody or take other appropriate measures. It is the stated purpose of the District to provide the most effective social services and care for dependent neglected and abused children. It should be the responsibility of YSA to ensure that each child has access to that care and, if it is unable to provide for the appropriate level of care to petition the Superior Court to remove the child from YSA custody and place him or her in the most appropriate setting where care can be provided. YSA will use the guidelines set forth in the *Jerry M.* Consent Decree in its processes for evaluation. (*Id.* at pp. 126-127.)

This Recommendation was enacted in the District of Columbia Individualized Treatment Plan Act of 2004. This Act requires the District of Columbia to complete an initial assessment of each

committed child within 3 days of taking custody of the child and to develop the ITP within 14 days of completing the initial assessment.

ITP's are worthless, unless there are procedures to evaluate their effectiveness and to make indicated modifications in the treatment plan. For this purpose, the Blue Ribbon Commission recommended:

> 2. The Legislative Subcommittee recommends that the D.C. Code Section 16-2323 be amended to establish that YSA should conduct periodic evaluations of the committed child to determine if the services provided to the child have been effective. This will enable the agency to better determine if the level of services is appropriate, and will confer an authority for the agency to modify a commitment, where warranted. YSA will work in conjunction *with the child, the child's attorney* and the judge who originally committed the child to determine what the next steps should be for the welfare of the committed child and the safety of the public.
>
> If, after commitment, YSA determines that it is unable to provide the appropriate services and level of care -- or the child is unwilling to accept the services offered -- YSA may petition the Superior Court to modify the commitment and place the child in a setting where the appropriate services and level of care can be provided. A child who has been committed to the custody of YSA or another institution or agency, or the parent or guardian of the child, may petition the Superior Court for modification of the commitment placement or termination of the commitment order on the grounds that the custodial agency or institution is not providing or cannot provide the appropriate services or level of care. A party can file such motions only once every six months. (*Id.* at pp. 125-126.)

The District of Columbia gave the appearance of enacting this recommendation in the District of Columbia Periodic Evaluations Act of 2004. This Act provided:

D.C. Code § 16-2323

(g) When a child has been adjudicated delinquent and a dispositional order has been entered by the Division pursuant to section 16-2320, the Director of Court Social Services or the Youth Services Administration, whichever is responsible for supervision of the disposition order, shall conduct periodic evaluations of the child to:

(1) Determine if rehabilitative progress has been made and if the services provided to the child have been effective; and

(2) Determine, in conjunction with the child, the child's attorney, and the Corporation Counsel, what steps, if any, should be taken to ensure the rehabilitation and welfare of the child and the safety of the public.

(h)(1) Not more than once in a 6-month period, the child, or the child's parent or guardian, may petition the Division to modify a dispositional order, issued pursuant to section 16-2320, on the grounds that the child is not receiving appropriate services or level of placement.

(2) If the Division finds that the child is not receiving appropriate services or level of placement, the Division may specify a plan for services that will promote the rehabilitation and welfare of the child and the safety of the public, <u>except that the Division may not specify the treatment provider or facility</u>. (emphasis added.)

D.C. Code § 16-2324:

(b) Not less than 6 months after issuing an order pursuant to section 16-2323(h)(2), the Division may terminate an order

> under this subchapter on the grounds that the Youth Services Administration is not providing or cannot provide appropriate services or level of placement.

As can be seen from the above Provisions, the Blue Ribbon Commission recommended that the Superior Court be authorized "to modify the commitment and place the child in a setting where the appropriate services and level of care can be provided." (*Final Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform*, at p. 125) (emphasis added). The Act on the other hand specifically provides: "that the Division [Family Court] may not specify the treatment provider or facility." (D.C. Code § 16-2323, (h)(2) (emphasis added)).

If the Superior Court determines that a child is not making rehabilitative progress in the existing placement, the court is without authority to order that the child be placed in a setting where appropriate services and level of care can be provided.

The Court's only option is to simply vacate the commitment. The District has historically resisted the concept that the Superior Court should have authority to enter orders for the appropriate placement and treatment of committed children and this resistance

has had a major impact on the ability of committed children to receive treatment necessary for rehabilitation.

Juvenile justice, the prevention of juvenile delinquency, and the most efficacious treatments for children in the juvenile justice system are constantly evolving. It is for this reason and others that the Blue Ribbon Commission recommended:

> (3) Within thirty (30) days of the Blue Ribbon Commission's Report, the Mayor should establish the Youth Services Coordinating Commission by Mayoral Order and submit to the Council of the District of Columbia proposed legislation statutorily creating the Youth Services Coordinating Commission;
>
> Within thirty (30) days of the Blue Ribbon Commission's Report, the Mayor should appoint a diverse and interdisciplinary body composed of representatives from youth, government, community, academia, and the private sector to constitute the Youth Services Coordinating Commission. The Commission also recommends that the Mayor personally be present to Chair the body in its first year of operation. All Deputy Mayors should be members of the Commission. The Deputy Mayor for Children, Youth, and Families would be the appropriate lead alternate for the Mayor. In addition, a "Whip" should be appointed to serve as an Executive Director/Chief of Staff;
>
> Within ninety (90) days of the Blue Ribbon Commission's Report, the Council of the District of Columbia should enact a statute establishing a Youth Services Coordinating Commission, consistent with the principles and rationale outlined herein;

> Within ninety (90) days adequate appropriations for staff and composition of a budget should be given to the Commission to perform its functions.
>
> Specifically, the Youth Services Coordinating Commission was developed in conversations held among Legislative and Governance Subcommittee members. Commission members of both Subcommittees agreed that the proposed commission should coordinate activities across agencies, as well as create innovative programs. It should also function as a highly visible and prominent body. While the proposed Commission should be responsible for establishment and maintenance of a focus on specific and measurable goals, Subcommittee members recommended that the Commission not be responsible for program operation. Ideally, the Youth Services Coordinating Commission will ensure that the broad recommendations by the Blue Ribbon Commission are implemented in an efficient and seamless manner through collaboration and cooperation the various stakeholders.

(*Final Report of the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform*, pp. 140-141.)

The Mayor, in the Fall of 2003, established the Juvenile Justice Reform Task Force, which operated until about August 2004. This Task Force was a much watered-down version of the Youth Services Coordinating Commission. The Task Force's meetings were poorly attended, made no reports, and discontinued to function in about August 2004.

Without this Youth Services Coordinating Commission, juvenile justice in the District of Columbia becomes frozen in time and is quickly outdated. Moreover, the various entities, agencies and

departments working in juvenile justice become territorial, suspicious, and uncooperative with each other. As a consequence, juvenile justice is disjointed and fragmented, and the rehabilitation of juveniles and safety of persons and property of the communities are severely diminished.

In summary, since the issuance of the Blue Ribbon Commission's Report on November 6, 2001, substantial progress in the improvement of Juvenile justice in the District of Columbia has been made. The priorities at this time are:

1. The construction at the Laurel, Maryland site a new state-of-the-art secure detention facility on the Missouri model and provide services agreed to in *Jerry M.*
2. Grant to the Superior Court the authority to enter treatment and provide placement orders for committed children.
3. Establish the Youth Services Coordinating Commission of the District of Columbia.

Thank you.

Chairman TOM DAVIS. Judge, thank you very much.

Chief Ramsey, thanks for being with us.

STATEMENT OF CHARLES H. RAMSEY

Chief RAMSEY. Thank you, Mr. Chairman, Congresswoman Norton, and other members of the committee. Thank you for the opportunity to present this testimony concerning the District of Columbia's juvenile justice system. Juvenile crime is a serious concern today, and it will continue to be so in the future, as the juvenile population is expected to increase by 24 percent over the next two decades.

The Metropolitan Police Department is one of many entities—public, private, and non-profit—that compose D.C.'s juvenile justice system. While the MPD has unique responsibilities within the system, we certainly share in the overarching goals of protecting our youth and protecting our communities through prevention, intervention, and enforcement strategies.

Our agency may have primary responsibility for enforcement, but we do work very hard—and, I believe, quite successfully—on a number of prevention and intervention initiatives, as well. Let me provide just a few examples.

In partnership with the faith community, the Metropolitan Police Boys and Girls Clubs, and other community leaders, our department offers a range of recreational and social opportunities for young people; in particular, those from economically challenged families and communities.

This past summer, we operated summer camps in our police districts, and we once again staffed Camp Brown in partnership with the Boys and Girls Clubs. Along with our clergy police community partnerships, we held "40 Days of Increased Peace" this summer, a series of family crime prevention and community building events. And individual police districts conducted a variety of programs, from athletic leagues to fashion shows. Our objective is to provide opportunities for young people to explore and experience positive, new activities in a safe environment.

In the area of intervention, our department is in the process of revamping and expanding our innovative OPAT program, "Operation Prevent Auto Theft." Auto theft in D.C. is a serious crime, in and of itself. Auto theft and unauthorized use of a vehicle are also gateway crimes for our youth. Involvement in these offenses often signals more serious criminal activity in the future.

OPAT takes first-time offenders and provides them with intensive education and intervention services, focusing on community impact and their own lives. To date, there have been 95 participants in the program; with 10 being rearrested for auto theft, and another 12 rearrested on other charges. And while our goal is zero recidivism, these initial numbers are at least encouraging.

Other intervention strategies include increased enforcement of curfew and truancy laws. So far this year, MPD officers have picked up more than 2,700 curfew violators, or over twice the total from all of 2004. In addition, officers have picked up more than 2,000 truants this calendar year, also an increase. Our goal in both areas is to get young people off the street during times when they are most vulnerable to crime, either as victims or offenders.

This school year, the MPD also assumed management responsibility for security inside D.C. public schools. This reform is not only helping to enhance security inside the schools; it is also providing for additional coordination between our school safety and community crime-fighting efforts.

In the area of enforcement, our department's activity remains high, and highly focused on priority crime types. Last year, MPD officers arrested close to 3,000 juveniles for a variety of offenses, an increase of 15 percent from 2003. This year, our arrest numbers are tracking at about the same level as 2004, slightly below last year's level.

We are paying particular attention to the crimes of auto theft, UUV, and robbery. Citywide, robbery and weapons violations are the only serious crimes that are on the rise this year among juveniles. We have had an 11 percent increase in robbery arrests so far this year, and a 17½ percent increase in weapons violations arrests. These increases have been fueled, in part, by juvenile offenders, in terms of the crimes themselves. We are targeting these crimes through a number of enforcement initiatives, and have arrested several juvenile suspects in recent weeks.

Probably the most encouraging statistical trend we have seen this year is a sharp decline in the number of juvenile homicide victims. So far this year, there have been 10 young people, age 17 or younger, murdered in D.C. That compares to 23 at this time last year. And of the 10 victims this year, three were young children or infants who were killed by family members or other caregivers. Ten juvenile homicides is still 10 too many, in my mind, but we have begun to see a reversal of last year's particularly violent trend.

For our juvenile justice system to be even more effective in the future, there must be even greater cooperation and information sharing among all of the entities involved. This issue has come into sharp focus in recent days, with the homicide of 16-year-old Marcel Merritt and subsequent information about his criminal activity and detention history over the past few years.

Currently, the Metropolitan Police Department is not receiving juvenile justice information that I believe would assist us in our mission of protecting young people and safeguarding communities. For example, when young offenders are assigned to group homes or given home detention, I feel strongly that our police officers have a right to know who these young people are, where they have been sent, what their juvenile history is, and any conditions on their release such as curfews, stay-away orders, and the like.

Currently, our department is not receiving this information, because it is considered part of the social files on juveniles. And let me assure you that everyone in our department is not interested in seeing psychological evaluations, treatment plans, or similar information contained in these files. But we should have access to basic detention and criminal history information that is essential in helping us protect our neighborhoods.

Our police officers cannot be expected to enforce a juvenile's conditions of release, if we don't even know what those conditions are. We should also be informed immediately when juveniles abscond

from any facility in the juvenile justice system and when there is any change in a juvenile's status.

In the interest of protecting our communities—and as in the case of Marcel Merritt, protecting young people, themselves—our police officers should have access to basic and limited information about juvenile offenders in our neighborhoods. Thank you.

[The prepared statement of Chief Ramsey follows:]

Government of the District of Columbia

Metropolitan Police Department

Testimony of
Charles H. Ramsey
Chief of Police

Hearing on the Status of the District of Columbia's Juvenile Justice System

U.S. House of Representatives
Committee on Government Reform
Honorable Tom Davis, Chairman

October 28, 2005

Rayburn House Office Building
Room 2154
Washington, DC

Mister Chairman, Congresswoman Norton, other members of the Committee … thank you for the opportunity to present this testimony concerning the District of Columbia's juvenile justice system. Juvenile crime is a serious concern today, and it will continue to be so in the future, as the juvenile population is expected to increase by 24 percent over the next two decades.

The Metropolitan Police Department is one of many entities – public, private and non-profit – that compose DC's juvenile justice system. While the MPD has unique responsibilities within this system, we certainly share in the overarching goals of protecting our youth and protecting our communities through prevention, intervention and enforcement strategies. Our agency may have primary responsibility for enforcement, but we do work very hard – and, I believe, quite successfully – on a number of prevention and intervention initiatives as well. Let me provide a few examples.

In partnership with the faith community, the Metropolitan Police Boys and Girls Clubs and other community leaders, our Department offers a range of recreational and social opportunities for young people, in particular those from economically challenged families and communities. This past summer, we operated summer camps in our police districts, and we once again staffed Camp Brown, in partnership with the Boys and Girls Clubs. Along with our Clergy Police Community partnerships, we held "40 Days of Increased Peace" this summer, a series of family crime prevention and community building events. And individual police districts conducted a variety of programs, from athletic leagues to fashion shows. Our objective is to provide opportunities for young people to explore and experience positive new and activities in a safe environment.

In the area of intervention, our Department is in the process of revamping and expanding our innovative OPAT program – Operation Prevention Auto Theft. Auto theft in DC is a serious crime, in and of itself. Auto theft and unauthorized use of a vehicle are also "gateway crimes" for our youth; involvement in these offenses often signals more serious criminal activity in the future. OPAT takes first-time offenders and provides them with intensive education and intervention services, focusing on community impact and their own lives. To date, there have been 95 participants in the program, with 10 being re-arrested for auto theft and another 12 re-arrested on other charges. While our goal is zero recidivism, these initial numbers are at least encouraging.

Other intervention strategies include increased enforcement of curfew and truancy laws. So far this year, MPD officers have picked up more than 2,700 curfew violators, or over twice the total from all of 2004. In addition, officers have picked up more than 2,000 truants this calendar year, also an increase. Our goal in both areas is to get young people off the streets during times when they are most vulnerable to crime, as either victims or offenders. This school year, the MPD also assumed management responsibility for security inside DC Public Schools. This reform is not only helping to enhance security inside the schools; it is also providing for additional coordination between our school safety and community crime-fighting efforts.

In the area of enforcement, our Department's activity remains high – and highly focused on priority crime types. Last year, MPD officers arrested close to 3,000 juveniles for a variety of offenses, an increase of 15 percent from 2003. This year, our arrest numbers are tracking at about the same level as 2004. We are paying particular attention to the crimes of auto theft, UUV and robbery. Citywide,

robbery and weapons violations are the only serious crimes that are on the rise this year. These increases have been fueled, in part, by juvenile offenders. We are targeting these crimes through a number of enforcement initiatives, and have arrested several juvenile suspects in recent weeks.

Probably the most encouraging statistical trend we have seen this year is a sharp decline in the number of juvenile homicide victims. So far this year, there have been 10 young people age 17 or younger murdered in DC. That compares to 23 at this time last year. And of the 10 victims this year, three were young children or infants who were killed by family members or others in their care. Ten juvenile homicides is still 10 too many in my mind, but we have successfully reversed last year's particularly violent trend.

For our juvenile justice system to be even more effective in the future, there must be even greater cooperation and information sharing among all of the entities involved. This issue has come into sharp focus in recent days with the homicide of 16-year-old Marcell Merritt and subsequent information about his criminal activity and detention history over the past few years.

Currently, the Metropolitan Police Department is not receiving juvenile justice information that I believe would assist us in our mission of protecting young people and safeguarding communities. For example, when young offenders are assigned to group homes or given home detention, I feel strongly that our police officers have a right to know who those young people are, where they have been sent, what their juvenile history is, and any conditions on their release, such as curfews, stay-away orders and the like.

Currently, our Department is not receiving this information, because it is considered part of the "social files" on juveniles. Let me assure everyone that our Department is <u>not</u> interested in seeing the psychological evaluations, treatment plans or similar information contained in these files. But we should have access to basic detention and criminal history information that is essential to helping us protect our neighborhoods. Our police officers cannot be expected to enforce a juvenile's conditions of release if we don't even know what those conditions are. We should also be informed immediately when juveniles abscond from any facility in the juvenile justice system and when there is any change in a juvenile's status.

In the interest of protecting our communities – and, as in the case of Marcell Merritt, protecting young people themselves – our police officers should have access to basic and limited information about juvenile offenders in our neighborhoods. Thank you.

Chairman TOM DAVIS. Mr. Schiraldi.

STATEMENT OF VINCENT SCHIRALDI

Mr. SCHIRALDI. Good morning Mr. Chairman, Congresswoman Norton, and distinguished committee members——

Chairman TOM DAVIS. We are in the middle of voting. Your entire statement is entered. Go ahead.

Mr. SCHIRALDI. OK. I appreciate the opportunity to appear before you and highlight the department's efforts to enact badly needed reforms in the District's juvenile justice system.

As you are aware, in 1986, the District entered into a Consent Decree in *Jerry M.* v. *the District of Columbia.* Over the past 19 years, the District has made incremental, but not significant, progress, in efforts to reform both its locked facilities and community-based programs. As such, when I took this position on, we were faced with enormous amounts of reform required, really, in every aspect of the department's operation; from deplorable conditions, to inadequate community-based programming, to poor decisionmaking.

Although faced with a sizable demand for reform, we have decided not to aim low in our efforts and just meet bare Constitutional standards. Instead, we are trying to create the kind of system that any of us would want if our own children were in trouble.

Though our reform efforts have included many strategies, I want to condense my testimony and highlight two areas: secure custody for Oak Hill youth; and development of a continuum of care. These reforms come right out of the Blue Ribbon Commission's report, and I am honored to be able to build off of Judge Hamilton's work and the work of that good group.

Anyone who is familiar with D.C.'s juvenile justice system has heard of the horrible conditions at Oak Hill. The facility is outdated, run down, and ill equipped to provide an environment that is both safe and rehabilitative.

In September, the Mayor submitted plans for a replacement facility that should be completed in about 2½ years; which will provide us with the tools to eliminate the co-mingling of detained and committed youth, and create a more rehabilitative and home-like, while still secure, environment.

When I began as director in January, the District was accumulating millions of dollars in fines. With the opening of the new Youth Services Center and a modest reduction in the overall committed population, I am happy to say that fines for exceeding population limits ceased accruing by March.

Importantly, as Oak Hill's population declined slightly, serious juvenile crime declined as well; a phenomenon that is occurring not just here, but around the country, including in Maryland, in Virginia, and in California, where several members of this committee come from.

For example, in the first 6 months of 2005, while the population of youth in locked custody in D.C. fell by 23 percent, serious juvenile arrests declined by 26 percent, and the number of youths killed was cut in half, as the chief just mentioned.

Congressman Waxman released a report last year that we built off of. And basically, what it showed was that kids were languish-

ing with mental health problems in a lot of these training schools and correctional facilities, and that they needed to accelerate their placement into rehabilitative programming. Essentially, the reduction of population of Oak Hill could almost exclusively be accounted for by just simply moving kids more quickly into the programs that they were going to go to anyway.

So right now, Oak Hill houses about 80 committed youth on any given day. The replacement facility that we are proposing will be 36 beds, configured as three home-like, 12-bed units. We also plan to renovate an existing 24-bed unit; for a total committed capacity of 60 beds, approximately 20 fewer than the current population. We are creating far more than 20 community-based slots to absorb this additional population and to provide better services to the youths who are already in the community.

As we plan the replacement of Oak Hill, the committee is interested, of course, in our position on H.R. 316. Right now, as was mentioned earlier, we have about 888 acres up at Oak Hill, up on the Laurel campus. We are only sitting on about 20, 25 of those acres. It strikes me that there is plenty of land for us to accommodate the multiple interests that exist up there.

We do need some place to put a secure facility, but we only need about 25 out of 888 acres. And we are certainly willing to discuss with the other significant players some mutually beneficial options.

The replacement facility will accomplish little without new approaches to service delivery, as Judge Hamilton pointed out. Even before we replace Oak Hill, we intend to dramatically change the way we do business, creating a therapeutic milieu modeled on the approach used now for nearly two decades in the State of Missouri.

This Missouri Model is widely acclaimed right now, because it puts kids into small, home-like environments. The people running those facilities—if you are running a 36-bed facility, you know the life story of every single kid in that facility. And that dramatically reduces the potential for bureaucratic foul-ups, and dramatically increases the potential for rehabilitation.

Missouri, for example, has not been sued in the last 15 years with its model, and its recidivism rate—the feeder unit that was talked about earlier—the recidivism rate in Missouri is one-fourth the recidivism rate for D.C.

Now, the lion's share of our kids do not get locked up at Oak Hill—or any facility, for that matter—just like in most other States. The lion's share of the kids involved in D.C.'s juvenile justice system go to the community. Too often, juvenile justice systems actually jeopardize public safety by over-focusing on their locked custody and neglecting the programs monitoring most of their youth.

In order to tackle detention reforms this summer, we joined with our partners in the courts—Judge Satterfield co-chairs this committee—and the police—Inspector Overton is on this committee—defense, probation, and the community, prosecutors, to form the Juvenile Detention Alternatives Initiative.

This initiative is an initiative that has been experimented with around the country, including in Maryland, Virginia, and California. And working collaboratively with key decisionmakers, JDAI has been able to reduce the unnecessary use of detention in those

jurisdictions; lower costs; increase the use of alternatives; and most importantly, reduce crime, rearrests, and failures to appear. In Chicago, for example, the average daily population in detention declined by 37 percent, while failures to appear and juvenile prosecutions were both cut by more than half.

On the committed side, we believe we will be able to best address public safety when we, one, humanely confine those youth who need to be locked up and, two, create service plans that fit the strengths and needs of our young people; rather than fitting them into our bureaucratically predetermined slots.

To move in this new direction, we are creating several promising programs which have been researched by OJJDP and found proven to reduce juvenile delinquency. The purpose of our continuum is to guarantee that, once a child's needs and strengths have been assessed, that child will have access to the proper complement of services necessary to put him on the road to success.

So far, 89 percent and 96 percent of the youth who have gone through our multi-systemic therapy program and our evening reporting center, respectively, have not been rearrested.

This Sunday, the Washington Post featured an article on a youth who was violently murdered, who, himself, was suspected of committing several violent murders. The Post reported that he had been in our care, and was in abscondence status when he was murdered. This youth's murder, and the tragic crimes he is alleged to have committed, only highlight that reform does not happen overnight; there is no magic bullet or pill one can take to fix what has been broken for two decades.

As you are aware, and as I discussed with your staff prior to this hearing, confidentiality restrictions preclude me from discussing the specifics of his case. However, the article points to areas where our department needs reform.

In fact, prior to this tragic case, DYRS had initiated a number of steps to directly address deficiencies in the areas of properly and legally revoking youths' after care when they were failing on community release; of pursuing absconders and getting them back under our supervision; of adequately planning for youths' return to the community; and as mentioned earlier, creating the kind of support and supervision in the community that will both closely monitor and rehabilitate youth in our care.

The promise for reform in D.C., and the stakes for that reform, are both incredibly high. The time is ripe for us to bring together best practices from around the country, work with local stakeholders to gain their acceptance, and carefully but forcefully implement those practices for the betterment of both public safety and the welfare of our young people.

That is the job I have been tasked with, and I intend to fulfill it with both integrity and a sense of urgency that I believe it will take to finally fulfill the promise of reform that so many have wanted for so long. Thank you.

[The prepared statement of Mr. Schiraldi follows:]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF YOUTH REHABILITATION SERVICES

Testimony of
Vincent Schiraldi - Department of Youth Rehabilitation Services
United States House of Representatives
Committee on Government Reform
Friday, October 28, 2005

Good Morning, Mr. Chairman, Congresswoman Norton and distinguished members of the Committee on Government Reform. My name is Vincent Schiraldi and I serve as the Director of the District of Columbia Department of Youth Rehabilitation Services. I appreciate the opportunity to appear before you this morning and provide testimony that will highlight the Department's efforts to reform the District's juvenile justice system.

As you are well aware, in 1985 a law suit was filed against the District addressing the care and custody of detained and committed youth in the District's juvenile justice system. In response to the lawsuit, the city entered into a consent decree with plaintiffs which has come to be known as the ***Jerry M Consent Decree***. Over the past nineteen years the District has made incremental but not significant progress in efforts to reform its juvenile justice system. However, many of the issues that continue to plague the District now are ones that have plagued the District over the past nineteen years, and plague juvenile justice systems throughout the nation. As such, upon taking on this position, I was faced with an enormous amount of reforms required in every aspect of the Department's operation, including secure care, provision of community programs, decision-making around care of the youths in our custody, and very basic administration of a 600-person government agency.

When I was confirmed as Director of the Department of Youth Rehabilitation Services, then, I understood that efforts to reform the District's juvenile justice system would require more than simply attacking long-standing issues identified in the *Jerry M* Consent Decree – in many respects, *Jerry M* is the floor, not the ceiling of our reform efforts. Many of my predecessors focused their efforts almost exclusively on complying with *Jerry M* Consent Decree provisions at the expense of developing a continuum of care or improving institutional conditions that would provide services far beyond those envisioned by *Jerry M*. During my short tenure, we have worked to implement nationally recognized and evidence-based service models that address the agency's historical systemic failures, improve our ability to assess barriers to rehabilitation, and emphasize providing services in the least restrictive most homelike environment consistent with public safety.

The Mayor recognized that in order to reform the Youth Services Administration, it would have to be removed from the District's Department of Human Services. The Department of Youth Rehabilitation Services was created as a cabinet level agency in

January of this year. The mission of DYRS is to "improve public safety and give court-involved youth the opportunity to become more productive citizens by building on the strengths of youth and their families in the least restrictive environment consistent with public safety." As the Director of a new agency I began my tenure by committing to work to accomplish five goals:

- 1. Develop the nation's best continuum of care that is strength-based and family focused;
- 2. Reduce the use of unnecessary secure confinement and out-of-home placements for non-violent offenders;
- 3. Maximize youth, family, community and staff input in our reform efforts;
- 4. Increase interagency and community collaboration; and
- 5. Create a "unit management" model that substantially improves conditions in our secure programs, similar to nationally acclaimed programs currently being operated in Missouri.

In essence, we are trying to create the kind of system, both in locked custody and in our community programs, that any of us would want if our own children were in the system. Clearly, we cannot presently say we're anywhere close to meeting that standard today, though I am convinced we are making progress and moving in the right direction.

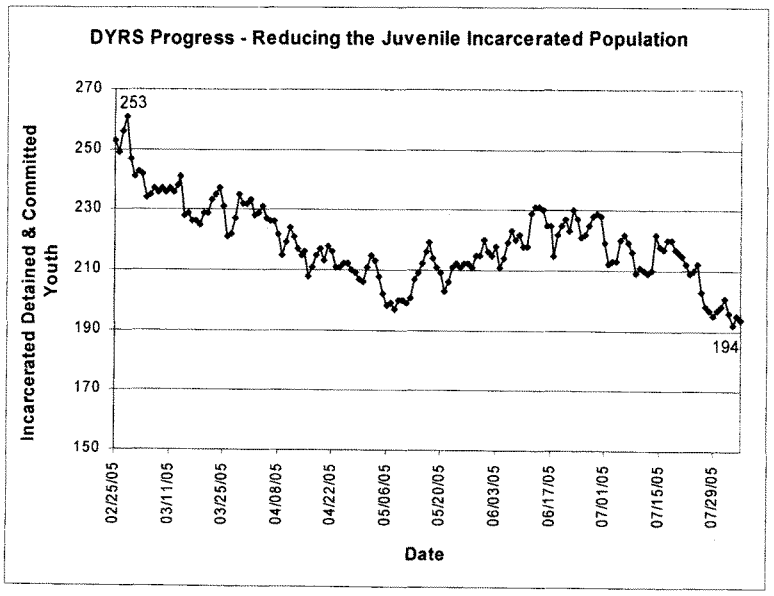
Though our reform efforts have included a multitude of strategies I will condense my testimony this morning to focus on our efforts as they relate to secure locked custody and creating the Department's continuum of care.

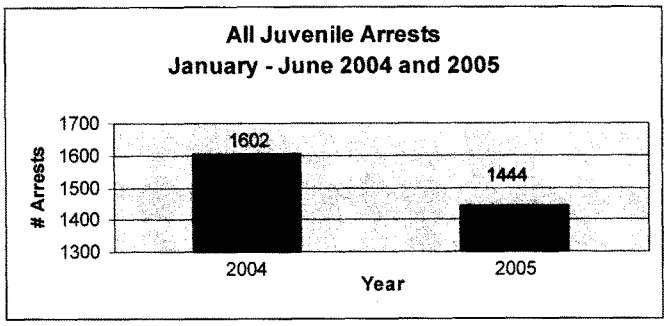
The Department currently operates two locked secure custody facilities: the Oak Hill Youth Center in Laurel, Maryland, and the Youth Services Center (YSC) here in the District. Oak Hill houses both committed and detained youth, while the Youth Services Center houses only detained youth. When I use the term committed, I mean a child that has been arrested and found involved by a juvenile court and placed in our custody - the adult court equivalent of being sentenced to prison after a conviction. A child that has been arrested, but not yet found involved, and is awaiting trial is considered detained. The goal of any good system is to prevent the commingling of detained and committed youth. Unfortunately, our Oak Hill facility houses both detained and committed youth. This obviously is a great flaw in our current secure custody system that we are trying to resolve. However, ultimately this problem will not be resolved until we complete construction of a new secure custody facility on the grounds of the Oak Hill campus.

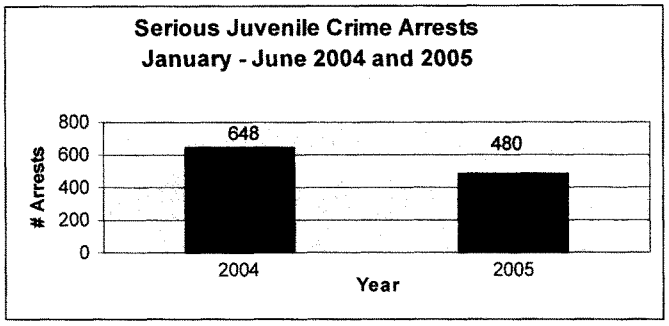
Anyone who is familiar with the District's juvenile justice system has heard of the horrible conditions at the Oak Hill facility. The facility is outdated, run down, and ill-equipped to provide an environment that is first and foremost safe and also promotes rehabilitation. Last year, the Council of the District of Columbia passed the ***Omnibus***

Juvenile Justice Amendment Act of 2004. This legislation included a provision that required a comprehensive plan resulting in the closure of the existing Oak Hill Youth Center be completed no later than four years after the effective date of the Act. The Mayor complied with that requirement by submitting plans in September of this year for a new facility to be built on the grounds of the existing Oak Hill campus. The planned new facility will provide us with the tools to eliminate the commingling of committed and detained youth, and provide services in a more wholesome and nurturing environment; an environment that will not only be more conducive to rehabilitation, but also more approachable and less institutional for staff, volunteers, and importantly resident's families.

The current Oak Hill facility is made up of seven units. Oak Hill operates with a court ordered population limit of 188 youth which in past years has often been exceeded. In fact when I began as Director back in January the population was as high as 253 residents; accruing millions in fines for the District. With the opening of the new YSC and a modest reduction in the overall population of securely housed youth, I am happy to say that fines for exceeding population limits ceased accruing in the early fall. It is important to note that, as Oak Hill's population has declined over the first six months of 2005, overall juvenile crime, serious juvenile crime, and homicides by and against juveniles have all declined as well as compared to the first six months of 2004. For example, in the first six months of 2005, while the population of youth in locked custody at DYRS fell by 23%, overall juvenile crime fell by 10% and arrests for serious juvenile crime declined by 26% (see below).







The facility that replaces Oak Hill will be a new 36 bed facility, made up of three 12 bed units that will be more home-like and less institutional, avoiding some of the harsher aspects of large prison-like facilities like the current Oak Hill, and allowing for the kind of individualized programming that is key to long-term success. In addition to the 36-bed facility, we also plan to renovate an existing unit which will have another 24 beds for a total committed capacity of 60 beds for committed boys, approximately 18 or so fewer beds than the current population of committed boys.

As we plan for the replacement of the Oak Hill facility, I understand that the Committee may be particularly interested to know the District's position on H.R. 316. As you know H.R. 316 was introduced by Congressman Cardin and would require disposing of the current Oak Hill campus by transferring portions to the National Park Service, the National Security Agency, and Anne Arundel County. The Oak Hill campus consists of over 800 acres which provides more than enough space for DYRS to expand and pursue a number of uses that could be beneficial not only to District youth, but could potentially include parklands and other options that NSA is interested in. However, in order for the Department of Youth Rehabilitation Services to implement its reform plans and improve services to District youth we must ensure that we continue to have the space and capacity

needed for reform and growth. Therefore, the District can not support H.R. 316 as drafted, but we remain open to dialogue with the federal government, the State of Maryland, and Anne Arundel County for options that would be mutually beneficial to us all.

Construction of a new facility however will accomplish little without bold new approaches to service delivery. Once construction is complete we plan on operating both facilities in a fashion that the current Oak Hill could never deliver. These facilities will offer program-rich environments, where every staff member, from administrative staff, to custodial and culinary, to Youth Correctional Officers, to counselors will be an integral part of the environment that is helping to turn our young people around. We estimate that construction will take any where from 24 to 30 months, thus we would expect to have each facility up and running in mid 2008.

Replacing Oak Hill is something that has been mandated by legislation, however replacing the culture of failure and chaos that has prevailed at Oak Hill is something that I have mandated of my staff from day one since becoming Director. I am very confident that the culture and spirit of Oak Hill will be reformed and resurrected long before we open doors to the planned facilities. In order to ensure that our staff are being equipped with the tools necessary to operate our new facilities, as well as transition from being primarily youth jailors to youth counselors, we have sought technical assistance for Oak Hill staff from the Missouri Youth Services Institute (MYSI) – the folks who have been involved in perhaps *the* premier juvenile institutional reform effort in the nation's history.

In recent years, juvenile justice experts from across the country have cited the programming provided to Missouri's youth as the best in the country, with extremely low recidivism rates and safe, small, treatment-oriented facilities. Over fifteen states have visited Missouri to tour its programs and several are attempting to implement reform efforts similar to ours and have asked Missouri staff for technical assistance. MYSI is led by Mark Steward, the recently retired Director of the Missouri Division for Youth, along with senior experienced staff from throughout the state, with the support of the Annie E. Casey Foundation's Strategic Consulting staff. The MYSI team includes several of the first generation reformers from Missouri, a diverse, experienced group who work peer-to-peer with clients and bring unique and unparalleled expertise and experience in this area. Though MYSI is in great demand throughout the country, after touring Oak Hill, observing the conditions there, and assessing the commitment of Mayor Williams' administration and DYRS upper management staff for reform, MYSI staff has agreed to work intensively with the District to reform DC's secure program for committed youth.

So what exactly is the "Missouri Model"? The "Missouri Model" is made up of small homelike facilities located in or near the youth's home community. Each day is program-rich and involves positive peer counseling. The model promotes strong family involvement, intensive aftercare, and continuity of service coordinators. Staff follow a resident from intake to aftercare, allowing that youth to not only develop a level of comfort and trust, but also increasing the staff's insight into the resident's barriers to success.

The results of the Missouri model are impressive. There has not been a lawsuit filed against the Missouri system in the last two decades for abuse or institutional conditions. More importantly, only 8% of graduates of the Missouri system 'matriculate' into the adult prison system upon release, compared to 32% of those coming out of secure care in DC.

In addition to our efforts to reform secure custody programming for committed youth we are also taking aggressive steps to improve services offered to our detained population at the Youth Services Center. Though the Youth Services Center just opened in December of 2004, it was opened at a time of transition between department heads and without providing our staff with the training and expertise to operate in a new facility. The negative culture that permeates Oak Hill immediately migrated to YSC, and the absence of a new vision and plan of attack allowed that culture to take root. This is not necessarily the fault of staff, but in order to implement change we have to train and manage our staff in a manner that is consistent with the best practices we are trying to implement. The YSC is less than a year old and we have worked aggressively to secure the technical assistance necessary to make rapid improvements in our services to detained youth.

Since July 11, 2005 Earl Dunlap, founder and executive director of the National Juvenile Detention Association (NJDA), has been working with staff at the YSC to improve safety, security, and operations. In coordination with Mr. Dunlap we are developing extensive training in the following areas: 1) Effective Communication; 2) Managing Mentally Ill Youth; 3) Suicide Prevention; 4) Behavior Management; 5) Safety and Security; 6) Leadership; 7) Principles of Supervision; 8) Behavior Observation and Recording; and 9) Juvenile Rights.

In addition to working with NJDA, this summer we joined with our partners at the DC Superior Court, Court Social Services (CSS), the Criminal Justice Coordinating Council (CJCC), the Office of the Attorney General (OAG), the Public Defender Service (PDS), the Metropolitan Police Department (MPD), the Department of Mental Health (DMH) and Child and Family Services Agency (CFSA) in establishing the District as a Juvenile Detention Alternatives Initiatives (JDAI) site. JDAI was pioneered by the Annie E. Casey Foundation in Baltimore in four sites around the country – Chicago, IL; Portland, OR; Santa Cruz, CA; and Albuquerque, NM. Working collaboratively with key decision makers in each of those sites, JDAI has been able to reduce the unnecessary use of detention, lower costs, increase the use of rigorous community based alternatives, and most importantly, reduce crime, rearrests, and failures to appear. Chicago's initiative began in 1994. By 2002, the average daily population had dropped by 37%. Failure of youth to appear in court for scheduled hearings declined from 37% in 1996 to 16%. Most importantly, Chicago saw a drop in juvenile prosecutions during this time from 19,000 to 8,600 and the county saved millions in construction and operations costs.

Many people believe that the District's juvenile justice system begins and ends at Oak Hill Youth Center in Laurel, Maryland. However, the lion's share of District youth

involved in the juvenile justice system are not housed in the Oak Hill facility. Youth are housed in a variety of locations that include Oak Hill, the Youth Services Center, shelter homes, independent living, out-of-state residential facilities, and family homes in the care of the youth's parents or legal guardian. Constructing a continuum of care requires the ability to assess a youth's need and ensure that they are properly placed and provided with a compliment of services that will enhance their ability to succeed. Most juvenile justice systems fail because of the tendency to rely primarily on large institutionalized locked custody at the expense of improving their community continuum – jeopardizing public safety by over focusing on locked custody and neglecting the programs that are monitoring most of their youth.

Our goal at the Department of Youth Rehabilitation Services is to move from a dependence on congregate care to more normalized, individualized in-home and in-community models. These models reflect our commitment to placing children in the least-restrictive environments that remain consistent with public safety. We believe we will be able to best address public safety when we (1) confine those youth who require confinement and (2) create service plans that fit the strengths and needs of the young people under our care, rather than fitting young people into our bureaucratically predetermined slots that don't meet their needs.

To move in this new direction, we have created or are creating several research-based and/or promising juvenile justice programs, many of which have been researched by the federal Office of Juvenile Justice and Delinquency Programs and found to be proven to reduce delinquency. These programs would balance public safety, individual strengths, personal accountability, skill development, family involvement and community support. The continuum we are developing includes the following models: **Multi-Systemic Therapy (MST), Multidimensional Treatment Foster Care, Extended Family Homes, Supervised Independent Living, Therapeutic Family Homes, Evening Reporting Centers, Intensive Third Party Monitoring and Functional Family Therapy**. The purpose of a continuum is to guarantee that once a child's needs and strengths have been assessed, that child will have access to the proper compliment of services necessary to put the child on the road to success.

Though we are in the early stages of developing our continuum we have made signification progress. This year we have:

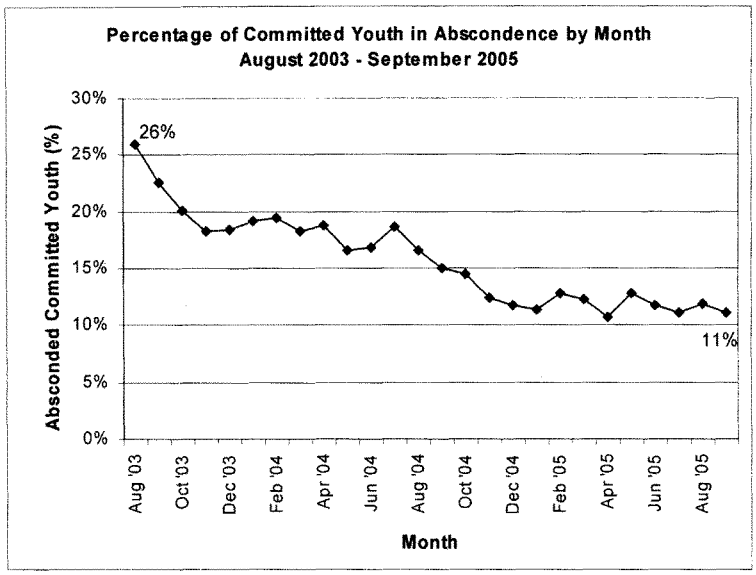
- Contracted for 16 Multi-Systemic Therapy slots with assistance from our sister agency the Department of Mental Health. Eighty-nine percent of the youth who have gone through that program since its inception in the spring have not been rearrested during or after their participation.
- Established one Evening Reporting Center which is operated by the Latin American Youth Center (30 slots) and have issued Request For Proposal's for centers coverings Wards 1, 2, 4, 7 and 8 where about 75% of the youth in our custody live. Ninety-six percent of the youth who have gone through that program since July have not been arrested during or after their period of participation.

- Issued Human Care Agreements for Independent Living, Extended Family Homes, and Intensive Third Party Monitoring
- Begun planning for improved workforce development programming with the help of the Youth Law Center and a nationally recognized panel of advisors
- Established Improvement Teams for Pending Placement, Aftercare Revocation, and Treatment Teams.

For the first time in decades I believe we are on track to create a system where children leave our institutions in better shape than they enter them, and thrive when they return to the community because of the full array of community based services that are in place to provide them with support.

I have often said while testifying before our city council that we are building the bike while riding it. This past Sunday the *Washington Post* featured an article on a youth who was violently murdered who himself was suspected of committing several violent murders. The Post reported that this youth had been in our care, and was in abscondance status, when he was murdered. This youth's murder and the tragic crimes he is alleged to have committed only highlights that reform does not happen overnight; there is no magic bullet or pill one can take to fix what's been broken for two decades.

As you are aware and as I have discussed with your staff prior to this hearing, confidentiality restrictions preclude me from discussing the specific facts of this youth's case. However, clearly the Post article points to areas where our department, and many beyond the department, need reform. In fact, prior to this tragic case, the Department had initiated a number of steps to directly address deficiencies in the areas of properly and legally revoking youths' aftercare when they were failing on community release; adequately assessing and planning for their return to the community; and as mentioned earlier, creating the kind of support and supervision in the community that will both closely monitor and rehabilitate youth in our care. The department had also established a unit specifically to pursue absconders and get them back under our care and supervision before I arrived, in August of 2003. That unit has resulted in the reduction in the percentage of our youth on abscondance status by 58% in a two year period (see below). We believe that the direction we are taking in improving services within the department is the correct one, if too late to have prevented the tragedies depicted in that article.



The promise for reform in the District of Columbia, and the stakes for that reform, are incredibly high. The Mayor has made this a major priority of the remainder of his administration. He and the Council have put forth resources both to build a new facility to replace the deplorable institution we now have, and to build a continuum of care second to none. The *Jerry M* law suit, and the creation of a Special Arbiter, combined with this Committee's and the DC Council's oversight, guarantee that there will be a sense of urgency to continue to push these reforms and make sure that they are not put on the back burner. I welcome and share this sense of urgency. Finally, the creation of a new Department helps assure that DYRS' issues will be at the table when important policy decisions are being made in District government.

The time is ripe for us to bring together best practices from around the country, work with local stakeholders to gain their acceptance, and carefully, but forcefully, implement those practices to the betterment of both public safety and the welfare of our young people. That is the job I have been tasked with, and I intend to fulfill it with both integrity and a sense of urgency that I believe it will take to finally fulfill the promise of reform that so many have wanted for so long.

Chairman TOM DAVIS. Well, thank you very much. We only have 5 minutes. Mr. Cardin, do you have any questions you would like to try to get in a couple of minutes, or will you come back?

Mr. CARDIN. No, I would just take a couple of seconds.

Chairman TOM DAVIS. Sure.

Mr. CARDIN. Just to say, in regards to the location, it seems to me you are taking—I agree with everything that has been said here. You are taking a pragmatic approach on a location where, if you really want a residential facility, it would be better if it were in a residential type of area, rather than across from Fort Meade itself. So I think there is room here that we could work together, and I hope we will be able to do that. Thank you, Mr. Chairman.

Chairman TOM DAVIS. Thank you. Let me just say, we have two votes. And what I think I will do is, instead of recessing and coming back, and holding you here, I have a couple of questions I want to ask, and Ms. Norton is going to ask them for me for the record.

And then I will allow her to sit in the chairman's seat and preside. However, she has promised me she won't pass any bills, here. [Laughter.]

But she will preside and ask questions. I am just going to ask this. The median time between a juvenile trial and sentencing is 43 days, as I understand it, Judge Satterfield. What has to be done during that time? Is that amount of time typical among jurisdictions? How often are delays beyond the 15-day sentencing required? And do they get credit for that time?

Judge SATTERFIELD. In our system, they don't get credit for any time, because we don't control, as I say, once they are sentenced or committed to the city, how long they stay in jail if they are incarcerated. We do control how long they may stay supervised by the city. We can restrictively commit them to 21 years.

In terms of the time period, there are a lot of factors that have gone into delays in the time period. A lot of information is being collected about the youth: evaluations, psychological evaluations, psychiatric evaluations. Sometimes they take a long time. Often, the youth's lawyer may request a continuance to gather more information, as well.

We are starting to collect the reasons why there are delays. I mean, I can tell you anecdotally why we think there are delays; but we are starting to actually collect—electronically, we are going to collect the reasons why, so that we can report more accurately as to why there are some delays in the going to sentencing in these cases.

Chairman TOM DAVIS. Thank you. I am going to turn it over to Ms. Norton. She has some questions from me. It is all on the record, and we will read it. But I think, rather than keep you here while we go back, this works for everybody, to keep the record complete.

Again, I just want to thank everybody for coming here today. Mr. Schiraldi, thanks for being here. It is your first time, but we will probably see you again.

Mr. SCHIRALDI. Thank you, Mr. Chairman.

Chairman TOM DAVIS. Go ahead, Eleanor.

Ms. NORTON. Thank you, Mr. Chairman.

Chairman TOM DAVIS. Do you want to sit in the big chair?

Ms. NORTON. Why not?

[Pause.]

Ms. NORTON [presiding]. In a Congress which is storied about being divided, it says something about the trust between these two Members that he says, "Eleanor, sit in my chair." He doesn't think I will seize power.

The chairman had one question that he wanted to ask. Let me ask his first. It is for Judge Hamilton. It may be for Judge Satterfield, too. You make the point that Superior Court has not been given the authority to enter orders for the appropriate placement and treatment of committed youths. Why do you believe that the District has not given this authority to the court? What is the practice in other States? If the court had this authority, what impact would it have on the court's resources?

Judge HAMILTON. Well, I think it is really sort of a historical territorial situation, so far as the District is concerned. It is rather jealous of its ability to dictate the placement and treatment for children after they have been committed by the court to the District of Columbia.

But I think it is a real impediment in securing the rehabilitation of children, because without the ability of the court to order placement and treatment, there is no accountability in the Department of Youth Rehabilitation Services, or in the old YSA. And I think it is a real impediment in obtaining real, actual rehabilitation.

Ms. NORTON. So what is done in other States? I mean, is this typical, or is this a unique District practice?

Judge HAMILTON. Well, in most other States, the courts do have varying degrees of authority to order treatment and placement. And it varies from State to State, as to the amount of authority that the courts have in that regard. There is no uniform pattern in that regard.

But here in the District of Columbia, as a result of this legislation which was passed in March of this year, it makes it absolutely clear that the court can enter no order with respect to treatment or placement. And I think that is regrettable.

Ms. NORTON. Well, Mr. Schiraldi might want to comment on the reason for this.

Mr. SCHIRALDI. Sure.

Ms. NORTON. I am sure there is some rational reason for it.

Mr. SCHIRALDI. Much of this happened before my arrival. I actually thought that, prior to the legislation, there was an appeals court case called "In Re: P.S."—but somebody who is a lawyer can check me on that one—that essentially stripped the courts of their ability to direct placements, and gave that to the executive branch. It was a separation-of-powers issue, I think, which predated me.

The States are all over the board on this. And I don't think that the research would bear out anything. You have departments that do this well and poorly; you have judges that do this well and poorly. I think the thought behind the P.S. decision was that the judges sentence; the executive branch executes.

In Juvenile Court, the execution of a sentence can range from maintaining the kid in locked custody, to putting him in residential treatment. I can live with it either way. Whatever laws you guys give me, I am going to try to do the best I can.

Ms. NORTON. I don't know if Judge Satterfield has any view on that.

Judge SATTERFIELD. Yes, I do. The City Council in 1993 passed a law that stripped the court of that authority. And it was not enforced until a Court of Appeals decision came out in, I think it was, 2000 or 2001, in the In Re: P.S., that they are talking about.

Our view as judges is that if I get the information about the child, I may try the case; I may hear from the victims; I may see the parent of this child going through the system under our "one judge, one family" process. And I get a lot of information.

If I place the child on probation, that child knows that, if I revoke probation, there is very little I can do. I can commit to the city, and then it is a decision made by the city, whether they release the child right away or not. So there is no accountability there for those kinds of reasons. I can try a murder case, a child who killed someone in the community, and I will have no control over, as a judge, where that child goes, once the sentencing occurs.

This is not any knock on the current administration or what they do, but the point is, what we are subject to is the city, only, deciding, "This child should go here; should go there." You may get an administration that wants to release every child; you may get an administration that wants to hold every child in jail. The city is subject, as you know, to lawsuits and caps and those kinds of concerns. The judges don't have those concerns, because we have to look at the facts and so forth. And this is not impugning anybody in the city. It is just a fact, a reality. That is the way it exists now.

Ms. NORTON. What I take from this is, there is no established "best practice." And it is something that intrigues me, if in fact people are all over the map on it. I can think of reasons why you would want to give flexibility to the executive, but I can also think of reasons why the accountability question would be important. I can think of reasons why you wouldn't want to subject children to the differences among judges, based on their view of punishment.

So I just don't know. And I guess that is why we have a Home Rule government. So I am going to have to ask that, as you look, Mr. Schiraldi, at the District's juvenile justice system, that you remember it is a system, and that this question has been raised here, and it is an important one that I think needs to be understood.

Let me ask just a few questions. I am interested in this whole continuum of care; except, as far as I am concerned, the continuum of care begins way before a child is brought to court. And I hope that "continuum of care" does not become one of these slogans like we have up here. That is what it is; it is a slogan, because it is so hard to make it happen.

I know that Judge Hamilton, who has worked with me on my Commission on Black Men and Boys—he is on the advisory commission—knows that I believe that the problem is very deep. And therefore, I am interested in continuum of care, and to see what that means.

For example, I am looking at Mr. Schiraldi's testimony, at page 7. And he talks about some of what they are doing under this continuum notion, beginning to do: 16 multi-systemic therapy slots, where a good percentage, 89 percent, of the youth have gone through the program since its inception. Then he talks about an

evening reporting center which is operated in the Latin American Youth Center, with 30 slots.

This is my question. I know what kids we are talking about. It is one thing to talk about kids who go through a program. It is another thing to posit the circumstances of many of these kids: going back in the same community that produced the problem in the first place; single parent, or no parent; and certainly no father often, if it is an African-American child born in this country today. That is to say, 70 percent are born to never-married women.

These are things, straight-out, that any system that deals with our children has to face. That is one of the reasons we are working with the Black Men and Boys Commission.

So my assumption is, if I were operating one of these centers, I would not assume parents. And if I assumed a parent, I would understand that I am dealing often with a single parent, herself often poor and disadvantaged, who lives in a community where it is very hard to protect your children from the criminal element that swims around them. So my assumption would essentially be no parent; even though there might well be some parents there.

And therefore, my question is, with respect to these kinds of continuum notions, is there anything approaching—I hate to use this word, but I am so naive as to how the system works—approaching the kind of system we use for people who have been in jail and get out, a probationary system where, essentially, the person is pretty much supervised for a certain amount of time?

Or do we have any data that shows that children who report to an evening reporting center in fact do better than those who do not? And if so, do we know what it is that happens there that causes this?

The 89 percent of the youth who have gone through this Department of Mental Health program, does something happen there that you can point to that shows that, if you go through that, given the circumstances I posit, you will reduce criminal activity and juvenile delinquency?

I am trying to figure out what "continuum of care" means, as you are beginning to implement it, and its effects, or its early effects.

Mr. SCHIRALDI. Do you want me to take the first shot at that? So far, what I have seen is that the families seem to be falling into sort of three bundles. There are some families in which they are very actively involved in their kids. They are coming up to the facility. They want to help; they want to know what they can do.

There are some families that are just not in the picture at all, and there is no possible way we could consider, at least now, sending the kid back there. There are a lot of drugs in the home; there is criminal behavior.

And then there is a whole bunch of people in the middle for whom I think the Department has consistently done a very poor job of, A, reaching out to them to get their opinion about what should happen and, B, supporting them when they are out there.

So some of those folks we believe can be brought in; sat down at a table with their kid and all the professionals with all the letters and numbers after their names; and create a program for that kid that meets the family's needs, the young person's needs, and the need for society to be protected.

When Child and Family Services did that, they were able to bring a large percentage of mothers; families; and even 70 percent now of the family team meetings they hold has either the kid's father, or a member of the father's family, showing up at these family team meetings to do case planning.

When you do that, then you have more buy-in into what this plan is going to be. Because after all, the kid is going to live with their family for the rest of their lives.

Now, multi-systemic therapy is a good example of a program that then tracks the kids closely. I mean, not once a week we are going to see this kid; not even once a day; multiple contacts a day with the kid and their family, to make sure things are going OK at home, to make sure——

Ms. NORTON. So there is somebody who is in touch——

Mr. SCHIRALDI. Multiple times, with a pager, 24——

Ms. NORTON. Are these children who have already committed a crime?

Mr. SCHIRALDI. Yes, we only get kids—well, there are two parts of what we do. But the parts that the Judges were just talking about are when we get kids committed to us. That means that not only have they committed a crime, but they have been essentially tried and convicted and sentenced to us.

Ms. NORTON. I would just like to suggest that some kind of control study be done. If this works, it will be very important to know. And nobody will believe anything we say, unless we show in the only way you can show something; which is, "These are kids who didn't come, or who weren't involved, and these are kids—" I am just very interested in the contact approach—the contact approach. If we put people on probation who have committed crimes, adults, and we say we have to keep contact with them, I don't know why we wouldn't say the same for the children.

I also want to say that, with respect to the parents—and I don't have any doubt that there will be parents, two-family parents, extended families, that will say, "Oh, my God, thank you, somebody is going to help me with this kid." But you know what? If you are talking about certain communities in D.C., that family is almost powerless to ward off the influences in that community.

I have constituents who say, "This is a terrible thing to do to my child, but you know what? The child can't go out." This child has to come home from school; essentially, is locked in. Of course, this child is an outcast when he goes out. But this mother would rather have that than have the kid out on the street, just in the front.

So this is very difficult, what you are trying to do, because you cannot change the environment in which this child is going to live. But I am very interested in it, because if it works, that is the kind of thing that we ought to be able to show works, get money for.

Increasing, for example, the drug court: when it was shown that people came into drug court with one offense, and then that tended to mitigate further offenses, now it is very popular.

Judge Satterfield, I have to assume that must be how juveniles are handled in the D.C. courts. Is that the case? And does it work? Does it work when you give a child over to a priest or to his grandmother, does it have an effect of reducing moving the child on to other parts of the criminal justice system?

Judge SATTERFIELD. Let me assure you that when we place children on probation, that they are supervised by a probation officer, who routinely meets with the family, goes out and checks on the curfews and so forth. And that is why we know very quickly if they are violating certain conditions. And if we know that they are out violating curfew conditions and other conditions, they may be out in the street doing other things that they are not supposed to be doing. And so we assure that.

Ms. NORTON. And then you report that to the District, because you can't do anything?

Judge SATTERFIELD. No, the probation officers who work for the court report it to the judge, or the Attorney General's office, who will file papers in order for the judge to get involved again to determine whether or not probation should be revoked or other conditions need to be placed. So we have that ongoing.

And as I said before, we always try to involve a parent. Every one of these kids needs a grownup. It doesn't have to be the father or the mother. It has to be some type of grownup, some type of guardian. We have to involve that. Many of our children are children of men who have gone to jail, so they need to be mentored while these men are in jail.

Ms. NORTON. So who does that?

Judge SATTERFIELD. Well, I know that CSSC is starting to work on a program, that they are going to be mentoring some of the children, kids who go to jail. And our Court Social Services, we are going to have them involved in that, because we ought to see some of these kids.

Ms. NORTON. So there is not a systematic program yet; for example, seeing that a male child has a male somebody there?

Judge SATTERFIELD. We can provide mentors now, but we are looking for a stronger mentoring type program that can hit every kid.

Ms. NORTON. So who is doing that? Mr. Schiraldi, is that your job? I mean, whose job is it?

Judge SATTERFIELD. I think it is all of our jobs. I think it is our Court Social Services for Children that are on probation——

Ms. NORTON. Yes, but who is doing it? If it is everybody's job, it is not going to get done. Many of these are young male children, and the only male role models they have are thugs. Now, somebody has to be responsible for saying, hard as it is—they don't have to live in the District; I don't care where they live; I don't care what their color is—but there is going to be a male role model for every child like this. Whose job is it to see to that?

Mr. SCHIRALDI. Both of us. And both of us are doing it, I think, right now. We just used a Federal grant from OJJDP to issue an RFP for $1 million worth of mentoring programs. The Peaceoholics who criticized us in the Post on Sunday have applied for that. And even though they said some tough stuff about us, I think they are probably one of the groups to get it, because they were right.

Ms. NORTON. This is something we are very interested in, in having your point of view. If you got a million-dollar grant to go and get mentors, and you want to put them with these troubled kids, then we would like to know what has been—or what is your success in finding them. Because that, it seems to me, is very critical.

Let me ask about absconding, because an important part of your testimony, Mr. Schiraldi, is that there is a 58 percent reduction in absconding. And I think that would be the main problem that the people in the community out in Laurel would be concerned about.

Why is there a reduction? What is the cause and effect? Why is there a reduction of that kind over a 2-year period?

Mr. SCHIRALDI. Well, there are a couple of things I want to clear up. One is that escapes, there haven't been any escapes. I mean, 2002 was the last time we had an escape——

Ms. NORTON. Well, excuse me. I thought absconding was escapes were——

Mr. SCHIRALDI. No, that is why I just wanted to clear that up. So the people in Laurel should feel good about the fact that there hasn't been an escape in several years.

Ms. NORTON. So there have been no escapes since when?

Mr. SCHIRALDI. 2002.

Ms. NORTON. This is very important.

Mr. SCHIRALDI. Yes.

Ms. NORTON. So there has not been a single escape from Oak Hill sine 2002?

Mr. SCHIRALDI. Correct.

Ms. NORTON. OK. What is "absconding?"

Mr. SCHIRALDI. "Absconding" means running away from a group home, or running away from home when you are supposed to be there; you know, not being where you are supposed to be.

Ms. NORTON. So that would be in the District of Columbia, or maybe in a foster home?

Mr. SCHIRALDI. Well, you know, kids sometimes get placed into residential treatment centers that are in other States but, by and large that is, you know, the people running away from our programs.

Us, the Police Department, and Court Social Services, which is the probation department for the courts, have all set up absconders units several years ago. And I think a large part of why it went down is because those absconders units are doing their job.

Ms. NORTON. So you have the escapes? This is in your testimony?

Mr. SCHIRALDI. Yes. My original testimony? Oh, the escapes? No.

Ms. NORTON. Why? For goodness sakes, that is important to put in the record. Because I think if there had never been any escapes from Oak Hill, I don't think you would have heard the kinds of concerns you hear today. And of course, what you are saying about the kinds of facility you are going to build is important to hear.

Could I ask about court-ordered limit? You have a court-ordered limit?

Mr. SCHIRALDI. Correct. It is 188.

Ms. NORTON. And what do you do if you reach the court-ordered limit?

Mr. SCHIRALDI. Pay fines. I mean, if we exceed the court-ordered limit, we pay fines. And we were paying them up until March. Or I shouldn't say we were paying them; we were accruing them up until March.

Ms. NORTON. Because there is just no place to put a child who commits a serious crime, except Oak Hill facility?

Mr. SCHIRALDI. I think there are a lot of issues. I mean, I think Judge Satterfield talked a little earlier about case processing times. Case processing times aren't only an issue for the court; they are an issue for us.

A lot of kids' cases were just sort of sitting around. There wasn't either enough staff to get them placed, as we said earlier, or the staff weren't moving quickly enough. I don't know which, and I don't really even care at this point. Because what we have done is we have fixed it. And we have said, "Look, if it takes 180 days to get a kid into a residential treatment center, none of that time counts. When that kid shows up at that residential treatment center, he or she is still spending the same amount of time, whether they got there the next day or 180 days later. Hurry up! Get them in there in 90 days. It doesn't change anything. It is all just dead time that the kid is waiting."

So just by getting people to do their jobs more quickly and more efficiently, we have been able to reduce the population. That is what they found in the JDAI sites in lots of different places, as well.

Ms. NORTON. So there were places for these children to go——

Mr. SCHIRALDI. Yes.

Ms. NORTON [continuing]. But there was bureaucracy?

Mr. SCHIRALDI. Yes, it was just paperwork, it was sitting around——

Ms. NORTON. So now how long does it take?

Mr. SCHIRALDI. Well, I don't know. We have substantially reduced the length of stay awaiting placement. I don't know the exact numbers, but I can get them to you, Congresswoman.

Ms. NORTON. Let me ask you about something we have hardly heard any testimony about. You know, I think if the facilities, however inadequate, provided something in there that the child could take away, there would be less concern about the facilities and their deterioration.

So I have to ask you about what kind of education—there is nothing that keeps us from educating a child in this facility at least to the level we educate them in the D.C. public schools. So I have to ask you, what education services or job readiness services are provided? And what has been the success or failure of these services?

Mr. SCHIRALDI. D.C. Public Schools run the schools at both Oak Hill and the Youth Services Center. And the University of the District of Columbia is contracted to do a variety of vocational services, from computers, to car repair, woodworking, a bunch of things like that.

We intend to bid out the educational services as an RFP that would allow the schools to compete, but also allow a variety of, I think, very innovative charter schools like—well, I don't want to name them, because then I don't want to prejudge the bid. But you know, there are some pretty interesting folks out there who I think would do some exciting work with the kids.

One of our biggest problems isn't just the education that goes on inside, but it is the sort of transfer in and out. These kids, by the time they get to us, the schools are so fed up with them—because, look, they are not just little darlings that need a hug, right? They

have problems, and they have been a pain in the neck in school for a very long time.

Ms. NORTON. So what is the average time they spend at Oak Hill?

Mr. SCHIRALDI. The kids are spending somewhere between 9 and 18 months, the ones that are staying there as committed. So the schools are pretty fed up with them. They don't really want them back real quick.

Ms. NORTON. So you would almost have to tutor kids who are only there for that amount of time, because they must have very different levels.

Mr. SCHIRALDI. Yes, I tell you, interestingly enough, the kids pick up often a grade or two, just because we have them physically in class, and they hadn't been physically in class before. So sometimes, just by virtue of being there, they are picking up some grade levels.

But coming back out is often a difficult transition. And I think that if we had a charter school that could do a good job educating them in, and then help reacclimate them on the way out, so they don't get sort of stuck back in a school where they had already failed, I think we would see a lot fewer of them run away, and a lot fewer of them fail.

Ms. NORTON. Judge Hamilton.

Judge HAMILTON. Well, I would like to add to that, though, that one of the good things—if not the only good thing—at Oak Hill is the school. The school does a good job. And I would hate to see that change as a result of some outsourcing to some other facility. Everybody agrees that the educational system provided by DCPS at Oak Hill is doing an excellent job.

Ms. NORTON. Boy! Thank you for putting that in the record.

Judge SATTERFIELD. Can I add something to that, though, Congresswoman Norton? It is just not about case processing that slows a child moving through the process. I mean, there has to be some service capacity in the place where the child is to go.

And there are some children that have to receive services while in a secure facility, for safety reasons. And so you don't just need a school that works well, which it does, but you need other programs, like drug treatment, and whether it is sex offenders and so forth. Because the children will be released—as they should—and some have to have this done not in the community, but in a secure facility.

Ms. NORTON. Mr. Schiraldi, can you assure this committee that the children who are being detained are being held separately from children who have been committed at Oak Hill?

Mr. SCHIRALDI. They are not being held separately at present. At present, we have a mixed facility, in which there are detained and committed kids in the same place. I wish I could assure——

Ms. NORTON. I know they are in the same building, but that is not my question.

Mr. SCHIRALDI. OK.

Ms. NORTON. My question is if they are in the same building, but very different statuses. Are they just all lumped together so that one group can, if you forgive me, contaminate the other?

Mr. SCHIRALDI. I wish I could assure you that the kids who are on detained and committed status never have contact with each other out there. I wish I could tell you that. But they go to the same school, they play on the same football field——

Ms. NORTON. And that has to be? I mean, the number of detained children and the number of committed children—I forget the numbers. What are they?

Mr. SCHIRALDI. We have about 80 of each at Oak Hill right now, and an additional 60——

Ms. NORTON. So you couldn't educate them, for example, separately?

Mr. SCHIRALDI. It is a little difficult because, remember, you have one school building. So to do it, we would have to essentially cut the school day in half. And we don't want to do that. We want them both in, all day. So very often, they are both in the same school.

We have one football team. Kids play on it who are on detained status; kids play on it who are on committed status. You know, there is just one lunchroom. So we do shifts.

There are two units that house kids who are only detained, and two units house kids who are only committed. And one unit houses both, because some of those kids are in protective custody, or they have illnesses, and we don't have two protective custody units.

So all I am saying is, I don't want to lie to you. We keep them apart as much as we can. But sometimes, because there are so few of them up there, they are mingled.

Ms. NORTON. Judge Hamilton, you and Judge Satterfield know more about this than I do. But, see, my concern is with some kid who is there being detained, and may not be on his way to a life of crime; and some older kid, who is the only person to imitate, takes you right there. So I am not suggesting I have the answer to it. I am very concerned about it.

Judge SATTERFIELD. Well, they should be separated. And that is what the purpose of the Youth Services Center is for. It is an 80-bed facility.

Ms. NORTON. Yes, and we have 80 out there. And still, we have 80 at Oak Hill.

Mr. SCHIRALDI. But we have another 65 at the Youth Services Center. So we have about 140 or so detained kids.

Ms. NORTON. Yes, well, I mentioned that in my opening statement, that D.C. has really moved—it seems to me, appropriately—with those. But that looks like about half of the kids. I can't imagine that there wouldn't be someplace else in the District.

What kinds of crimes are the detained children accused of?

Judge SATTERFIELD. Well, it can be anywhere from drug possession, if they have repeat offenders, or there is no one in the home to supervise them, to murder. I mean, so it could be the continuum of charges.

Ms. NORTON. So are at least the most serious ones out at Oak Hill? I mean, do you divide up the ones who are detained in the District? How do you do that? How do you decide which ones ought to be sent to Oak Hill who are detainees, and which ones ought to be sent to our state-of-the-art facility right here on Mount Olivet?

Mr. SCHIRALDI. Generally, it is more about how long they are staying. The facility on Mount Olivet Road is a good facility. It is a nice place, in terms that it is new, it is not deteriorated. But there is no outside recreation area. And if the kids are there longer than a certain period of time, they just start to go nuts, because there is no place for them to be. So after a certain period of time, we like to get them out to Oak Hill, so at least they have someplace to run around every once in a while.

Ms. NORTON. I see your dilemma. And, you know, I am not trying to micro-manage this. But you know, we go from one dilemma to another. It is terrible. And the only way, of course, is what you all are trying to do; which is to keep kids from getting in there in the first place.

I do want to ask Chief Ramsey a question. This is another point of clarification. Because Chief Ramsey says in his testimony, at page 2, that because of the way the juvenile justice system is structured—for very good reasons, for the most part—his officers do not have access to some information that might be considered critical.

Now, he says he is not interested in all their social files. And he names some things that you might not want to have an officer have access to; I mean, what their juvenile history is. But then, he names others, other things such as curfews, stay-away orders and the like, which apparently his officers also don't have access to.

So I guess my question is, what is the effect of not having this information? Would any harm be done if at least some of this information were available to officers? If a child was violating curfew, might that not be the place to stop them, when there is an officer who knows that; rather than wait until the court, Judge Satterfield, has to get him, or somebody else may in fact detain him for something more serious? So would you describe whether anybody has looked at that matter?

Judge SATTERFIELD. Could I just clarify the record in terms of information sharing? Because the City Council took another look at confidentiality just this past year when they enacted the Juvenile Justice Act. And so they looked at those things.

Some of the things that Chief Ramsey is looking for—like detention status and, if we are holding them, where they are being held—that is not part of the social files. In the social file we put in the psychological information, and so forth. Any restrictions on him getting this is, obviously, by law. They looked at it.

In terms of release conditions, in terms of stay-away orders, in the new bill that was passed recently, they permitted the Attorney General's Office to share that information with the victims, or the alleged complainants in the case. There are provisions in the law that allow for law enforcement personnel to receive information when necessary to the discharging of their duties.

Some information is provided only through an application. I review every application that comes in, and I don't get applications from law enforcement.

In May 2004, Chief Judge King issued an administrative order indicating that the OAG, the Attorney General's Office, the Department of Youth Rehabilitation Services, the U.S. Attorney's Office, and the police department, can share information when there is a custody order outstanding about a youth.

Now, I know he wants other information: where they are going, how they are moving. That information, some of that is held confidential by the statute, unless there is a custody order outstanding.

In the case that they are referring to, the Merritt case, there were custody orders outstanding. And that administrative order allows for the free flowing of information in order to execute that custody order.

Ms. NORTON. What is a custody order?

Judge SATTERFIELD. I am sorry. It is a bench warrant. It is a warrant to arrest a juvenile.

Ms. NORTON. Oh, yes, well, now that the kid has committed—or is accused of committing—a crime, we can share some information?

Judge SATTERFIELD. No, when he runs away, absconds from home or whatever, the people come to the court, the agencies come to the court and ask for a custody order, so that law enforcement can know that he is out on the run. They stop on a traffic stop or something like that; this order is in the system. They can look it up, and realize that, and take him back.

Ms. NORTON. OK. That is not automatic, though?

Judge SATTERFIELD. No, they have to petition the court for custody orders. And they often do it, and we issue them within a day that they make the petition.

Ms. NORTON. Mr. Schiraldi, obviously, somebody has to go to another bureaucratic step. Here is a kid absconding; we want to get hold of him. But somebody has to do the next bureaucratic step in order for the cops, who might help you get him, to even know he is absconding?

Mr. SCHIRALDI. I mean, I think the request for a warrant, if you will, is more than just a bureaucratic step. I mean, the judges do usually give them out, pretty quick.

I think, first of all, the administration needs to have an in-house conversation about this. The Mayor is going to be, I think, looking at this issue. And we have all got to get together in a room and talk about it. The legislation that changed that the Judge was just talking about really only went into effect in the spring. I don't think we know what we can do even under it so far.

And you know, I don't think this issue came into play very deeply in the case that ran in the Post on Sunday, as the Judge just pointed out.

But you know, there are a lot of people out there—Senator Simpson; you know, Judge Walden; Senator Ben Nighthorse Campbell; Bob Beaman, Olympic gold medalist—plenty of people, if we knew about their violent felony convictions—which all of them had when they were kids—they might not have become senators and Olympic gold medalists.

Ms. NORTON. Well, you know, just a moment. Nobody is—and you know it—nobody here is saying that one ought to publicize; nor was the Chief saying that. He was talking about something that I would ask you to look into. And I can understand that when a child absconds there is a warrant.

But since you are doing a whole new juvenile justice system, and since some more automatic way of knowing about a child being on the loose could be helpful in keeping this child from going further

in the system, it might be worth looking into, to see if there is a more flexible way to make that very limited—some very limited information; we would all have to get together to decide what that information is.

I would ask that be done, and that you report to this committee—let's give you 6 months, because you are talking about a new law—how you have facilitated that.

The chief wanted to say something.

Chief RAMSEY. Well, I just wanted to talk about the information-sharing issue. Custody orders, we get the information on that. The issue that I have is that, when you get youngsters that are released from Oak Hill for violent offenses or for repeat offenses—you know, been locked up for auto theft or UUV for seven or eight times, that sort of thing—they go into a group home. And we are not given information as to who they are, what group home they were put in, and so forth. We don't know who is in these homes.

And when you wind up with situations where all of a sudden you get an outbreak of robberies or auto thefts or whatever, and you are trying to figure out what it is that is going on, it is very difficult when people are being reintroduced into the community and you don't know.

We are not looking for a lot, but I don't think that it is asking too much to at least have the name of the individual who was in custody for robbery that has been released and put in a group home in somebody's neighborhood; so if there are crimes committed and so forth, that we have access to that information.

Now, the law maybe would say one thing, but the AG's office has clearly told us we can't have access to that, and we have had conversations around it. There is obviously some confusion around what we can and cannot have.

And again, we are talking about the youth that have been committed, if there are any particular conditions at the time of their release, if they should be back into the group home by a certain time or, you know, stay away from certain areas or people or whatever. It is good to know, so that we can make sure that they are staying consistent with whatever those terms are.

Ms. NORTON. Very touchy issue. I don't dare make a recommendation on it; except I know the presumption has to be that this is a child, and whatever we do, we have to make sure this child is treated as a child, instead of branding them so early that he says, "What use is it? They already are calling me a criminal." So we begin there.

But unless a system like this begins—and here, I am not talking about the District, alone. The reason that you see legislators going to penalties that are outrageous for children is because those of us who believe in a system for children, for children, haven't found ways to meet some of the concerns that, on balance, really don't interfere with confidentiality.

So I would really ask very much for that to be done, or else we are going to find—you are trying to move people back into our neighborhoods. You know, if in fact you could say that there are special ways in force to make sure that such children do not get into trouble again, you will not have every ANC commissioner in the city telling you "NIMBY."

So I mean, it has to be faced, because you have an order that has to move many of these children back to neighborhoods, and nobody ever wants such a child. And the more you can say about what you have done, while safeguarding the privacy of the child, the family, and his identity as a child, while saying to the community that the cops know certain minimal things, or that the juvenile justice system knows it, the greater, it seems to me, ease you will have in moving people back.

I only have a couple more questions. Just let me ask this notion about the NSA and the buffer zone. I love notions of "win-win." That is why I like what Mr. Cardin is doing. You know, he is a good neighbor. He is trying to think of a way to satisfy his constituents, while keeping in mind our concerns.

And your testimony, Mr. Schiraldi, talked about our needing only 25 acres out of 800.

Mr. SCHIRALDI. I think it is 888, is the exact number of acres.

Ms. NORTON. Again, you know, everybody understand how this got done: it is the Federal Government that said, "This is where you go on this 800 acres."

I just said to Ben before he went to vote—taking my vote along with him, such as it was—[laughter]—I just asked him, you know, the way we do things in the Congress is almost always incrementally. Would there be any reason not to do the 25-acre buffer zone, and then move on as we find the wherewithal to the other issue? Is there any reason why those 25 acres—they must be talking about acres close to their own perimeter—couldn't be simply turned back to them?

Mr. SCHIRALDI. No, in fact, if you look at the map, the buffer zone they want is where Oak Hill—where the current locked facility is now.

Ms. NORTON. Oh.

Mr. SCHIRALDI. So I think that in some respects, even though that is not an immediate solution, in some respects for us it is the best place to give up, because we are almost definitely not building there.

Ms. NORTON. So we are tearing that down.

Mr. SCHIRALDI. No, I mean, we have to build something first.

Ms. NORTON. Right.

Mr. SCHIRALDI. But once we build that, we don't——

Ms. NORTON. But we are not necessarily building that close to the NSA facility.

Mr. SCHIRALDI. No, if we are smart when we do our negotiations, if we are able to come to some consensus around this, we will specifically pick the site that is least convenient for NSA—you know, I mean, least convenient for them to want, most convenient for them not to want.

Ms. NORTON. I think you have moved us forward on that.

Finally, Judge Hamilton, I didn't quite understand. On page 5 of your testimony, you brought to our attention a concern you have about the transfer of more children out of the juvenile justice system into the adult criminal system; and that even after your commission report.

Judge HAMILTON. Right.

Ms. NORTON. I wish you would elaborate on it, and why you think that happened, and why you are against it.

Judge HAMILTON. Well, the law was relaxed so as to give to the city the benefit that certain persons who were charged as juveniles for purpose of a transfer hearing were not capable of being rehabilitated. So these children would go into that hearing with the presumption against them, that they could not be rehabilitated. And it would be up to the children, of course with the assistance of their lawyer, to overcome that presumption.

And really, the presumption, if there is a presumption—there need not be any presumption, but if there is a presumption, the presumption should be that they are capable of being rehabilitated.

So the purpose of the amendment was to make it easier to get transfer determinations from the court, to permit these children to be transferred into the adult criminal justice system.

Ms. NORTON. Is there any age limit on that?

Judge HAMILTON. Yes. Yes, there is an age limit on it, but given the age limit, if the child falls within the parameter of the age limit, then the child has to overcome, if he is referred for transfer.

Ms. NORTON. Now, how do they know whether the child deserves a presumption of incapable of rehabilitation? How is that done?

Judge HAMILTON. It is just automatic, by operation of law.

Ms. NORTON. Is that Constitutional? Doesn't somebody have to show it, or something? Or is it by operation of the crime the child has committed?

Judge HAMILTON. It is by operation of law. If the child is referred for transfer, then that child is presumed, for the purpose of that transfer hearing, not to be capable of being rehabilitated. And that was one of the major concerns in our recommending that no such presumption be applied to a child.

And so, but notwithstanding our recommendation, that is a part of the present law. And that will have the effect of moving more children out of the juvenile justice system, and into the adult criminal justice system.

Ms. NORTON. Thank you very much. I just want to say how helpful all of your testimony has been. And to the extent that we have seemed befuddled by some of what we have heard, or on my part appeared to have been critical of parts of our system, it is not because the answers are apparent to me. I think you have a very, very hard job. And I just want to assure you that I know I speak for the chairman when I say that we stand ready to be helpful.

One of the reasons I want the controlled study is if there is a controlled study that shows that, for example, the kinds of things you are doing in continuum of care work, then that is the kind of thing I would be willing to try to get extra money for.

Mr. SCHIRALDI. Great.

Ms. NORTON. Again, I want to thank all of you for coming, and for this very helpful testimony. And this hearing is adjourned.

Judge SATTERFIELD. Thank you.

Mr. SCHIRALDI. Thank you very much.

[Whereupon, at 12:10 p.m., the committee was adjourned.]

[The prepared statement of Hon. Jon C. Porter and additional information submitted for the hearing record follows:]

STATEMENT FOR THE RECORD
Congressman Jon Porter (NV-3)
Member, Government Reform and Oversight Committee
"JUSTICE FOR ALL: AN EXAMINATION OF THE DISTRICT OF COLUMBIA JUVENILE JUSTICE SYSTEM"
Friday, October 28, 2005

Mr. Chairman, I appreciate the opportunity to speak on this important issue today.

The Government Reform Committee explored the issue of recidivism in February, and the statistics are scary. According to the Bureau of Justice Statistics, in 2003, 6.9 million people were in prison, jail, or on probation. Now, to put this figure into perspective, this number equates to 3.2% of all adult residents in the United States, or 1 in every 32 adults. Of the 6.9 million currently incarcerated, approximately 600,000 of them will be up for release in the near future.

When prisoners are released from incarceration, they are faced with having to acclimate to an ever-changing world. People change. Towns change. Jobs change. Sometimes it is difficult to find employment or to re-connect with family and friends. For many ex-offenders, the stress of having to live in this changing world becomes too much, resulting in repeat crimes and/or a relapse into drug use. These problems could be particularly devastating for those youth who are in our nation's juvenile justice system, as this is the time in their lives when they are trying to become productive members of society.

Reducing recidivism rates within the District of Columbia's juvenile justice system is the reason why we are here today. During this hearing, I am interested in hearing about the process through with a juvenile offender must go through both during and after his or her incarceration. I am also interested to hear the witnesses explain both the shortcomings of the juvenile justice system in the past, and how these problems can and will be corrected for the future.

Mr. Chairman, I would like to thank you for holding this hearing. I would also like to thank the witnesses for being here to discuss this issue today. Your expertise and experience is much appreciated. I look forward to working with the Government Reform Committee on this issue.

* * *

SENATOR JOHN A. GIANNETTI, JR.
STATE SENATOR
21st Legislative District
Prince George's and Anne Arundel Counties

Judicial Proceedings Committee

Joint Committee on
Federal Relations

Joint Advisory Committee
on Legislative Data Systems

Joint Committee on Legislative Ethics

Joint Technology Oversight Committee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401-1991

Annapolis Office
122 James Senate Office Building
Annapolis, Maryland 21401-1991
410-841-3141 · 301-858-3141
Fax 410-841-3850 · 301-858-3850
E-Mail John.Giannetti@senate.state.md.us

Committee to Revise Article 27

Commissioner
Maryland Commission on Criminal Sentencing

Washington Metropolitan
Transportation Planning Board

October 28, 2005

Honored Committee Members:

I am writing this letter to respectfully Support H.R. 316-To provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill. I urge you to consider relocating the detention center out of Maryland. This would benefit all concerned for several reasons.

To this end, I formed the Oak Hill Task Force, which has worked for years to close down the center because of poor conditions for detained youth and because of the danger posed to the surrounding community by repeated breakouts. The Task Force's long-term goal has always been the closure of the Oak Hill Facility.

I have spent time touring youth facilities in Maryland and such model states as Missouri. During these tours I have come to realize the most effective way to help these children is by creating small regional facilities with no more than 45 beds. These facilities should be located near the youths' home location so that the child in question remains near his family, community and support network. The Oak hill Facility does not meet this model in any way, shape, or form.

I am aware that the Mayor would like to see the center re-opened but this must not happen. Relocating the center would be best for the children and the surrounding area. We owe it to these children to provide them with the best possible solution—not to cram them into a poorly modeled facility far away from everything they know.

Thank you for taking the time to review this testimony, again I urge you to support H.R. 316. Please contact me at my Annapolis office if there is anything I can do to assist you in making this decision, please contact my Annapolis.

Sincerely,

Senator John A. Giannetti, Jr.
District 21
Prince George's and Anne Arundel Counties