

TESTIMONY

by

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to the

**COUNCIL OF THE DISTRICT OF COLUMBIA,
COMMITTEE ON HUMAN SERVICES**
on
The Washington, DC Department of Youth Rehabilitation Services

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**John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Council Chambers, Room 500**

Good morning Mr. Chairman and Members of the Council:

Thank you for the opportunity to speak today about juvenile justice in the District of Columbia over the past five and half years, particularly as it relates to the Department of Youth Rehabilitation Services (DYRS) and the recent criticisms of that department.

I live and work in New York City now, but from 1997 to 2005 I lived in the District of Columbia and worked at the Urban Institute, where I had occasion to study local youth crime, to write a report about it, and to testify before the Council once previously.²

I also continue to work on youth crime issues in the District. I recently advised the Vera Institute of Justice on their project to develop performance indicators for DYRS, and I am currently a member of the research advisory group for the District of Columbia Crime Policy Institute, managed by the Urban Institute and the Brookings Institution.³

Based on my experience, I can attest to how ineffective the District's juvenile justice system once was, but I can also assure you that it has greatly improved.

¹ Views expressed are the author's and do not necessarily reflect those of the City University of New York, the John Jay College of Criminal Justice, or any other sponsor or partner in his work.

² Butts, J.A. (2003). *Juvenile Crime in Washington, D.C.* Washington, DC: Urban Institute (<http://www.urban.org/url.cfm?ID=310910>). Also see testimony by Jeffrey A. Butts to the Council of the District of Columbia, Committee on the Judiciary and Committee on Human Services, January 31, 2005 (<http://www.urban.org/publications/900679.html>).

³ See <http://www.dccrimepolicy.org/index.cfm>.

Reducing youth crime is a complicated business, and I think we all know that it takes more than punishment. If it were possible to stop crime simply by adopting policies that sound tough and by advocating more use of secure confinement, we would have succeeded by now. That strategy has been tried enough times for us to know whether it works. Decades of research tell us that it does not work.

Public safety is best protected when juvenile justice agencies combine efforts to hold youth accountable with creative prevention efforts and with consistent services and positive supports.

The most effective juvenile justice systems offer a broad menu of interventions that are managed collaboratively with law enforcement, social services, schools, employers, and neighborhoods.

This is exactly what DYRS does, which is why the agency is increasingly seen as a model by juvenile justice experts nationwide.

Of course, no juvenile justice system is perfect, including the District's. Interventions are still poorly funded and sometimes delivered inconsistently. Agencies still do not always communicate with one another, and youth can still fall through the cracks in some cases.

Since 2005, however, the system in DC has become more transparent, more accountable, and more effective. I hope these improvements are allowed to continue.

Just 20 years ago, it was hard even to determine how ineffective the D.C. youth justice system was because the agencies making up that system were incapable of generating useful data. It was impossible to know exactly how youth were handled in the system, what happened to them as a result, or even where they were at any given time.

Today, after considerable effort to strengthen the processes for managing information, the citizens of DC know more about how youthful offenders are dealt with by the police, the courts, social services, and DYRS.

DYRS began to turn around in 2005 when the District brought in new, reform-oriented leadership. As the reforms started to take hold, DYRS began to be praised for the creative ways it was beginning to control the soaring costs of inappropriate incarceration in order to free up resources for more cost-effective, community-based supervision and treatment programs.

In 2008, Harvard University's Kennedy School of Government actually listed DYRS as a one of its "top 50" programs for government innovation, an amazing accomplishment considering that just 5 years earlier the agency was on the brink of court-ordered receivership as part of the *Jerry M.* case.

Again, greatly improved does not mean perfect. Serious challenges remain, but the District should confront these challenges without losing sight of its recent progress.

This past summer, the D.C. Office of Attorney General (OAG) investigated some of the ongoing challenges at DYRS. The investigation was an effort to find flaws in the agency and to highlight the public safety risks associated with those problems. Unfortunately, the OAG report largely inflamed rather informed.

The OAG report was widely, and in my view rightly, criticized by public officials and the media. Articles and blog postings at the Washington Post, Washington Examiner, and City Paper, pointed out that the report relied on carefully selected evidence, and even omitted other evidence that did not fit its argument. Rather than being an objective study, the report amounted to an attack on DYRS leadership. Councilmember Wells told one newspaper at the time that the OAG report, "started off with a conclusion."

The report was not an objective investigation. It was an exposé, designed to raise concern among District officials. Clearly, it succeeded.

When judged by the standards of research, the OAG report had significant flaws. Some of its most critical findings were based on fewer than 20 cases in which young people under the supervision of DYRS committed serious crimes, including assault and homicide. With over 900 young people under DYRS supervision at the time, these few cases were hardly representative.

Investigating a small number of terrible cases could be useful for identifying problems and improving agency performance, but it is not an appropriate technique for assessing DYRS overall.

To assess recidivism, the OAG looked at the records of 79 youth. The report did not explain exactly why these 79 youth were selected, and it did not suggest how or to what extent their cases could be used to generalize about DYRS operations.

Again, reviewing 79 cases could be appropriate for some purposes, but it is not sufficient for judging the effectiveness of an entire agency.

The key question about effectiveness is not, “what happened with a select number of youth who recidivated?” The key question is, “how effectively does DYRS protect the public, and how does it compare with before?” By that standard, the past 5 years of reform at DYRS have been a success.

An analysis of recent DYRS data shows:

- **Reduced re-offending.** DYRS saw improvements in its recidivism rate, with a drop from 31 percent to 25 percent (measured by a conviction for an adult or juvenile offense in DC within one year after returning to the community).
- **Fewer absconders:** The rate of absconders (DYRS youth whose whereabouts are unknown) has fallen as reforms have been implemented, from 26 percent of youth supervised in the community to just 7 percent in 2010.
- **Serious offenders held longer:** DYRS is holding young people charged with the most serious offenses longer than before, an average of 7 to 12 months now compared with 2 ½ months before.
- **Fewer escapes:** In 2002, under the Youth Services Administration (the predecessor agency to DYRS), one out of every six young people escaped from Oak Hill. In a one year period from 1988 to 1989, 319 youth escaped from the facility and Cedar Knoll. Escapes from Oak Hill were once so frequent that MPD felt compelled to keep a car stationed outside of the facility to catch escapees. There have been **no escapes this year**, and none from YSC since the facility was opened in late 2004.
- **More accurate and timely information:** DYRS operations are now supported by “YouthStat,” built on the innovative “CompStat” model developed by the New York Police Department. The Director meets each month with Executive Team members to review key performance data collected by DYRS’ Office of Quality Assurance. When YouthStat started, the agency was able to track 43 indicators, and found performance at acceptable levels in only 19 of them, or 39 percent. Currently, DYRS tracks 211 indicators on a month-to-month basis, and the agency is performing at or above the performance standard in 167, or 79 percent.

Again, while DYRS has become more effective, there is still work to be done. In pointing out problems with the OAG report, I'm not suggesting that it was wholly without merit. It is always useful to investigate the worst cases in a juvenile justice system. The OAG report highlighted serious challenges at DYRS and pointed to the public safety consequences of inaction.

The main problem with the report is how it was used by a few public officials and by some in the media. The report was brandished as a weapon by those seeking a change in leadership at DYRS. A rather narrow report about what went wrong in selected cases was mischaracterized as an evaluation of agency practice.

The recommendations presented in the report also went far beyond the information in the report itself. There were some recommendations worth looking at—and I understand that staff members at DYRS are in the process of doing so. These include, validating the organizations Structured Decision-Making risk assessment instrument, a deeper recidivism study, and targeted programs and interventions for those youth at highest risk of having a negative outcomes. But there isn't a clear line between the information contained in the report and its own recommendations, including the recommendations on confidentiality and the need for more secure beds—those two issues are worth discussing, but they were not investigated in the report itself.

The OAG report also seemed to imply that its harsh judgments were justified by a rising rate of juvenile crime in the District. Yet, Metropolitan Police Department figures show that juvenile arrests are actually down. Compared with the same period in 2009, juvenile arrests in D.C. dropped two percent during the first six months of 2010. Certainly, some neighborhoods continue to experience unacceptable levels of crime, but recent trends are flat, not increasing.

The OAG report should not be used as an excuse to abandon the District's approach to youth justice—an approach that is backed by research and increasingly admired by juvenile justice experts across the country.

Members of the Council and other policymakers should be applauded for supporting the past five years of reform at DYRS. I hope this support continues.

If the Council still harbors doubts about DYRS operations, I would recommend that you undertake a serious investigation. Ask qualified, independent experts to review the agency and to assess whether it is serving the public well.

The report from the OAG was an effective piece of advocacy, but it was not an evaluation. It was not research. It was not even a managerial audit. It should not be used to make future decisions about policy and practice at DYRS.

Thank you for your time and I'd be happy to answer your questions and to discuss my testimony further.