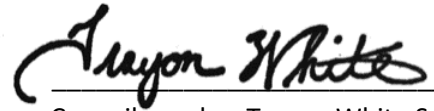
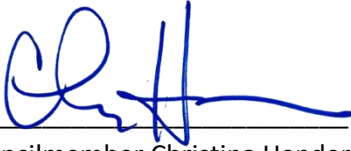


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2 Councilmember Charles Allen



Councilmember Trayon White Sr.

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7 Councilmember Christina Henderson



Councilmember Zachary Parker

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12 A PROPOSED RESOLUTION

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17 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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19 _____

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

26
27 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28 resolution may be cited as the “Office of Independent Juvenile Justice Facilities Oversight
29 Establishment Emergency Declaration Resolution of 2023”.

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

34 (b) Through the course of 35 years of litigation, the Department of Youth Rehabilitation
35 Services (“DYRS”) worked to meet the standards and requirements set out in the consent decree
36 and final work plan. DYRS’ services improved dramatically during that time, and in 2020, the

37 Superior Court determined that DYRS no longer required court monitoring, and the case was
38 resolved.

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

47 (d) On November 9, 2023, the Executive affirmed its intention to let the Mayor’s Order
48 expire and thus wind down the operations of the Office – notably, before the end of Fiscal Year
49 2024, although the Office is funded through September 30, 2024.

50 (e) The Council is very concerned about the prevalence of young people impacted by and
51 involved in violence and crime, particularly gun violence. Shootings of youth have been rising.
52 Thus far in 2023, 97 young people have been shot in the District, and more than 15 have tragically
53 been killed. Juveniles also now represent two-thirds of those arrested for carjackings. Furthermore,
54 the number of youth arrested for robberies has increased 10% over 2022.

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

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

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

80 (i) Lastly, the Council notes that many critical public safety agencies – particularly those
81 in correctional or law enforcement settings – have corresponding independent, civilian monitoring
82 agencies, given the nature of the work, potential for the use of force by personnel, and the

83 vulnerability of those confined. For example, the Corrections Information Council monitors the
84 District's Department of Corrections, and the Office of Police Complaints monitors the
85 Metropolitan Police Department.

86 (j) For those reasons, this emergency legislation maintains the Office in its current form
87 and with its current duties, responsibilities, and authorities through September 30, 2024, the end
88 of the fiscal year.

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

93 Sec. 4. This resolution shall take effect immediately.