

Report on Youth in the Adult Jail

Submitted by
the District of Columbia Department of Corrections
and the Department of Youth Rehabilitative Services
to
the Council of the District of Columbia
Committee on Human Services

July 11, 2008

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Introduction

Like many jurisdictions around the country, the District of Columbia houses youth tried as adults in a jail that primarily houses adults. An average of 27 youth reside at the DC Jail, virtually all of them African American males. The Fenty Administration is working seriously to address the needs of these youth. Mayor Fenty held a town hall meeting in February 2008 in order to give these young people an opportunity to voice their concerns directly to him. Education emerged as one of the top needs for most incarcerated youth, a need that has suffered through years of neglect, as DC Public Schools (DCPS) was previously unwilling or unable to mount an effective program at the DC Jail. This situation began to change last year when Mayor Fenty took over DCPS and made educating youth in the jails a priority. Now, DCPS's Incarcerated Youth Program offers a broad slate of educational programs at the jail, through a combination of on-site teachers and a computer-based instructional system. Youth can choose a traditional high-school track or an alternative ABED/GED track, as well as vocational services such as graphic arts training and instruction in barbering.

Safety of the youth in the jail is another important need, and the Department of Corrections (DOC) has taken important steps to ensure the safekeeping of these youth. They are housed in a fully separate unit within the jail, where they do not come into contact with adult inmates. The correctional officers responsible for the unit have been specially trained, with help from the Department of Youth Rehabilitation Services (DYRS), to deal more effectively with the unique behavioral issues of this special population. The DOC recently began instituting a behavior management program that gives youth positive incentives for maintaining appropriate behavior.

In an effort to further the rehabilitative growth of incarcerated youth, DOC has been expanding the set of programs and activities it makes available to this group. Programs include art therapy, chess instruction, book club participation, indoor/outdoor recreation, religious services, anger management, and others. Dedicated DOC case managers oversee the delivery of programs to youth.

The Fenty Administration would like to offer still more programs to incarcerated youth, but the limited space at the Central Detention Facility and its outdated design make it difficult to do so.

Consequently, the Administration is actively pursuing the option of transferring youth from the Central Detention Facility to the adjoining Central Treatment Facility. As its name indicates, the Central Treatment Facility was built, and is geared toward, treatment. It offers more space for recreational programs and for vocational training programs.

Report Preparation

Staff at the Department of Youth Rehabilitation Services (DYRS) and Department of Corrections (DOC) worked with the assistance of Dr. Jennifer Woolard of the Center for Research on Adolescence, Women, and the Law at Georgetown University to compile and summarize the data for this report. It is important to note that this report represents the views of the District of Columbia Executive office of the Mayor, not necessarily those of Dr. Woolard. The DC Public Schools (DCPS) provided additional information on educational programs for incarcerated youth.

Study Background

Request from City Council: As part of the Fiscal Year 2008 Budget Support Act of 2007, which became effective September 18, 2007, the Committee on Human Services requested that DYRS and DOC work jointly to compile data on the gender; race; ethnicity; offense; length of stay; sentencing outcome; conviction rate; average daily population; prior involvement with the juvenile justice system; provision of educational services including the impact of the lawsuit on special education services for youth; and the provision of other services for youth awaiting trial at the DC jail for the past 3 years. The Committee also recommended an examination of the detention service needs of the current youth population at the DC Jail, including a report on the short and long term benefits, costs and feasibility of serving youth at DYRS instead of DOC.

Data Sources

The data informing this report come from three sources. Throughout the report we note the sources of information.

Demographic and case record data about juveniles in the adult jail were compiled from the District's integrated justice information system JUSTIS and provided by the Department of Corrections and Department of Youth Rehabilitation Services. At the time this data was collected, information was available for 173 recorded

admissions to the DC Jail between May 6, 2005 and October 28, 2007.

Youth Interviews were conducted by DYRS staff on April 1, 2008 with four youth housed at the DC jail. In these interviews, youth were asked to assess service provision across a number of domains. Participation in the study was voluntary, and DYRS interviewed all youth who were available, accessible, and who volunteered to participate on the day that the interviewers visited the jail. Interviews were conducted in a private setting within the DC Jail and were anonymous. The interview questions were based on a protocol used for a prior study of incarcerated youth from another jurisdiction.

We should note that the results of interviews with four youth are not necessarily representative of all youth who are or have been incarcerated in the DC Jail. While it does not capture the sentiments of all youth housed at the jail, this information provides some insight into the youth perspective and presents their voices. A summary of their responses is included in this report.

Staff and Administration Interviews also provided important perspectives. The DOC and DYRS staff and administrators were either interviewed individually or asked to provide information in group meetings.

Administration of Youth in Custody at the Adult Jail

In compliance with American Correctional Association (ACA) standards and Office on Juvenile Justice and Delinquency Prevention (OJJDP) guidelines, all male youths are housed on a juvenile unit that is separated from adults at the Central Detention Facility.¹ All activities (e.g., religious services, education) take place within the self-contained unit; male juveniles do not mix with the general adult population.

A minimum of three corrections officers are on duty at all times for the average daily population of 27 juveniles. During school hours, a fourth corrections officer is assigned to the juvenile unit. Jail staff members has been trained by DYRS staff on the management of juvenile populations.

¹ The small numbers of female youth are housed together with adult females in the Central Treatment Facility. See gender discussion below.

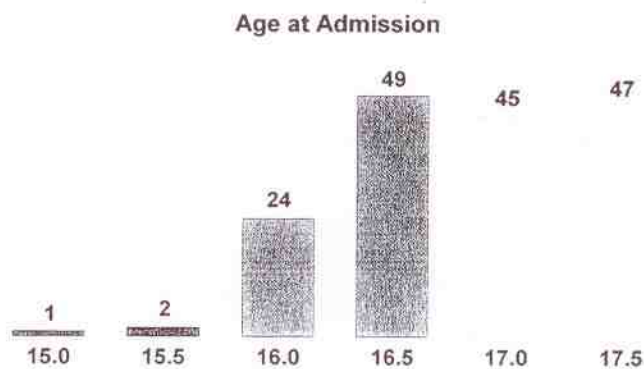
Two case managers work with youth in the juvenile unit. A liaison from the DOC Director's office is assigned to the juvenile unit and provides regular briefings to the Director on activities and issues on the unit.

Descriptive Data on Youth in the Adult Jail

A descriptive analysis was completed on all available DOC and DYRS records. At the time this data was collected, information was available for 173 recorded admissions to the DC Jail between May 6, 2005 and October 28, 2007. Records indicated that 15 youth (9%) were admitted in 2005, 93 youth (54%) in 2006, and 65 youth (38%) in 2007.

Demographic Characteristics

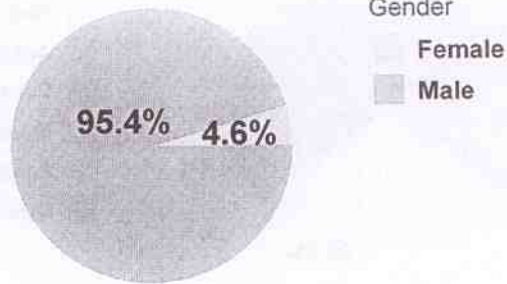
Age. The average age at admission was 17.1 years, with admitted youth ranging from 15 to 17 years of age². Once a youth in the juvenile unit reaches his 18th birthday, he is transferred to an adult unit.



Gender. Ninety-five percent of youth were male. Only 8 cases (5%) involved a female offender. Because there are generally only one or two juvenile females in the adult jail at any time, DOC policy is to house them separately within the adult female unit and to provide them with separate services. When the adult female inmates transferred to the Correctional Treatment Facility, the female juvenile inmates followed.

² According to DOC data, 1 youth was 19 years old and 2 youth were 18 years old upon admission to the jail. These records are excluded from the accompanying age at admission chart, but included in other data in the report.

Gender of Youth in Adult Jail



Race/Ethnicity. Ninety-nine percent of youth were African American; 2 youth (1%) were identified as Latino.

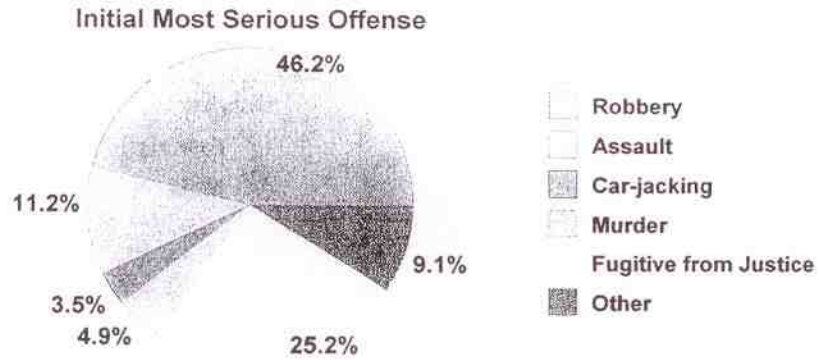
Demographics by Year of Admission

Year	Number of Youth	Average Age at Admission (years)	Gender (% male)	Race (% African American)
2005	15	17.2	87%	100%
2006	93	17.1	95%	100%
2007	65	16.9	99%	97% ³

Initial Most Serious Offense

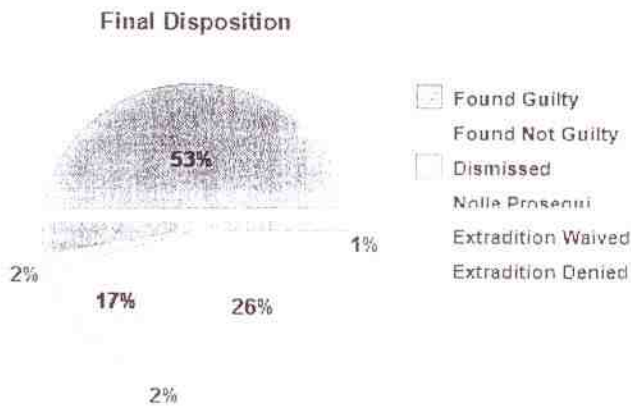
Using data obtained from the JUSTIS system and the Department of Corrections database, the initial most serious offense charged was robbery for close of half of the youth; the great majority of these were armed robberies.

³ In 2007, two youth (3%) were classified as Latino. While the categories African American and Latino are not mutually exclusive, the available data classifies them as such.



Disposition

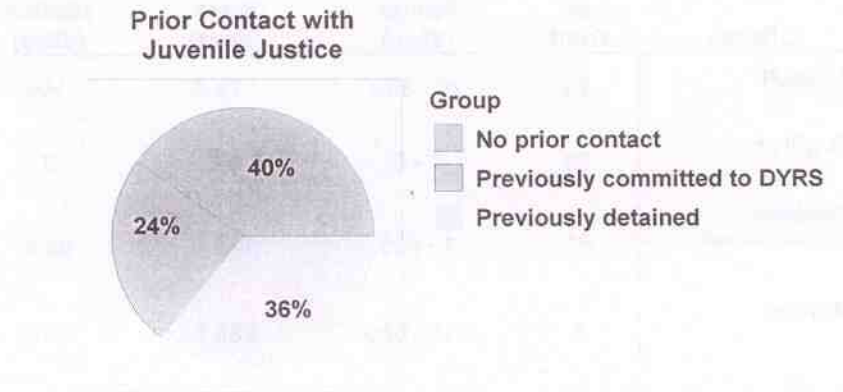
For 32 cases the disposition information was unavailable; for 13 cases it was not applicable because the youth were pretrial. Sixty-seven of the remaining 128 cases involved a finding of guilt; 65 of those youth pleaded guilty and 2 were found guilty by a jury.



Prior Involvement with the Juvenile Justice System

The records of the youth at the DC Jail were checked against DYRS's systems to determine whether any of the youth had previously been under the care of DYRS. Sixty percent of youth (104 cases) had contact with the juvenile justice system prior to being

committed to the DOC. Of the total number of youth in this study, 24% (42 youth) had been previously committed to DYRS. Another 36% (62 youth) had been previously detained.⁴



Length of Stay

As shown in the tables below, the length of stay for youth in our sample ranged from 1 day to 680 days. The mean, or average, length of stay was 106 days. The median length of stay was 49 days, which indicates that fifty percent of youth stayed 49 days or longer.

Length of Stay by Year of Admission

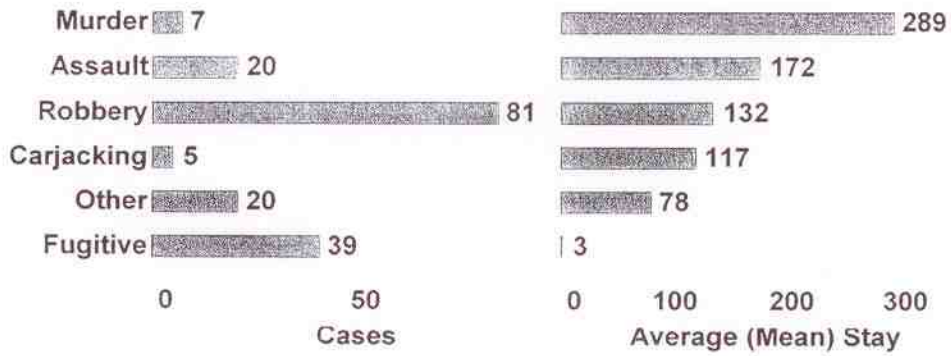
Year	Number of Youth	Range (days)	Mean (days)	Median (days)
2005	15	31 - 616	246	175
2006	93	1 - 680	92	7
2007	65	1 - 291	95	69

⁴ This report did not ascertain how many youth had previously been arrested/convicted and placed on probation (i.e. placed under the supervision of Court Social Services) but not detained.

Length of Stay by Offense Type

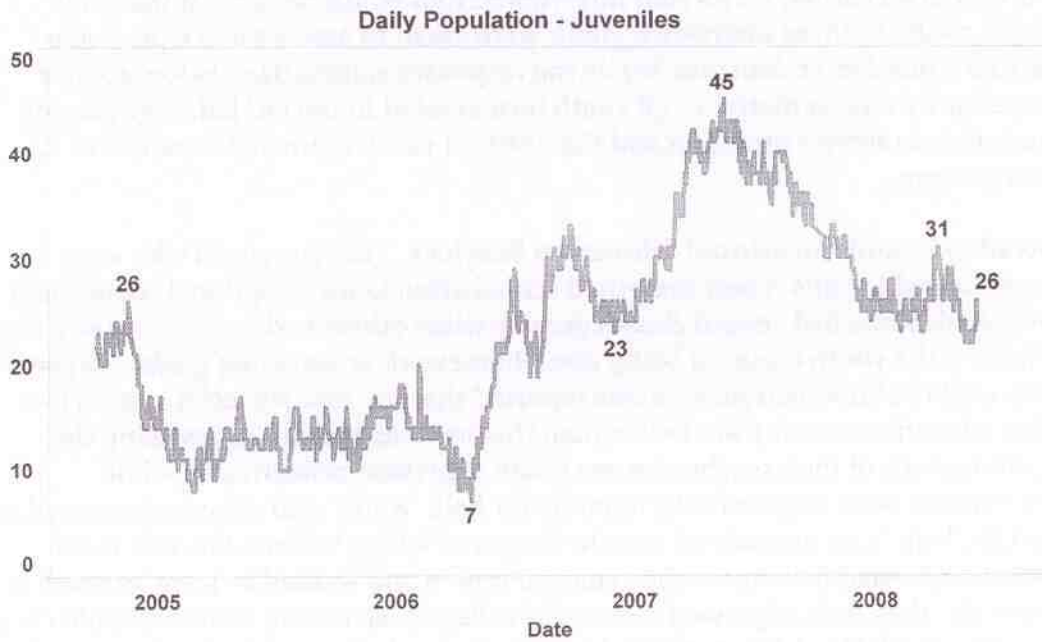
Offense	Number of Youth	Range (days)	Mean (days)	Median (days)
Assault	20	20 - 390	172.4	158
Fugitive	39	1 - 5	2.6	2
Robbery (Including Armed)	81	1 - 616	132.1	92.5
Murder	7	116 - 680	288.7	160
Carjacking	5	3 - 241	117.2	140
Other	20	3 - 271	77.8	38

Length of Stay by Offense



Average Daily Population

DOC reports that the Average Daily Population in Fiscal Year 2007 was 34 juveniles⁵. Since that time, the daily population of juveniles has dropped, and was at 26 on June 10, 2008.



⁵ DC Department of Corrections Facts and Figures, April 2008.

Provision of Services to Youth in the Adult Jail

Interviews with Youth

As described earlier, DYRS staff interviewed four youth residing at the jail in April 2008. In these interviews, youth were asked to assess service provision across a number of domains. While the responses summarized below are not necessarily representative of all youth incarcerated in the DC Jail, they provide insight into service provision and the needs of youth at the jail from their perspective.

Academic and Vocational Education Services. The four youth who were interviewed for this report presented school attendance as optional rather than required. Some had several classes per day while others had only two or so a day. None of the youth reported being given homework or receiving grades. Regarding the quality of instruction, students reported that the new NovaNet system (on-line education system) was better than the previous system. In assessing the performance of their teachers, some youth expressed concern that while instructors were responsive to requests for help, youth who were embarrassed to ask for help from instructors were in danger of falling behind. Overall, most youth expressed how much they enjoyed school and wanted to learn as much as possible; they even expressed interest in college preparatory courses should they become available. A few expressed a desire to be challenged further but noted there were no opportunities for additional learning outside of the curriculum. While youth did have access to creative writing and other education-related recreational activities at the time of the interviews, there were no vocational education programs offered to youth at the jail.

Mental Health Services. The four interviewed youth were queried about access to services for the drug and alcohol treatment, individual psychological and psychiatric treatment, group therapy, family-based treatment, on-unit treatment for mental health or emotional problems, and anger management training. Overall, youth had a fairly positive assessment of mental health services at the jail among those who had received them. Responses were split on the topic of whether youth who felt they needed psychological or psychiatric treatment did receive it, but those who were in treatment said that their weekly sessions were helpful. Responses were similarly mixed in the topic of mental health treatment on the unit, with some youth giving positive ratings and others expressing dissatisfaction with the effectiveness or availability of treatment. None of the youth interviewed were involved in or felt they would benefit from substance abuse treatment, nor did they express a desire for group therapy. Youth did

express interest in anger management or social skills training, and in family-based therapy.

Religious Services. Some youth expressed interest in attending religious services but indicated that none were offered. It is not clear from the interview data, but possible that these youth were affiliated with a church or religious organization for which services are not offered, or wished to have a designated place of practice or worship outside of the living unit. Protestant and Islamic services are offered on a weekly basis; however, these are provided on the unit to prevent youth from mixing with adult inmates.

Activities and Privileges. Of the four youth interviewed, most reported having free time much of the day. All reported being confined to their rooms for several hours a day, though they also reported being allowed to have books in their rooms. Youth also reported frequent contact with family members. In general, family members visited these youth at least once a week and youth had the opportunity to call home at least once per day. Most youth reported seeing their attorneys once every few months.

Safety Issues. The youth expressed mixed opinions about safety. In the interviews, some youth appeared to feel generally comfortable while others felt less safe. It is unclear whether this fear is of inmates or staff – responses were inconsistent. Some youth felt there was an adult in the jail they could speak to if they needed information or advice. Most said there was an adult they could speak to if they were having trouble.

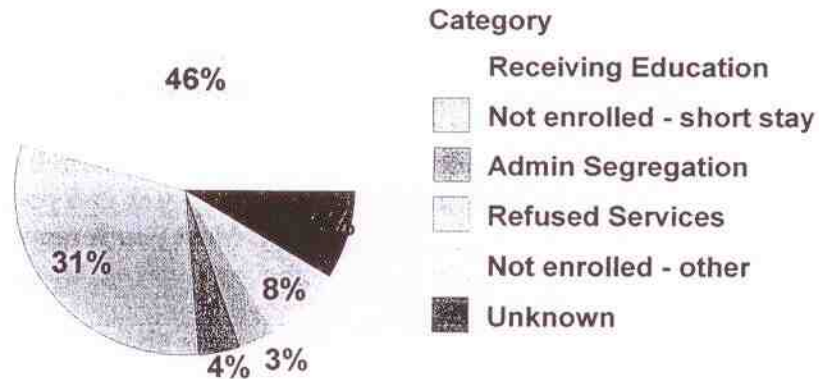
Educational Service Needs

The available database records from 2005 to 2007 only included information on whether educational services were being provided. Records indicate that 79 of the 173 youth (46%) attended school at the DC Jail. Information is unavailable for 10 youth.

Of the youth who were *not* attending school, the most common reason was that youth were not in custody long enough for school assessment and enrollment. This was the case for 67% of our sample. Among these youth, the length of time in custody ranged from 1 to 19 days and the average was 3.7 days. As illustrated on the figure below, 8.9% were on Administrative Segregation and unable to participate, 7.7% refused services and 6.3% were enrolled until transfer. The remaining 8% of youth did not participate because they were in protective custody (2.6%), had completed the Test of Adult Basic Education (TABE) (2.6%), were enrolled until released (2.6%), were awaiting a records request (1.3%) or had received a

GED while in federal custody (1.3%). It should be noted that when youth are unable to attend classes due to placement on Administrative Segregation or Protective Custody, they are provided with educational material while confined to their cells.

Education Program Participation



Education Offerings

The DC Jail Incarcerated Youth Program has undergone a number of improvements and changes in the past year. The educational program promotes the academic and social competence of the students to ensure that they reenter the community better prepared to assume roles as students, workers, and citizens. The Individuals with Disabilities Education Act (IDEA) is one vehicle that ensures that educational programs for detained and committed youth meet the needs of incarcerated juveniles.

Upon entry into the system the inmates are taken through an intake process. This process consists of the inmates being evaluated to assess their level of academic competence and ensure that they meet standards for immunization and other health examinations necessary for all school age children. They are then checked in the DC school system electronic databases (Encore and DC Stars) to identify services that will be required. This procedure allows the educational program to better address the needs of the student, whether they require general education or special

educational services. Along with this process the facility has a folder documentation system that allows the program to track student progress and document needs of the students, for example reoccurring IEP meetings, parental consent and transition plans for each student.

As of this Spring, the Incarcerated Youth Program has developed a full functioning school system, providing all DCPS requirements (including physical education), with the exception of the electives, art, music and foreign language, including a full staff complete with special education instructors. Additional staff members with professional backgrounds in special education and reading instruction have been identified to provide support and ABE/GED (Adult Basic Education/General Education Diploma) instruction. The student inmates get basic educational courses through direct instruction as well as other additional Carnegie Units necessary through NovaNet; NovaNet being a computer based instructional system. Recently, however, the students have been given a choice of whether they would want to continue on the Carnegie Unit tract or take ABE/GED requirements instead. The majority of students have chosen the ABE/GED tract. At present, 22 of the 24 students housed in the Incarcerated Youth Program have chosen to pursue ABE/GED.

The ABE/GED is an academic program which consists of two phases. The first phase focuses on the development of prescribed basic adult literacy skills in the following areas: reading (spelling, grammar, comprehension and written language) and mathematics (computation and applied mathematics). Student progression is measured by the Tests of Adult Basic Education (TABE). Students will be consistently evaluated 90-120 days. Adult Basic Literacy is achieved by the student scoring at a 6th grade level or better on the TABE.

Once the students have achieved the necessary grade level scores they will move onto the second phase of Pre-GED instruction which will develop skills and cultivate the content area knowledge necessary to take the GED examination. In order to demonstrate readiness to take the GED examination each student must take the Pre-GED examination and earn an average score of 450 across all subject areas. The GED focuses on 5 content areas: reading, written language (grammar and essay), mathematics (computation and applied), science and social studies. The successful completion of the ABE/GED program is generally accepted as equivalent to a high school diploma. Also, currently, the program is contracting with

an outside company to provide vocational services to the inmates, particularly graphic arts.

The District's progress in expanding educational services for youth over the past year was accelerated by the Mayor's takeover of the educational system, and guided in large part by requirements of the *J.C. vs Vance* settlement agreement. In 2003, plaintiffs argued that the District was not providing special education services to incarcerated youths, as required by IDEA. At the time, while preliminary discussions of such a program had begun, there was in fact no operating program in place. In the December 2005 settlement of the case, the parties agreed on a multi-step process in which the District would develop and implement a special education program for incarcerated youth that satisfied IDEA requirements. This program would be monitored by the plaintiffs with the current deadline for satisfactory completion December 2008.

In the development of the program, and in its evaluation by the District's expert consultant, specific implementing steps and progress have generally been related to six basic areas: space allocation, staffing, educational resource materials, curriculum and instruction scheduling, a behavior modification plan, and implementing data management. As described above, DCPS has made significant progress in all of these areas in partnership with DOC.

Several non-profit groups also provide education and literacy services to youth at the DC jail. The Free Minds Book Club runs a literacy program and educational preparation for re-entry. The Books to Prisons Project provides reading materials and resources for the Juvenile Leisure Library.

Mental Health Services

The DOC staff report that, upon entering the unit, youth spend a day or so in the intake process. The case manager assigned to the juvenile unit conducts an assessment of the youth's current status (including mental health), obtains emergency contact information, and makes sure the youth understands why they are here. The juvenile unit uses the same classification system as the adults. After that intake period, the juvenile is integrated into the youth population on the unit. In its efforts to develop services and programs provided to youth, the Department of Corrections

recognized that additional resources should be devoted to case management. A second case manager was added to the juvenile unit on July 8, 2008.

Behavior management is a challenge with the youth population. Staff indicates that youth today are more violent and uncontrollable than youth in the past. Staff report that the youth tend to act out more and often fail to show respect for authority. In part to respond to this variation in behavior, jail staff have obtained special training from DYRS staff at the Oak Hill Youth Center on working with juveniles. Additional training is being scheduled for all staff with direct contact (juveniles) by DC Children and Youth Investment Trust (CYITC).

The jail staff has implemented a behavioral management strategy to assist in maintaining order and discipline. A Town Hall meeting with the youth took place on July 8, 2008 to introduce the concept and staff to the juveniles. Full implementation of the program will be complete by July 14, 2008. Staff believes that making contact visits available with family could also help improve youth behavior.

According to staff, youth do have access to some mental health resources but could benefit from additional youth-specific intensive therapeutic services, particularly if provided by a mental health specialist specifically trained for, and assigned to, the juveniles in the jail. In response, UNITY Health Care, Inc. assigned a Mental Health clinician and adolescent counselor to service the juveniles housing unit starting June 3, 2008. Both providers make rounds of the unit and follow up on designated case referral as appropriate.

The DOC reports that juveniles have access to Moral Reconciliation Therapy, also known as the Life Skills Program. They have also asked the Peaceoholics, a non-profit community group, to provide mediation and violence prevention services. Youth and Families in Crises provide contractual services that focus on reconditioning the criminal mindset to one of positive behavior using a Restorative Justice model. The DOC also contracts with the Institute for Behavior Change and Research to provide anger and stress management services.

Religious Services

The Department of Corrections considers availability of religious services a priority and offers Protestant and Islamic services on a

weekly basis. Because of the DOC's policy to ensure that youth are kept separate from adult inmates, religious services for youth are provided on the unit whereas adult inmates go to a central location for services.

Activities and Privileges

Perhaps the greatest need is for space to provide additional programs. Staff indicated that youth need to be engaged in activities throughout the day and evening and require a lot of hands-on involvement. For example, DOC staff reported that youth typically receive daily indoor recreation from 12-1 pm and outdoor recreation three times per week. However, the recreation specialist on staff was only available until 4pm, meaning that youth were unable to engage in recreation activities after school. Additional recreation activities for the late afternoon are not possible without a recreation specialist on duty. Moreover, staff said that access to some kind of recreation field for sports would be helpful. A revised recreation schedule is in development and will be implemented in the July 2008.

Several other opportunities are available or in the planning stages. A chess program, educational programs on DVD, and creative art instruction from the Lorton Art Project are all available to youth. DOC is currently finalizing intern assignments and schedules with Georgetown University Law students to provide a Street Law program. DOC is also in negotiations to implement Stock Market Games for the juvenile population. Staff indicate a number of people in the community are interested in working with the youth but they would like to see more services and programs available, including additional mentors and volunteers. Volunteer male groups for mentoring purposes are being identified to develop a comprehensive schedule of activities for the juveniles in the afternoon and weekends.

Other Research on Needs of Youth in Adult Jail

Each year, over 10,000 juveniles are incarcerated in adult facilities nationwide. Research suggests that youth who are transferred and convicted within the adult criminal system spend a significant amount of time in jail and/or prison. In fact, although adults and juveniles face similar odds of conviction and incarceration, juveniles are more likely than adults to spend their sentenced time in prison. These young offenders present unique challenges to the adult criminal justice system, a system that was neither designed for nor equipped to handle their specific needs. In general, adult facilities often lack the resources to appropriately address juveniles' physical health, mental health, and educational needs.

Social science research indicates that juveniles and adults express concerns about fear and safety in correctional facilities. Juveniles incarcerated in juvenile institution express safety concerns just as those who are held in adult facilities. However, it is well-documented that juveniles in adult jails are at greater risk for victimization, self-inflicted harm, and suicide than either adults or young offenders in juvenile facilities.

The programmatic, staffing and environmental changes that DOC has implemented over the past year are in large part due to the recognition that managing youth in adult jail requires developmentally appropriate programming and rehabilitative services, staff that are specially trained to manage youth, and appropriate educational, medical and mental health services.

Despite the District's best efforts to address the needs of youth in their care, the reality is that juvenile offenders who are housed within adult facilities face poorer outcomes than those who are processed in the juvenile system. Research has shown that juveniles who serve time in adult facilities are more likely to re-offend upon release than both adults and their same-aged peers housed in juvenile detention facilities. In addition, there is evidence that the criminal culture of adult institutions may socialize juveniles who would likely exit their delinquent trajectory into hardened career criminals.

Options for Housing and Serving This Youth Population

The Council requested that we examine the short- and long- term benefits, costs and feasibility of serving youth at DYRS instead of DOC. In response, this section outlines that option and several alternative housing options for youth charged as adults.

Housing youth at DYRS

Youth who have been charged under Title 16 and transferred to the adult system are considered to be adults under the law (see § 16-2301(3), which excludes from the definition of child or youth any person between ages 16 and 18 charged by the US attorney with violent crimes). Therefore, they cannot be housed at a DYRS facility, or housed together with juveniles under DYRS custody, since DYRS's jurisdiction extends only to youth. Since it is not feasible for the District to house youth being tried as adults in a DYRS facility, DOC and DYRS have identified two feasible alternatives, and the estimated costs for both options are illustrated below.

Having DYRS assume staffing responsibility for this population at the DC Jail or Treatment Facility

While current law requires that youth being tried as adults must be housed in an adult facility, there is no prohibition against using the services of DYRS staff. In fact, assigning DYRS staff to the adult facility where youth are housed may further enhance the quality of services for youth in DOC custody. Due to the training requirements for correctional officers in a jail environment, it is likely that such an arrangement would require some ongoing DOC presence. The estimated cost of this option is based on current staffing levels at DYRS facilities, and assumes that DYRS would provide a full range of services to the youth, including education, health, and mental health.

Constructing a new facility to house young offenders

While transferring youth to a DYRS facility is not an option at this time, DOC does have the ability to house youth at a facility other than CDF or CTF. Establishing a facility that would house exclusively youth being tried as adults would allow developmentally appropriate programs and services, mitigate the risks of exposing youth to an adult correctional environment, and provide adequate security. A stand-alone facility also has the potential to offer a wider variety of housing arrangements and security levels so that custody is individualized to a greater extent than is possible when all youth are housed on one living unit.

Because of the small number of youth being tried as adults, a stand-alone facility would be very costly to operate. This option may be more feasible if this housing option were available to some young adult offenders—for example, those aged 22 and younger who are eligible for educational services and who may benefit from services tailored to younger audiences. To staff this facility, the DOC may draw from both its own pool and that of DYRS; however, the estimated operations costs below are based on current DYRS staffing.

Construction costs are estimated based on the new DYRS facility nearing completion on the Laurel campus. Non-personal Services are estimated using current costs as well as projections for increased educational, recreational and vocational services for youth. These are just initial estimates which would require significant refinement if either of these options were selected.

Scenario	Category	Estimated Cost in Millions		
		40 Youth	30 Youth	20 Youth
Construct and Operate New Facility	<i>Construction Expenses</i>	27.5	24.2	24.1
	<i>Operating Estimate</i>	12.4	9.5	6.6
Staff DOC Jail facility with DYRS Employees	<i>Operating Estimate</i>	10.3	8.2	5.9