



D I S T R I C T O F C O L U M B I A B A R

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Summary of the Statement of the D.C. Affairs Section of the D.C. Bar in Support of the “Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004” (B-15-0673)

The Statement of the District of Columbia Affairs Section of the District of Columbia Bar regarding the “Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004” (B-15-0673) sets forth the reasons for the Section’s endorsement of the bill. The Section endorses the bill because it would codify and expand many of the well-researched and well-reasoned recommendations advanced by the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform – a committee of prominent experts chaired by the former Chief Judge of the Superior Court. The Blue Ribbon Commission recommendations incorporated into the bill include the following: Limiting the transfer of youth to adult court unless the transfer is ordered by a judge; prohibiting the incarceration of status offenders such as truants with adjudicated or charged delinquents; and, enhancing community-based services and alternatives to incarceration. These recommendations are supported, in large part, by empirical evidence and best practice standards. It is for these reasons that the Section endorses the proposed legislation.

The Section would like to acknowledge the contribution of the following Section members to this statement: Jon Bouker, Sally Kram, Jim Nathanson, Thorn Pozen, Jenny Rubin, Walter Smith and William Taylor.



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March 17, 2004

The Honorable Linda Cropp, Chair
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

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Re: Statement of the District of Columbia Affairs Section of the District of Columbia Bar in Support of the “Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004” (B-15-0673)

Steering Committee:
James S. Bubar, Co-Chair
Bell Clement, Co-Chair
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Jenny R. Rubin
Walter A. Smith, Jr.

Dear Chairman Cropp:

The District of Columbia Affairs Section of the District of Columbia Bar supports the “Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004” (B-15-0673), and submits this supporting statement.¹

Board of Governors Liaisons:
Frc. J. Carter
La Verne Fletcher

The D.C. Bar’s District of Columbia Affairs Section serves all attorneys who live, work, or have interest in the District of Columbia, and Bar members who practice before or work with the Council of the District, the Executive Branch and the judicial system. The Section monitors legislative, judicial, and related legal developments affecting the District of Columbia. The Section is concerned about the various juvenile justice reform legislative proposals currently pending in the Council.

The District of Columbia’s juvenile justice system has been the subject of class action reform litigation in the *Jerry M* case for nearly two decades.² Notwithstanding the issuance of over sixty remedial court orders, and contempt litigation imposing nearly three million dollars in fines, the District has not yet substantially complied with the *Jerry M* orders and currently faces the threat of receivership for its failure to do so. In 2000 Mayor Williams established the Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform. The Commission, which was chaired by the former Chief Judge of the Superior Court, Eugene Hamilton, was composed of highly regarded experts, key stakeholders in the local juvenile justice system such as representatives of law enforcement and youth serving agencies, and the business and faith community. In 2001, after careful study, the Commission issued a thoughtful and well-researched report

¹ *The views expressed herein represent only those of the District of Columbia Affairs Section of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.*

² *See Jerry M v. District of Columbia*, CA No. 1519-85, (Sup. Ct), Order One (J. Dixon, January 2001).

with viable recommendations for remedying the District's juvenile justice system and bringing it into compliance with the *Jerry M* orders. Nearly three years have elapsed and virtually none of the Commission's recommendations have been adopted.

The "Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004" ("Blue Ribbon Act") incorporates many of the Blue Ribbon Commission's most critical recommendations and represents a blue print for compliance with key requirements in the *Jerry M* litigation. For example, the Blue Ribbon Act prohibits the transfer of youth to adult court unless the transfer is ordered by a judge. This provision, derived from the Blue Ribbon Commission recommendations and endorsed by the American Bar Association as a preferred practice, is premised on an extensive body of empirical research that demonstrates, among other concerns, that increased transfer of juveniles to adult court increases recidivism, intensifies the risk to youth of physical and sexual assault in prison, and, heightens the risk of youth suicides in adult facilities.³ Unlike nearly every other jurisdiction in the country, increased transfer of District of Columbia juveniles to adult court means that many of those transferred youth will serve sentences in federal prisons that are far away from their families and support groups, exacerbating -- instead of reducing -- the risk of recidivism.

In addition, the Blue Ribbon Act prohibits "children in need of supervision" such as truants and runaways from being detained, committed, or placed in any institution for delinquent children – a recommendation advanced by the Blue Ribbon Commission and based on the requirements of a federal law dating back to 1974.⁴ Incarcerating status offenders with charged or adjudicated delinquents is a practice that should be repudiated and not institutionalized.

Most significantly, the Blue Ribbon Act requires enhancement of community-based services and alternatives to incarceration and reserves locked placements for the most violent youth offenders. Such an initiative, which was advanced by the Blue Ribbon Commission, is based on promising approaches being implemented in other jurisdictions around the country. The enhancement of community-based resources, in combination with the closing of Oak Hill, which

³ See, e.g., Bishop, D., Frazier, C., Lane, J., and Lanza-Kaduce., L. 2002. *Juvenile Transfer to Criminal Court Study: Final Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Available online at: <http://www.djj.state.fl.us/statsresearch/contractreports/juveniletransfers.pdf> Executive summary available online at: <http://www.djj.state.fl.us/special/transfersummary.pdf>.

Bishop, D., Frazier, C., Lanza-Kaduce, L., and White, H. 1999. *Fact Sheet #113: A Study of Juvenile Transfers to Criminal Court in Florida*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. Available online at: <http://www.ojjdp.ncjrs.org/about/99juvjust/990812b.html>.

⁴ See Juvenile Justice Delinquency and Prevention Act of 2002, 42 USC 5601, *et seq.*

is also called for in the bill, demonstrates a commitment to a thoughtful, long-term and comprehensive approach to solving the many significant problems which confront the District's juvenile justice system.

In short, the Blue Ribbon Act codifies and builds on the recommendations advanced by the Blue Ribbon Commission -- a committee of experts that carefully considered the deficits and the strengths in the District's juvenile justice system, national practice standards, applicable local and federal laws, and the court's requirements in the *Jerry M* litigation. It is for this reason that the Section urges the Council to pass the Blue Ribbon Act without delay.

The Section would like to acknowledge the contribution of the following Section members to this statement: Jon Bouker, Sally Kram, Jim Nathanson, Thorn Pozen, Jenny Rubin, Walter Smith, and William Tayler.

If you have any questions, please contact James S. Bubar, Co-Chair of the Section at (202) 223-2060.

District of Columbia Affairs Section
of the District of Columbia Bar

By: _____
James S. Bubar, Co-Chair

By: _____
Bell Clement, Co-Chair

cc: Mayor Anthony Williams
Members of the District of Columbia Council