

A RESOLUTION

25-360

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 21, 2023

To declare the existence of an emergency with respect to the need to establish a new Office of Independent Juvenile Justice Facilities Oversight in accordance with the duties, structure, authorities and powers, dispute resolution procedures, confidentiality and anti-retaliation procedures, and funding and organization as provided in Mayor's Order 2020-115.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Independent Juvenile Justice Facilities Oversight Establishment Emergency Declaration Resolution of 2023".

Sec. 2. (a) In 1986, a group of plaintiffs filed suit against the District alleging violations of basic health and safety standards at the former Oak Hill Youth Center. The lawsuit, *Jerry M. vs. District of Columbia*, resulted in a consent decree that set standards regarding services at the District's juvenile secure facilities.

(b) Through the course of 35 years of litigation, the Department of Youth Rehabilitation Services ("DYRS") worked to meet the standards and requirements set out in the consent decree and final work plan. DYRS's services improved dramatically during that time, and in 2020, the Superior Court determined that DYRS no longer required court monitoring, and the case was resolved.

(c) On November 13, 2020, pursuant to the final settlement agreement in the case, the Mayor issued Mayor's Order 2020-115 ("Mayor's Order"), which established the Office of Independent Juvenile Justice Facilities Oversight ("Office"). As provided in the Mayor's Order, the Office was empowered to monitor DYRS's secure juvenile facilities for at least 3 years to ensure that the progress made throughout the *Jerry M.* consent decree process would be sustained and continuously improved in the best interests of court-involved youth and their families. The Mayor's Order provided that the Office would sunset 3 years after it began operations, though the Mayor could elect to continue the Office through a successor order.

(d) On November 9, 2023, the Executive affirmed its intention to let the Mayor's Order expire and thus wind down the operations of the Office – notably, before the end of Fiscal Year 2024, although the Office is funded through September 30, 2024.

(e) The Council is very concerned about the prevalence of young people impacted by and involved in violence and crime, particularly gun violence. Shootings of youth have been rising.

Thus far in 2023, 97 young people have been shot in the District, and more than 15 have tragically been killed. Juveniles also now represent two-thirds of those arrested for carjackings. Furthermore, the number of youth arrested for robberies has increased 10% over 2022.

(f) In response to these increases, the Council has passed emergency and temporary legislation that, among other provisions, established a rebuttable presumption that pre-hearing detention is necessary when there is a substantial probability that the youth committed certain serious violent crimes or committed a dangerous crime or crime of violence while armed with a knife.

(g) The higher number of young people being arrested, along with this legislation, are likely directly impacting the population counts in DYRS's facilities. Population counts at the Youth Services Center have been at or exceeding capacity most days. The population increases are negatively impacting DYRS and the young people detained in its facilities, which in turn creates a public safety risk outside of the facilities. For example, the Office recently reported that incidents of injury and assaults at the Youth Services Center have been increasing and are at their highest reported levels in the 2 years that the Office began tracking this data. In October alone, 36 injuries to youth, 32 youth-on-youth assaults, and 35 critical incidents, which are defined as incidents that pose a serious risk of harm to the youth or staff at the facility, were reported at the facility. The Office also reported that severe staffing problems pose significant challenges.

(h) The Office plays a crucial role in ensuring that the District's secure juvenile facilities are adequately staffed, maintained, and, ultimately, keep detained and committed youth safe. Safety and security inside the facilities allow DYRS to provide the necessary rehabilitative services young people in its care and custody need to be successful upon release. It is therefore extremely important that the Office continues its operations given its vital oversight function and to prevent any backsliding on the quality of services provided at the District's juvenile secure facilities. Such a backsliding from what has been known as one of the top juvenile justice systems in the country would be concerning not only in terms of the legal duty to ensure safe and secure confinement but also to community safety more broadly. It is not in the District's interests either to reenter a consent decree or fail to rehabilitate young people in need of accountability, guidance, and support.

(i) Lastly, the Council notes that many critical public safety agencies – particularly those in correctional or law enforcement settings – have corresponding independent, civilian monitoring agencies, given the nature of the work, potential for the use of force by personnel, and the vulnerability of those confined. For example, the Corrections Information Council monitors the District's Department of Corrections, and the Office of Police Complaints monitors the Metropolitan Police Department.

(j) For those reasons, this emergency legislation maintains the Office in its current form and with its current duties, responsibilities, and authorities.

ENROLLED ORIGINAL

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Office of Independent Juvenile Justice Facilities Oversight Establishment Emergency Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.