

**STATEMENT BY LIZ RYAN
CAMPAIGN FOR YOUTH JUSTICE
BEFORE THE DC COUNCIL JUDICIARY COMMITTEE
OCTOBER 20, 2008**

Good morning and thank you Chairman Mendelson and members of the Judiciary Committee for holding this hearing today on the Juvenile Justice Improvement Act.

You are to be commended for introducing this legislation. I understand that all the members of the Judiciary Committee have cosponsored this legislation.

We look forward to working with you to pass this bill through the committee and the full council and to implement it as soon as possible.

At today's hearing, you will hear experts testify on the mounting evidence that prosecuting youth as adults does not reduce crime. In fact it does the opposite.

You will hear that an overwhelming majority of DC residents reject the current practice of placing youth in the DC Jail and instead want the city to invest in rehabilitation and treatment for youth.

You will hear from attorneys who can advise your committee on how to update the law to reflect the new research.

And you will hear from community members, youth service providers and youth themselves who have first hand experience working with youth who can show that the juvenile justice system is a much better place for rehabilitating youth.

All of these witnesses will testify in support of the need for the Juvenile Justice Improvement Act to remove youth from the DC Jail and provide youth with an opportunity for rehabilitative services in the juvenile justice system.

But you will also hear some concerns today.

In the past, the Office of the Attorney General (OAG), has taken the position that you, the DC Council, do not have the authority to change the law on providing youth with an opportunity for rehabilitation in the juvenile justice system. It is possible that they may make this same argument today.

In response to this concern, you will hear from an attorney, Alan Pemberton, at one of the most respected law firms in the District – Covington and Burling – the firm where the Acting AG previously worked. This attorney will tell you that you in fact do have the authority.

In 2004, the US Attorney's office, opposed any efforts to return youth to the juvenile justice system with the argument that they are protecting public safety and that their authority to send youth to adult court should not be challenged.

In my view, the evidence today strongly suggests otherwise.

Let me remind the committee that a representative of the Office of Attorney General and the US Attorney's office testified previously on this issue, in 2004, when then Councilman Adrian Fenty served in the DC Council.

I believe they will make virtually the same arguments today.

At that hearing in 2004, then Councilman Fenty heard all of the testimony from DC residents and researchers that showed that prosecuting youth in adult court did not increase public safety.

In response to their testimony, he said, and I quote, "You have no rebuttal."

And so if the same arguments are proposed today, I will say the same thing back to them today.

You have no rebuttal.

I remind the Fenty Administration what Mayor Adrian Fenty himself has said and done on juvenile justice.

In 2004, then Councilman Fenty said when asked, "What do you think is the most urgent problem facing your jurisdiction?"

He said: "The District needs to improve the services we provide our youth. We need a comprehensive approach that coordinates social services agencies with schools, strengthens public schools from pre-kindergarten to the superintendent, provides more supervised recreational activities and after-school programs and works to keep youths away from crime and gangs. I applaud the council's acceptance of my proposal to close Oak Hill Youth Center in reforming our juvenile justice system, which will help ensure that rehabilitation supersedes incarceration."

In 2005, when asked about his greatest accomplishments in the council, then Councilman Fenty stated to DC Vote that he:

Authored major amendments to the Omnibus Juvenile Justice Amendment Act of 2004, passed by the Council. The final bill contains several provisions originally proposed in the Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004, introduced by Fenty and based on the policy recommendations of the Blue Ribbon Commission on Juvenile Justice Reform. These provisions (Titles VII, VIII, IX, and XI of the omnibus act) include the Release of Certain Children in Need of Supervision Act, the Periodic Evaluations Act, the Individualized Treatment Plan Act, and the Detention and Commitment Facilities Act (which mandates the closure of the Oak Hill Youth Center no later than 2008).

In 2006, when running for Mayor, then Candidate Fenty said when asked about the juvenile justice system:

“For those youth who do get in trouble with the law, I will make sure that the District provides effective rehabilitative services in the safest, least restrictive environment. Just as youth must accept responsibility for their actions, adults must accept responsibility to support youth ex-offenders as they rejoin our community.”

He also said, “I have opposed efforts to make it easier to transfer youth to the adult criminal justice system.”

I will ask the Mayor to be consistent on these policies and to live up to his campaign promises and previous positions.

To the Council, you haven’t confirmed the acting AG, Peter Nickles. He was not elected by the residents of the District of Columbia. You were.

So why would you support Peter Nickels’ position to allow youth to be placed in the DC Jail where kids are routinely placed in solitary confinement?

Why would you support Peter Nickels’ position to continue to give the US Attorney unbridled authority to send our kids to adult court without even a hearing before a judge and an opportunity for rehabilitation in the juvenile justice system?

And as you know, the US Attorney is not elected by the District residents either.

In fact, the District is the only jurisdiction in the country where a US Attorney makes these life altering decisions.

The US Attorney is appointed by the President. And this US Attorney appears to not want his authority questioned or even checked.

Why would you, the DC Council, give an unelected prosecutor appointed by the president the right to exclusively decide what happens to DC’s youth without even so much as a hearing?

This legislation does not strip these unelected prosecutors of their authority. This bill merely provides an important check, some oversight if you will, on their decisions.

I’ve just given you a preview of what you will hear today.

But, what you will not hear today is any research that shows that prosecution of youth in adult court works to reduce crime. It simply does not exist.

If after hearing the overwhelming evidence, research, the opinion polling of DC residents, and the first hand testimony of community residents and youth, and you are not absolutely convinced to support this legislation, then I ask you to take some time and walk in the shoes of the youth who the US Attorney sends to adult court without so much as a hearing before a judge.

Put these shoes on. [Hold up shoes].

Go to the juvenile wing of the D.C. Jail.

After spending an hour in the juvenile unit, ask yourself whether you would leave your own child there anywhere from 3-12 months, the average length of stay of many of the children there. Imagine your child in a cell for 23 ½ hours a day for over two weeks. If you did that to your own child, that would be child abuse and you would go to jail yourself for that. However, that's what the DC Department of Correction (DOC) did back in June without impunity and they called it a "time out."

After visiting the DC Jail, I believe you would be hard pressed not to pass this legislation and ban this inhumane practice immediately.

Next, I would like for you to travel to Devils Lake, North Dakota.

This is where DC's youth, under 18, sentenced as adults go after they spend months in the DC Jail.

From here, it is over 1500 miles.

That's over 24 hours driving time non-stop [Hold up mapquest].

A roundtrip plane ticket costs over \$500 dollars. [Hold up Travelocity ticket].

And when you get there, the facility is 1 ½ hours from the airport. That means a car rental, gas and a drive.

By Greyhound it takes almost 2 days to get there. One day, 16 hours and 30 minutes to be exact with three transfers.

It costs nearly \$400 by Greyhound roundtrip. [Hold up Greyhound ticket].

Do you think the families of these youth have the money or the time off work or other responsibilities to travel to and from this facility to see their loved one?

No. They do not. So these DC youth languish in North Dakota with virtually no contact with family or loved ones. One youth in this facility told me he was not in contact with his family for two years.

If your child was there would you spend hundreds of dollars and take from now until Thursday to travel to and from North Dakota to see your child for a 2 hour visit?

Let me remind you that this is a facility that is under contract from the Bureau of Prisons – a federal agency with no oversight from the District government.

This is a facility that up until two weeks ago would not allow DC youth to receive letters from their families or books such as this one. [Hold up book].

Thanks to the tenacious work of some of our colleagues in this room and the intervention of DC's Representative in Congress, Congresswoman Eleanor Holmes Norton, that practice has changed – at least for now.

Please think about whether these youth should at least have an opportunity to be heard before a judge on whether to receive rehabilitative treatment here in the District of Columbia before sending them halfway across the country to a place that doesn't even allow them to receive letters or books.

As the leadership of the DC Judiciary Committee, I urge you to bring our children home. I urge you to end the inhumane treatment of youth in the DC Jail right now.

I urge you to allow the District, not unelected prosecutors, to decide whether our children are worthy of rehabilitation here in our community.

I appreciate your consideration and your support of the Juvenile Justice Improvement Act.