

REVIEW OF DEFICIENCIES AT THE DISTRICT OF COLUMBIA'S YOUTH SERVICES ADMINISTRATION

HEARING BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE ONE HUNDRED EIGHTH CONGRESS SECOND SESSION

SPECIAL HEARING
MARCH 30, 2004—WASHINGTON, DC

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REVIEW OF DEFICIENCIES AT THE DISTRICT OF COLUMBIA'S YOUTH SERVICES ADMINIS- TRATION

TUESDAY, MARCH 30, 2004

U.S. SENATE,
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA,
COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:35 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.
Present: Senators DeWine and Landrieu.

**STATEMENT OF AUSTIN ANDERSON, INTERIM INSPECTOR GENERAL,
OFFICE OF THE INSPECTOR GENERAL, DISTRICT OF COLUMBIA**

ACCOMPANIED BY:

**ALVIN WRIGHT, JR., ASSISTANT INSPECTOR GENERAL FOR IN-
SPECTIONS, OFFICE OF THE INSPECTOR GENERAL, DISTRICT OF
COLUMBIA**

**ROBERT ISOM, DEPUTY ASSISTANT INSPECTOR GENERAL FOR IN-
SPECTIONS, OFFICE OF THE INSPECTOR GENERAL, DISTRICT OF
COLUMBIA**

**LAWRENCE PERRY, DIRECTOR OF PLANNING AND INSPECTIONS,
OFFICE OF THE INSPECTOR GENERAL, DISTRICT OF COLUMBIA**

OPENING STATEMENT OF SENATOR MIKE DE WINE

Senator DEWINE. Good morning. The hearing will come to order. Today, we will review the District of Columbia's Youth Service Administration, the agency charged with overseeing committed juvenile offenders, as well as detained juveniles at its Oak Hill Juvenile Detention facility in Laurel, Maryland.

This morning, the interim Inspector General for the District will release his comprehensive report on the Youth Services Administration's Oak Hill facility. After reviewing an embargoed version of this report, I must say that I am shocked by what I have seen. I also must say that I am outraged, and I think the public will be outraged once they know about this.

In a moment, we will hear details from our witnesses, but I would like to mention some of the more unbelievable details of this report, and some of the deficiencies which are outlined therein.

First, the illegal drugs, such as marijuana and PCP are regularly—regularly smuggled into the Oak Hill Youth Detention Center. In fact, in some cases, youth correction officers are the source of these illegal substances.

Second, substance abuse treatment contractors have refused to renew contracts, because Oak Hill is simply unable to stop drugs coming into the facilities. This means that sadly there are no drug treatment services today at Oak Hill. No services in this facility at all.

No. 3, youths entering Oak Hill, who come in drug free, then start taking drugs once they are inside the facilities. Let me repeat that. Youths that come into the facilities, into this facility, who are drug free coming in, then become drug dependent once they go in—once they are in.

No. 4, the Youth Services Administration has wasted millions of dollars, according to this report, on contractors who have not provided any meaningful services or deliverables.

Later, the Director of the Public Defenders Service in the District will testify that the Youth Services Administration has failed to protect youths from harm. For example, last year, a 12-year-old held at Oak Hill as an overnigher, and not accused of any crime, was placed in a room with two other children. This 12-year-old was sexually assaulted by one of the other youths.

Several months later, a 13-year-old was arrested and held at Oak Hill waiting for a shelter house space, simply for a shelter house space. The 13-year-old was placed in a room with the same child who committed the prior sexual assault. Not surprisingly, yet another sexual incident occurred.

Now, I understand that this practice of assigning more than one child to a room has lead to the commingling of status offenders, simply children who are runaways or who are truants, and placing them together with delinquent youths, as well as detained, and youths who have been committed youths.

These practices, for example, lead to a child detained as a truant and a runaway being housed in the same room as a youth detained on charges of negligent homicide. Now, that is simply not right. It simply is not good for these children.

Amazingly, these are only the latest in a long list of deficiencies with the Youth Services Administration that stretch back at least 19 years. Indeed, it was 19 years ago this month that the Public Defender's Service filed a complaint against the District for failure to protect youth under its custody. Year, after year, after year, the City has fallen short of the court's *Jerry M.* decree, and is now facing the prospect of being taken over by a court receiver.

Equally amazing is that it costs \$245 per day to house a youth at Oak Hill. That amounts to a staggering \$89,425 per year, \$89,425 to place a child in a dangerous setting with 177 other juvenile offenders, who all have access to illicit drugs, and no drug treatment programs. There is something terribly wrong with that picture.

We have worked to enact and fund the District of Columbia Family Court Reform Act through this subcommittee. Senator Landrieu and I have worked on that. We have worked to develop and fund a foster care initiative in the District, because we believe it is our moral duty to protect and care for children who have been abused and neglected.

I understand that many children who are in foster care group homes run away because they are being victimized by other youths

in the same home. Once these children run away or are truant from school, they become delinquents, and are often sent to Oak Hill. So neglected youths who are failed by a broken foster care system now find themselves locked up and labeled juvenile delinquents. The societal sympathy for these youths immediately plummets, because now they are predators rather than victims.

This hearing should shed a disinfecting light on the problems with the City's Youth Services Administration. I expect to see an urgent and comprehensive plan to correct these many deficiencies. We have waited 19 years for improvements, and we must not wait another year, and wait for more kids to be victimized before something changes.

PREPARED STATEMENTS

Because of the many findings, and the Inspector General's report, we are going to allow Mr. Anderson a few more minutes to present his testimony. We look forward, Mr. Anderson, to that testimony. As usual, the remaining witnesses will be limited to 5 minutes for their oral remarks, in order to leave time for questions and answers. Copies of all written statements will be placed in the record in their entirety.

[The statements follow:]

PREPARED STATEMENT OF SENATOR MIKE DEWINE

Good morning. This hearing will come to order. Today, we will review the District of Columbia's Youth Services Administration—the agency charged with overseeing committed juvenile offenders, as well as detained juveniles at its Oak Hill juvenile detention facility in Laurel, Maryland.

This morning, the Interim Inspector General for the District will release his comprehensive report on the Youth Services Administration's Oak Hill facility. After reviewing an embargoed version of this report, I am shocked and outraged at the conditions at this facility. In a moment, we will hear details from our witnesses, but I would like to mention some of the more egregious deficiencies:

- Illegal drugs, such as marijuana and PCP, are regularly smuggled into the Oak Hill Youth Detention Center. In some cases, Youth Correctional Officers are the source of some of the illegal substances;
- Substance abuse treatment contractors have refused to renew contracts because Oak Hill is unable to stop the influx of drugs. That means there are no drug treatment services at Oak Hill;
- Youths entering Oak Hill drug-free start taking drugs inside the facility because they have access to drugs; and
- The Youth Services Administration has wasted millions of dollars on contractors who have not provided any meaningful deliverables.

Later, the Director of the Public Defender Service in the District will testify that the Youth Services Administration has failed to protect youths from harm. For example, last year a 12-year-old—held at Oak Hill as an overnighter and not accused of any crime—was placed in a room with two other children. The 12-year-old was sexually assaulted by one of the other youths. Several months later, a 13-year-old was arrested and held at Oak Hill waiting for a shelter house space. The 13-year-old was placed in a room with the same child who committed the prior sexual assault. Not surprising, yet another sexual incident occurred.

I understand that this practice of assigning more than one child to a room has led to the commingling of status offenders—kids who are runaways or truants—and delinquent youth, as well as detained and committed youths.

For example, these practices led to a child detained as a truant and a runaway being housed in the same room as a youth detained on charges of negligent homicide! Now that just isn't right, and it just isn't good for these children.

Amazingly, these are only the latest in a long list of deficiencies with the Youth Services Administration that stretch back at least 19 years! Indeed, it was 19 years ago this month that the Public Defender Service filed a complaint against the District for failure to protect youth under its custody. Year after year, the City has fall-

en short of the Court's "Jerry M. Decree," and is now facing the prospect of being taken over by a Court receiver.

Equally amazing is that it costs \$245 per day to house a youth at Oak Hill—that amounts to a staggering \$89,425 per year! \$89,425 to place a child in a dangerous setting with 177 other juvenile offenders who all have access to illicit drugs and no drug treatment programs. There's something terribly wrong with that picture.

I have worked to enact and fund the District of Columbia Family Court Reform Act, and I have worked to develop and fund a Foster Care Initiative in the District, because I believe it is our moral duty to protect and care for children who have been abused and neglected. I understand that many children who are in foster care group homes run away because they are being victimized by other youths in the same home. Once these children run away or are truant from school, they become delinquents and are often sent to Oak Hill. So, neglected youths who are failed by a broken foster care system, now find themselves locked up and labeled juvenile delinquents. The societal sympathy for these youths immediately plummets because now they are perpetrators, rather than victims.

This hearing should shed a disinfecting light on the problems with the City's Youth Services Administration. I expect to see an urgent and comprehensive plan to correct these many deficiencies. We have waited 19 years for improvements—and we must not wait another year and wait for more kids to be victimized before something changes.

Because of the many findings in the Inspector General's Report, I will allow Mr. Andersen 8 minutes to present his testimony. As usual, the remaining witnesses will be limited to 5 minutes for their oral remarks, in order to leave time for questions and answers. Copies of all written statements will be placed in the record in their entirety.

PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

I appreciate your attendance at this hearing today to explore the challenges facing the Youth Services Administration and the juvenile justice system in the District. I am happy to see that the Federal entities which receive direct oversight and funding from this committee are here to share their perspectives and commitment to reform. I would also like to welcome the new City Administrator, a fellow Louisianan, Robert Bobb, and the interim Inspector General Austin Anderson.

What the committee knows about the system is gleaned primarily from the press, as well as oversight and funding for the D.C. Courts and offender supervision agencies which are connected to juvenile justice, but not the primary agency responsible for rehabilitation. The committee has focused on re-entry of adult offenders and the care of children in the abuse and neglect welfare system. Children in crisis and offenders struggling to come back to the District are not unrelated to the unique struggles of youths in the justice system. I believe the committee's previous investigations in this area and Chairman DeWine's and my passion for improving the community we live in can contribute to the reforms we will discuss today. The mission of YSA is a combination of care for child welfare as well as developing solutions to offender re-entry into the community. A youth in the criminal justice system is sure to spend most of their lives, we hope, outside of prison; therefore we must develop the most rigorous best practices to ensure youths receive the skills necessary to be positive members of the community.

The committee learned of the broken system of juvenile detention from the Washington Post series published this summer which exposed many of the security failings at the Oak Hill youth detention center. In addition, the written testimony provided to the committee highlights other issues facing the agency, particularly the lack of accountability in management and operations. However, I am also concerned that the source of juvenile escapes from Oak Hill is not only poor security and poor conditions. There is little evidence of educational and counseling services, nor substance abuse treatment or mental health. The mission of Oak Hill is to rehabilitate youth to come back to their community in a positive and productive manner. The lack of services contributes to the security problem, indicating that youth have nothing to fill their time and little or no rehabilitative services are attempted.

I am interested to hear the justification for YSA rebuilding a receiving home at Mt. Olivet Road that may be much larger than necessary for what is appropriate for intensive youth services. Larger facilities do not work for kids because they are so peer oriented and need individual attention. They have not worked for children in foster care and they are probably even more inappropriate for juvenile offenders where security is paramount. A similar facility was closed in 1995 due to deterior-

rated services. I would like to know the best reasoning for opening a large receiving home.

In addition, it appears that the District places youths in group homes or incarceration with no consideration for the type of crime, needs or social issues facing each individual youth. The city must develop alternatives for non-violent children, services in home (wrap-around services), and ways to address family and social problems rather than resort to detention.

As a life-long advocate for children's rights, education and welfare, with Chairman DeWine, I am committed to bringing the best practices and resources needed to address some of the challenges in the District. I have seen reform in my State of Louisiana develop through community commitment and implementation of best practices. I look forward to a follow-on hearing which will focus on the next steps necessary to implement lasting reform.

I would like to explore the challenges that face the Youth Services Administration, but I would also like to hear from each of you how your agency fits into the overall picture and what needs to be done to improve the system. Considering the varied challenges to rehabilitating youth to re-enter society I would like to ask each of you to discuss your vision for the overall "juvenile justice system", of which the Youth Services Administration, the Public Defender Service, and the Courts are just three pieces. I appreciate your attendance today and I hope we are able to work together in collaboration to develop and implement meaningful reform.

PREPARED STATEMENT OF SENATOR PAUL STRAUSS

Chairman DeWine, Ranking Member Landrieu, and others on this subcommittee, as the elected United States Senator for the District of Columbia, I thank you for your interest in the District of Columbia's Youth Services Administration. I regret that I can not be here in person this morning, but I appreciate the opportunity to submit this statement on behalf of my constituents.

Long before the citizens of the District of Columbia elected me to serve as their United States Senator, my very first job in the District of Columbia government was with the Youth Services Administration under the Department of Human Services. Shortly after the entry of the consent decree, I served as a court liaison officer charged with the responsibility of representing the YSA dispositional position in juvenile hearings. Later on, when I became an attorney, I had the opportunity to represent clients under the jurisdiction of YSA. I have continued to follow developments within the agency, and have found myself frequently dismayed but on occasions, pleasantly surprised with the progress.

Senators, this subcommittee has worked hard to promote the best interests of children in the District of Columbia. Your efforts to fully fund initiatives relevant to the D.C. Family Court, and provide extra resources to those who serve our troubled youth have been commendable, and appreciated by those of us who follow these issues closely. If it is the intention of this subcommittee to use this hearing for the purposes of identifying areas where greater Federal resources should be appropriated, then I applaud your willingness to provide support to an agency which everyone agrees has more than it's fair share of problems. If however, the committee intends to turn back the home-rule clock, or violate the important Constitutional doctrine of the separation of powers by attempting to influence the pending judicial proceedings, I urge you to reconsider your involvement.

Based on my many prior statements presented before this committee, it should come as no surprise that I have been, and continue to be an advocate of the District of Columbia's full Statehood, and as a consequence frequently oppose any Federal intervention into the local affairs of my community. To put it simply, the executive witness who you heard from today, were appointed by, and are accountable to a Mayor, elected by and for the citizens of the District of Columbia. Regardless of who was appearing before you today, my support for the efforts of the Home-Rule government would likely my anticipated position. In this case my support is of a more personal nature.

I would like to go on record as strongly supporting the leadership of the present YSA administrators. For those of us who truly know the players, the selection of Marceline Alexander, and Mark Back are truly inspired and exceptional choices. I have personally had the privilege of working with both of them for over a decade in various capacities. As a lawyer, I have had the chance to litigate with and against, each of them. They are exceptional attorneys of the highest ethical character. Together they combine the vigor of new creative energy with significant and varied experience in District government.

In his fiscal year 2005 budget, the Mayor has proposed a significant increase in funding, in order to hire additional FTE's in the Youth Services Administration, and to conform to *Jerry M.* organizational improvements standards. It is essential for the operations of YSA to not be disrupted, and for the U.S. Senate not to interfere with Ms. Alexander's reform efforts. It is also imperative that this subcommittee provides additional Federal resources to the District agencies that need them.

I am also encouraged by the frankness exhibited by our new City Administrator, Robert Bobb. No one in this government is denying that the Youth Services Administration has had significant problems over the years. In his testimony, here today, and in court, Mr. Bobb acknowledges frankly, the issues documented by the Office of Inspector General that hinder the operations of the Oak Hill Youth Center. I am impressed however that progress is rapidly being made regarding the critical concerns regarding fire safety, security and illegal drug use. Without in any way minimizing the problems associated with this agency, this new team gives me real hope that significant improvements are really underway this time. Ms. Alexander and Mr. Beck are taking concrete steps to see that each deficiency identified by the Office of the Inspector General is being appropriately addressed.

The Youth Services Administration provides a critical and necessary function to the residents of the District of Columbia. Their fundamental role is to transform troubled, misguided, and delinquent youth into constructive and productive members of society through a process of rehabilitation, personal growth, and self-actualization. The staff at the YSA requires every available resource to undertake this challenging task. While every case may not be successful, what positive impacts that the agency has had on reforming youth offenders have been profound. Although deficiencies are often more recognizable than strengths, YSA has had many success stories. It is clear that there is a lot of work to be done and many improvements to be made. I am of course, deeply concerned about the current litigation that is in progress. While I respect the sincerity and intentions of the Plaintiff's advocates, I hope that the legal outcome does not undermine the work of reforming YSA. However, I am confident that with the leadership of Ms. Alexander and the assistance of Mr. Back, this agency will be soon make substantial progress and begin to better serve the troubled children of our city.

In conclusion, I would like to thank the subcommittee for holding this important hearing. I ask that you approve the budget proposals submitted today. I commend Senators DeWine and Landrieu for their continued interest in the fate of our Nation's Capital. Their valuable support has sustained the functioning of our vital institutions. Finally, I would like to thank two members of my legislative staff, Regina Szymanska and Brian Rauer, for their help in preparing this statement. I look forward to further hearings on this topic, and I'm happy to respond to any requests for additional information this subcommittee may have.

PREPARED STATEMENT OF REPRESENTATIVE BENJAMIN L. CARDIN

Mr. Chairman, I rise to bring to the attention of the House an issue that has not received much focus in previous Congresses, but that has recently come into the national spotlight.

In my Congressional District—the Third District of Maryland—I represent 110 District of Columbia residents. They live at the Oak Hill detention center, a maximum security campus in Laurel, Maryland, approximately 30 miles from Washington.

Located on more than 600 acres of Federal land adjacent to the National Security Agency, the facility was originally constructed 50 years ago. Few renovations have been made since then, and the campus is now in a severe state of neglect and disrepair, littered with partially-boarded abandoned buildings that are frequently broken into and set afire.

Roughly half the children at Oak Hill have been convicted of crimes and sentenced to a term there, the other half are detainees awaiting trial. Their average length of stay is slightly more than 8 months.

For years, Oak Hill has been a source of controversy in Maryland. The facility has been the subject of more than 60 judicial orders, millions of dollars in fines, and several dozen monitoring reports.

A 2001 mayoral commission recommended closing Oak Hill and placing youth offenders in a network of residential treatment facilities, community-based group homes and other less restrictive settings. I support the Commission's recommendations, including the closing of Oak Hill. Some progress has been made toward that goal, including beginning construction of a pre-trial holding facility in Northeast

Washington that should reduce by 50 percent the number of children housed at Oak Hill.

July's four-part series in The Washington Post documented a near-complete breakdown of the community-based rehabilitative care system that now exists for the District's youth offenders. The District needs to develop an appropriate community-based system for its juvenile offenders.

In addition, because the District of Columbia has only one residential treatment center, which is plagued by alleged physical and sexual abuse, the city must send many children in need of lengthy treatment out of State. Currently, 400 District children are in residential treatment centers—some as far away as Arizona—at a conservative cost estimate of \$25 million a year. District government officials say they don't know whether this approach is effective, because the city has failed to keep track of these children after they return to Washington.

Mayor Anthony Williams recently acknowledged that his juvenile justice system is in a state of "serious dysfunction," and he has pledged to take corrective action. But he was also quoted as saying, "There hasn't been an embrace, at the agency level, of the issue. There hasn't been the sense of urgency."

I would tell the Mayor that a sense of urgency has existed for some time both in the District of Columbia and in my district in Maryland.

I recently had the opportunity to meet with my colleague, Mrs. Norton, and Deputy Mayor Carolyn Graham, and I subsequently visited Oak Hill.

There I met with Youth Services Administrator Gayle Turner and her staff, and I toured the facility and surrounding grounds. I was impressed with both administrators, their openness and candor, and their willingness to discuss problems facing the District's juvenile justice system, and possible remedies.

As a result of our initial discussions, we were moving in the right direction:

—toward razing the dilapidated structures that are beyond rehabilitation;

—and toward developing proposals to make more cost-effective and more appropriate use of the land.

That is why I am disappointed that both of these administrators have been terminated from their positions in Mayor Williams' administration. Ms. Graham resigned in June, and Ms. Turner was ousted on July 22. It appears that they have become scapegoats for the failures of an underfunded system that has been in turmoil for decades.

Today's debate is about funding for the District of Columbia. But this issue involves more than the appropriate funding levels; this is about the best course of treatment for these children, the best way to ensure the safety of our communities, and the most appropriate use of Federal land.

Mr. Chairman, as the representative of the community surrounding Oak Hill, I look forward to working to help improve the state of juvenile justice services for the District of Columbia. My colleague in the other body, the senior Senator from Ohio, has promised to examine the District's Mental Health System, group homes, and related issues in September.

I might also point out that the Federal land on which Oak Hill is located is a prime site for expansion of NSA and for the State of Maryland and Anne Arundel County to develop environmental, recreational, and economic opportunities.

I hope to continue working with Mrs. Norton, with the members of the Subcommittee on the District of Columbia, and with Mayor Williams and the City Council, to develop the right solutions for all involved.

LETTER FROM REPRESENTATIVE BENJAMIN L. CARDIN

MARCH 31, 2004.

The Honorable PORTER GOSS,
Chairman, Select Committee on Intelligence, H-405, The Capitol, Washington, DC 20515.

The Honorable JANE HARMAN,
Ranking Member, Select Committee on Intelligence, H-405, The Capitol, Washington, DC 20515.

DEAR CHAIRMAN GOSS AND RANKING MEMBER HARMAN: As the Select Committee on Intelligence begins to formulate its Authorization Bill, I am requesting consideration of the following program for inclusion:

*Authorization of a one-year study by the National Security Agency of the use of federal land currently employed by the District of Columbia for Oak Hill, its Juvenile Justice Facility. Oak Hill, the District of Columbia's juvenile justice facility, is

located on approximately 600 acres of federal land within my district's borders, directly adjacent to NSA headquarters at Fort George Meade.

The area that is now used to house approximately 120 detainees takes up a very small portion of the acreage. The buildings currently in use are in a severe state of disrepair. There has been increasing concern among community residents that the lack of appropriate security measures for detainees at Oak Hill and the numerous abandoned buildings on the federal property, which have been targets of vandalism and arson, threaten the safety of citizens in the surrounding area.

My goal is threefold: more efficient use of the federal property, a more modern and secure youth facility for the District of Columbia, and access to a large area of land for NSA. NSA supports conversion of a portion of the site north of the wetland area—for its use and wishes to begin the process by undertaking a study that would include plans for a state-of-the-art facility for DC juvenile detainees to replace the existing cluster of buildings adjacent to NSA and the smaller facility that is being used for female detainees. The District of Columbia government is completing construction of a pre-trial detainee facility in Northeast Washington, and plans to relocate approximately 60 juveniles who are awaiting trial to that location in the near future. This relocation would reduce the population at Oak Hill to approximately 60 residents.

I appreciate your consideration of this request for your fiscal year 2005 bill. I would be pleased to provide more information or answer any questions you may have. Please do not hesitate to contact me, or Priscilla Ross, my Legislative Director.

Sincerely,

BENJAMIN L. CARDIN,
Member of Congress.

Senator DeWINE. Mr. Anderson, we look forward to your testimony. You may now begin.

STATEMENT OF AUSTIN ANDERSON

Mr. ANDERSON. Good morning, Chairman DeWine. My name is Austin Anderson, and I am the Interim Inspector General for the District of Columbia Office of the Inspector General. Joining me today are Alvin Wright, Jr., Assistant IG for Inspections, Robert Isom, to my left, Deputy Assistant IG for Inspections, and Lawrence Perry, to my right, Director of Planning and Inspections.

The Youth Services Administration, or YSA, is one of the largest components of the District's Department of Human Services. It is charged with developing and administering a city-wide service system that empowers youths entrusted to its care to become lawful, competent, and productive citizens.

The Oak Hill Youth Center, operated by YSA, in Laurel, Maryland, houses juveniles sent by the courts for both short- and long-term detention. Our inspection team found significant deficiencies in all key areas of management and operations in YSA, and particularly at Oak Hill. I will briefly summarize some of the key findings in our report of inspection being released today.

Management and internal control issues. The inspection team found many employees who are highly motivated and dedicated to carrying out YSA's mission. However, management and leadership of YSA have been unstable, because YSA has had difficulty retaining its top managers. This has resulted in a chronic lack of effective supervision of employees, diminished accountability, and insufficient oversight of critical operations at all levels.

There were four different administrators of YSA during the period of this inspection. For long periods, other senior management positions have either been vacant or filled by employees in an interim or acting status. For example, in November, 2003, the inspection team counted 16 key positions that were vacant.

Many of the same types of problems that resulted in the 1986 *Jerry M.* lawsuit still exist 17 years later. Between 1998 and 2003, YSA spent approximately \$3.6 million on consultants in an effort to bring YSA into sustained compliance with the *Jerry M.* decree. However, a number of these projects were not properly monitored, and resulted in unauthorized overspending and unfulfilled objectives.

For example, YSA paid a consultant approximately \$1.25 million between 1999 and 2001 to improve the agency's information management system; yet, the consultant never provided the deliverables specified in the contract. YSA had to hire another consultant to do the work desired. Even after hiring another consultant, however, YSA's IT system still cannot generate basic statistical reports.

The team also found that documentation and deliverables for some contracts could not be accounted for. YSA policies and procedures across the board for the provisions of services to youth were either out of date or non-existent.

Security problems. The inspection team documented inadequate searches of employees and visitors at security checkpoints. This allowed contraband, including illegal drugs, to enter the facility. Security equipment, such as metal detectors, was present, but not being used. There was weak security at the main entrance and the compound perimeter.

The team did observe subsequent improvement in the security guard unit after direct intervention by city administrator, Robert Bobb. Mr. Bobb replaced inadequately supervised contract security guards with better trained and more closely supervised Department of Corrections' employees.

Other security problems observed by the team included inoperative and insufficient electronic monitoring equipment, inadequate two-way radios and phones for correctional officers in the female unit, an unsecured door at the gatehouse control booth, youths not being photographed when remanded to Oak Hill, inadequate background checks on employees, who regularly interact with youth, and no detailed procedures or trained staff to handle escapes.

Drugs and substance abuse. A number of employees told our team that illegal substances, such as marijuana and PCP are smuggled into the Oak Hill facility regularly. Youth correctional officers employed by YSA are alleged to be a primary source of illegal substances used by Oak Hill youths. According to some YSA officials, almost 100 percent of youths at Oak Hill have substance abuse problems; yet, the inspection team noted that Oak Hill has not had a structured substance abuse program, as required by the court, since April, 2003.

Prior to that date, a vendor provided a substance abuse treatment program, but reportedly chose not to renew its contract, because YSA could not prevent the influx of drugs into the Oak Hill facility.

The team also noted that the Department of Justice has funds available to assist YSA with a treatment program; however, YSA has not met the requirements necessary to obtain such funding.

We also found significant deficiencies in the drug screening program, including a lack of procedures and training for collecting

urine samples, lack of a chain of custody for samples, and poor record keeping.

Safety and health issues. The inspection team found serious fire and other safety deficiencies that put Oak Hill youths at unacceptable risks. Missing fire extinguishers. No fire drills. No emergency evacuation plan. Manual door locks on residents' rooms that could impede escape during a fire or other emergency, and insufficient keys available to correctional officers to unlock doors during emergencies.

We found that the culinary unit does not have written sanitation policies. Food service personnel are not required to undergo annual physical examinations, and some Oak Hill facilities do not meet Federal and local codes regarding environment, health, and safety standards.

The team observed possible electrical and fire code violations, exposed rusting and leaking pipes, and evidence of vermin infestation. In addition, numerous abandoned buildings on the Oak Hill compound are unsecured and have been vandalized.

Information technology issues. YSA's key computer database is outdated and cannot be maintained by current staff. As previously stated, the system cannot generate statistical reports. In addition, some YSA departments do not have computer access. These problems impair YSA's ability to effectively manage day-to-day operations.

The conditions found at YSA thus far strongly indicate that the management and leadership of senior DHS and YSA officials have been weak and ineffective. Consequently, the inspection team rates YSA a poorly performing component of the District's juvenile justice system.

Our report contains the following principle recommendations to the Mayor and the Department of Human Services. Make YSA a separate cabinet-level agency reporting directly to the Deputy Mayor for Children, Youth, Families, and Elders. This will reduce the existing multiple layers of bureaucracy, and could make YSA executive positions more attractive to experienced and competent administrators willing to stay in place for the long term.

PREPARED STATEMENT

Second, fully participate in the U.S. Justice Department's performance-based standards system for juvenile facilities. This system was developed by the Council of Juvenile Correctional Administrators to assist youth facilities, such as Oak Hill, and continuously improving the conditions of confinement and the services provided.

This concludes my testimony. I will be happy to respond to questions.

[The statement follows:]

PREPARED STATEMENT OF AUSTIN ANDERSEN

Good morning Chairman DeWine and members of the Senate Appropriations Subcommittee for the District of Columbia. My name is Austin Andersen, and I am the Interim Inspector General (IG) for the District of Columbia Office of the Inspector General, or OIG. Joining me today is Alvin Wright, Jr., Assistant IG for Inspections; Robert Isom, Deputy Assistant IG for Inspections; and Lawrence Perry, Director of Planning and Inspections.

YSA is one of the largest components of the District's Department of Human Services. It is charged with developing and administering a citywide service system that empowers youths entrusted to its care to become lawful, competent, and productive citizens. The Oak Hill Youth Center operated by YSA in Laurel, Maryland, houses juveniles sent by the courts for both short- and long-term detention.

Our inspection team found significant deficiencies in all key areas of management and operations in YSA, and particularly at Oak Hill. I will briefly summarize some of the key findings in our report of inspection being released today.

MANAGEMENT AND INTERNAL CONTROL ISSUES

The inspection team found many employees who were highly motivated and dedicated to carrying out YSA's mission. However, management and leadership of YSA has been unstable because YSA has had difficulty retaining its top managers. This has resulted in a chronic lack of effective supervision of employees, diminished accountability, and insufficient oversight of critical operations at all levels. There were four different administrators of YSA during the period of this inspection. For long periods, other senior management positions have been either vacant or filled by employees in an interim or acting status. For example, in November 2003, the inspection team counted 16 key positions that were vacant.

Many of the same types of problems that resulted in the 1986 *Jerry M.* lawsuit still exist 17 years later. Between 1998 and 2003, YSA spent approximately \$3.6 million on consultants in an effort to bring YSA into sustained compliance with the *Jerry M.* decree. However, a number of these projects were not properly monitored and resulted in unauthorized overspending and unfulfilled objectives. For example, YSA paid a consultant approximately \$1.25 million between 1999 and 2001 to improve the agency's information management system, yet the consultant never provided the deliverables specified in the contract. YSA had to hire another consultant to do the work desired. Even after hiring another consultant, however, YSA's IT system still cannot generate basic statistical reports. The team also found that documentation and deliverables for some contracts could not be accounted for.

YSA policies and procedures across the board for the provision of services to youth were either out of date or nonexistent.

SECURITY PROBLEMS

The inspection team documented inadequate searches of employees and visitors at security checkpoints, and this allowed contraband such as illegal drugs to enter the facility. Security equipment such as metal detectors was present but not being used. There was weak security at the main entrance and the compound perimeter. The team did observe subsequent improvement in the security guard unit after direct intervention by City Administrator Robert Bobb. Mr. Bobb replaced inadequately supervised contract security guards with better-trained and more closely supervised Department of Corrections employees.

Other security problems observed by the team included:

- inoperative and insufficient electronic monitoring equipment;
- inadequate two-way radios and phones for correctional officers in the female unit;
- an unsecured door in the gatehouse control booth;
- youths not being photographed when remanded to Oak Hill;
- inadequate background checks on employees who regularly interact with youths; and
- no detailed procedures or trained staff to handle escapes.

DRUGS AND SUBSTANCE ABUSE

A number of employees told our team that illegal substances such as marijuana and PCP are smuggled into the Oak Hill facility regularly. Youth correctional officers employed by YSA are alleged to be a primary source of illegal substances used by Oak Hill youths. According to some YSA officials, almost 100 percent of youths at Oak Hill have substance abuse problems, yet the inspection team noted that Oak Hill has not had a structured substance abuse program as required by the court since April 2003. Prior to that date, a vendor provided a substance abuse treatment program, but reportedly chose not to renew its contract because YSA could not prevent the influx of drugs into the Oak Hill facility. The team also noted that the Department of Justice has funds available to assist YSA with a treatment program. However, YSA has not met the requirements necessary to obtain such funding.

We also found significant deficiencies in the drug screening program, including a lack of procedures and training for collecting urine samples, lack of a chain of custody for samples, and poor record keeping.

SAFETY AND HEALTH ISSUES

The inspection team found serious fire and other safety deficiencies that put Oak Hill youths at unacceptable risk:

- missing fire extinguishers;
- no fire drills;
- no emergency evacuation plan;
- manual door locks on residents' rooms that could impede escape during a fire or other emergency; and
- insufficient keys available to correctional officers to unlock doors during emergencies.

We found that the culinary unit does not have written sanitation policies, food service personnel are not required to undergo annual physical examinations, and some Oak Hill facilities do not meet Federal and local codes regarding environment, health, and safety standards. The team observed possible electrical and fire code violations, exposed rusting and leaking pipes, and evidence of vermin infestation. In addition, numerous abandoned buildings on the Oak Hill compound are unsecured and have been vandalized.

INFORMATION TECHNOLOGY ISSUES

YSA's key computer database is outdated and cannot be maintained by current staff. As previously stated, the system cannot generate statistical reports. In addition, some YSA departments do not have computer access. These problems impair YSA's ability to effectively manage day-to-day operations.

CONCLUSION

The conditions found at YSA thus far strongly indicate that the management and leadership of senior DHS and YSA officials have been weak and ineffective. Consequently, the inspection team rates YSA a poorly performing component of the District's juvenile justice system.

PRINCIPAL RECOMMENDATIONS

Our report contains the following principal recommendations to the Mayor and the Department of Human Services: (1) Make YSA a separate, Cabinet-level agency reporting directly to the Deputy Mayor for Children, Youth, Families, and Elders. This will reduce the existing multiple layers of bureaucracy, and could make YSA executive positions more attractive to experienced and competent administrators willing to stay in place for the long term; and (2) Fully participate in the U.S. Justice Department's performance-based standards system for juvenile facilities. This system was developed by the Council of Juvenile Correctional Administrators to assist youth facilities such as Oak Hill in continuously improving the conditions of confinement and the services provided.

This concludes my testimony, and I will be happy to respond to your questions.

Senator DEWINE. Mr. Anderson, thank you very much. I guess the first thing that strikes me about your testimony and the report is the commingling of status offenders, simple truants, kids who just run away from home, and people who have been convicted, and people who have been charged with very serious offenses. Sex offenses, for example. I find that to be shocking.

That is not permitted, I am not aware that that is permitted in any State in the Union. That is not permitted, actually, in the District of Columbia, is it? My understanding is that there is a District law that prohibits that from taking place. Are you aware of that?

Mr. ANDERSON. I am aware of the fact that changes are under way to separate the two groups of children, but previously there had not been facilities to do that.

Senator DEWINE. My understanding is that that is illegal in the District of Columbia. That has not been the practice in most States for 30 years. When I was county prosecutor in the 1970's, that was not allowed in my home county in Ohio. I do not think that has been the practice for years.

The Federal Government, in fact, denies funds for States if they do that. We sit here in Congress, and we pass judgment on the 50 States, and we say we are not going to give you justice money if you put a status offender, some kid who is a runaway, and you house him with somebody, some kid who has been an adjudicated a felon, and you house them together, we are not going to give you Federal dollars. Here, the District of Columbia is doing the same thing. I find that to be shocking.

We see the results. Your report has indicated what the results are. They are to be expected. A sex offender, who is a predator, will prey on some poor kid who is just a runaway. That is just shocking, to put a runaway kid, who has got all kinds of other problems, but all he is or she is is a runaway, and you put him in a cell with a sex offender, what do you think is going to happen? It is just unbelievable.

So to me, that is the first thing that just jumps out from this report. It is just absolutely unbelievable, and just cannot be permitted to continue.

Let me move on. The drug testing program you alluded to in your oral testimony, they do have a formal drug testing program at Oak Hill, is that correct? Mr. Perry?

Mr. PERRY. Yes, they do.

Senator DEWINE. In fact, you all have supplied my office with some sample information that you came up with. In fact, we were given one example of a youth who came in, was drug free, and then later on at Oak Hill, he tested positive for opiates, cocaine, marijuana, and PCP.

Mr. PERRY. Correct.

Senator DEWINE. That is pretty unbelievable, is it not?

Mr. PERRY. Yes.

Senator DEWINE. It may not be unbelievable, but it is pretty shocking.

Mr. PERRY. Yes.

Senator DEWINE. You come in, you are drug-free. You are tested. You are okay. Then you go to Oak Hill, and then you are tested positive for cocaine, marijuana, PCP.

Mr. PERRY. Correct.

Senator DEWINE. In your recommendations, you talked about the chain of command. What is the chain of command for YSA?

Mr. PERRY. Actually, we could not document the chain of command. The youth correctional officers that we spoke to that were responsible for collecting the drug samples could only take us through an oral chain of command once the drug sample was obtained from the youth.

Senator DEWINE. Well, I misled you there. I was talking about the drugs, but let us get away from that. I want to look at the big picture. Who is responsible for what happens at this facility at Oak Hill? Take it from Oak Hill, and then take me all the way up.

Mr. PERRY. The Director of the Department of Human Services is ultimately responsible for the operations at the Oak Hill Youth Center.

Senator DEWINE. Okay. Let us go down, though. Who is responsible—who runs Oak Hill?

Mr. PERRY. Let me see, they have an administrator that is over Youth Services Administration, and then they have a superintendent of Detention Services at the Oak Hill Youth Center.

Senator DEWINE. Then where does it go? If you were drawing a chart, then where does it go up from there?

Mr. PERRY. Oh. It goes up from there?

Senator DEWINE. Yes. Take me up. Go up.

Mr. PERRY. Okay. Yes. The administrator of Youth Services Administration. Then you have the director of Department of Human Services. Then you have the Deputy Mayor for Families, Elders, and Youth, and ultimately, the Mayor.

Senator DEWINE. Your recommendation, Mr. Anderson, and your conclusion was what?

Mr. ANDERSON. One of our conclusions is that the Mayor consider making a separate agency of YSA in order to avoid the intervening layers of bureaucracy, so that the head of YSA would be able to report directly to a deputy mayor.

Senator DEWINE. What would be the advantage of this?

Mr. ANDERSON. One advantage of it would, hopefully, be that a higher profile position would attract more experienced professionals to take this position, and to stay in the position a longer period of time in order to provide the continuity that currently seems to be lacking.

Senator DEWINE. So the turnover is a problem?

Mr. ANDERSON. We think that the turnover is one of the major problems, because of the lack of supervision and the temporary status of some of the managers when they are in place.

Mr. PERRY. We also found that just due to the sheer size of DHS and the number of administrations under DHS, the level of accountability for Youth Services Administration, the top leadership at DHS was not able to have a day-to-day interaction with the operations at Youth Services Administration. Placing YSA as a cabinet-level position would bring more accountability to the organization.

Senator DEWINE. Mr. Anderson, have you performed an assessment of YSA's group homes? Is there anything that leads you to believe that the group homes are in any better shape than Oak Hill?

Mr. PERRY. We are currently starting the second portion of our report of the inspection of Youth Services Administration. The group homes, we are currently doing assessment of those facilities. That report should be issued within the next several months. We did not include this in this report, due to the size of the agency.

Senator DEWINE. Do you want to give us a sneak preview?

Mr. PERRY. I will let Mr. Wright handle that.

Senator DEWINE. All right. Mr. Wright.

Mr. WRIGHT. Thank you very much. What we are doing right now, Senator DeWine, is focusing on the group homes themselves, how they are set up, how they are being managed and run, particularly the physical structure. We have noted in a preliminary fashion that there are some fairly significant physical and security problems. We have not completely documented those, so I do not want to go into a lot of detail, but we have noted that there are

some health- and safety-type issues that we certainly will be addressing in detail in our report.

These homes are run by independent contractors, for the most part. So we have a lot of digging to do to actually understand exactly how well they are being run, what the lines of accountability are, and that kind of thing. But we are hopeful that the problems are not as significant as might be expected, but we have seen some physical conditions that we are going to take issue with.

Senator DEWINE. Well, is there anything that makes you believe these group homes are in any better shape than Oak Hill?

Mr. WRIGHT. It truly is very early to opine on that. I really do not want to pre-judge the results of the work of my inspectors at this point.

Senator DEWINE. All right. That is fair enough. We will look forward to you all coming back——

Mr. WRIGHT. Okay.

Senator DEWINE [continuing]. And giving us that report.

Mr. WRIGHT. Yes, sir.

Senator DEWINE. That would be good.

Mr. WRIGHT. We will be happy to do it.

Senator DEWINE. It has been my experience that any time you have a residential operation, it is very expensive. It is always a lot more expensive than any of us can imagine, or that the public can imagine. But I have looked at enough facilities, when I was a lieutenant governor in Ohio. I was involved in looking at penal facilities, and youth facilities, and other facilities. I have spent enough time, since I have been in Congress, looking at these.

To say that it is \$90,000 for a residential, per year, per child, for a residential facility, where there are no services, or at least no drug services, is a lot of money. It sounds much too high for me.

Now, it is my understanding that there is no drug treatment there, is that correct? No drug services. Am I right or wrong about that? You are doing testing, but that is not services.

Mr. PERRY. Yes, they are doing testing. During the time of our inspection, there was no drug treatment program established at Oak Hill Youth Center.

Senator DEWINE. Is there any kind of sex offender program?

Mr. PERRY. Not to our knowledge.

Senator DEWINE. Okay. Is there any other kind of intensive type programming that would account for that type of cost? In other words, where you usually run into your costs, it costs so many dollars just to run a facility, and to house, and feed, and take care of people. But where you get your costs are psychological services, intense psychological services, sex offender type services, drug treatment type services. That is where you get your costs. Now, do they have any type of services like that, that would be driving these costs up to close to \$90,000 per person?

Mr. PERRY. I cannot make an assessment on the \$90,000. I know that the treatment counselors at Youth Services Administration do provide individual treatment counseling, group team treatment counseling, but as far as intensive treatment programs provided by specialists in these fields, we do not find that Youth Services Administration had these.

Senator DEWINE. What do they do? What do they provide? Do you know?

Mr. PERRY. As far as we could tell there are no intensive treatment programs.

Senator DEWINE [continuing]. Programming? In other words, if I want to evaluate a residential facility, I will look at it and say, "Here is the programming." I will evaluate the programming. I will say, "This is what they do."

I mean it is one thing to do an evaluation where you do a nuts-and-bolts evaluation, where you say, the fire escapes are here, or they are up to fire code. That is all very important. But you also look at, another way of looking at it is to say, what is the programming?

Did you all get into the programming at all, or is that not the type of evaluation you were doing?

Mr. PERRY. We did not get into the clinical programming at Youth Services Administration. We did speak with the treatment team leaders, the psychiatrists or psychologists there, and documented that the youth were receiving individual treatment sessions, but as far as getting into the clinical, deep analysis, we did not go into that area.

Senator DEWINE. Now, Mr. Anderson, I believe you did say in your written statement and your oral statement that there was some Department of Justice money that was available that was not being utilized.

Mr. ANDERSON. Yes, sir.

Senator DEWINE. What was that about?

Mr. ANDERSON. That is the U.S. Department of Justice's performance-based standards system for juvenile facilities, which is available, but not being fully taken advantage of.

Senator DEWINE. Do you know why it is not being used?

Mr. ANDERSON. My understanding is, because they have not achieved some of the performance-based standards. Mr. Perry may have more specific information than that.

Mr. PERRY. Specifically regarding the funding from the Justice Department for the grants for the substance abuse treatment program, the Department of Justice does provide funding for a grant, but the substance abuse treatment program has to be put in place, and there have to be certain qualifications or requirements that are met. Oak Hill Youth Center, at the time of our inspection had not met those requirements in order to qualify for the grant funding.

Senator DEWINE. Well, we appreciate your testimony, all of you, very much. We appreciate your report.

What is your—are you going to do any additional follow-up to this, Mr. Anderson?

Mr. ANDERSON. Yes, sir. Generally, after we received the responses to recommendations, we check back to ensure that implementation has taken place, and generally, within about a year, do a reinspection.

Senator DEWINE. All right. Well, we will look forward to that reinspection, and get your report then.

Mr. ANDERSON. Okay.

Senator DEWINE. Thank you very much.

Mr. ANDERSON. Thank you.

Senator DEWINE. Let me invite our second panel to come up. I will introduce the second panel as you are coming up. Judge Eugene Hamilton was designated chief judge of Superior Court of the District of Columbia on October 29, 1993. From August, 2000, until November, 2001, Judge Hamilton served as Chairman of the Mayor of the District of Columbia's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform. The Commission published its report on November 6, 2001.

Sir Ronald Sullivan is the Director of the Public Defender Service for the District of Columbia. He was appointed Director of PDS in June, 2002, after serving as PDS' general council. Previously, Mr. Sullivan was in private practice here in the District as a visiting attorney for the Law Society of Kenya. He sat on a committee charged with drafting a new constitution for Kenya.

We welcome both of you. Judge Hamilton, we will start with you.

STATEMENT OF JUDGE EUGENE N. HAMILTON, CHAIR, MAYOR'S BLUE RIBBON COMMISSION ON YOUTH SAFETY AND JUVENILE JUSTICE REFORM

Judge HAMILTON. Thank you. Good morning, Senator DeWine. Mr. Chair and members of the committee, I am pleased to speak with you today regarding the District of Columbia's juvenile justice system. In terms of my personal outlook, and with regard to my professional role as a judge and former chief judge of the Superior Court, it is, of course, not customary for me to testify on matters of public policy.

I do not speak here for the Superior Court of the District of Columbia or as a judge of that court. I am here today in my status as Chair of the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform, and because I share your concern about the children and families of the District of Columbia.

I would also like to note for the record that I appear before you today at your committee's request. I have also recently provided testimony before the Judiciary Committee of the D.C. Council, both at their request and on my own volition, as that legislative body considers proposals related to the District's juvenile justice system.

I say this, as I would like to make clear that I am very sensitive to issues of Home Rule, and believe that the D.C. Council and District agencies are equipped to deal with these local issues of concern, for the most part, while I also acknowledge Congress's oversight and funding responsibilities for the District of Columbia.

As I indicated, I recently had the privilege of leading an effort to study juvenile justice reform for the District of Columbia. The Mayor asked me to chair the Blue Ribbon Commission, which consisted of 20 talented people and an outstanding staff. The Commission members represented in various ways and from divergent perspectives, the broad concerns and mixed interests of this community.

We worked together for about a year and a half. I might add, Senator DeWine, you had a similar experience, I believe, in leading the task force to study juvenile justice in the State of Ohio.

The Mayor asked us to offer policy recommendations. More specifically, we were to assess juvenile delinquency prevention strategies, and explore model programs, identify strengths and weaknesses, and rehabilitative and supportive services and programs,

explore the research on youth violence and substance abuse, examine how our current institutions were working, and develop strategies for serving children and youth in their neighborhoods and communities.

The Mayor issued an explicit call for the Commission to formulate a vision and seamless network for youth services, ideals that treat children as children. This approach, with which I fully agreed, and was happy to devote time to these critical issues. Incidentally, this approach was consistent with the State of Ohio's recent reform of juvenile justice, the Reclaim Ohio program. That is reasoned and equitable community and local alternatives to the incarceration of minors.

The problem in the District is that there has been virtually no follow-through on the recommendations of the Blue Ribbon Commission. That report, for the most part, has just simply gathered dust on the shelves of the city administration. As a result, the juvenile justice system is in worse shape today than it was when we started our study, as evidenced by the report, which has been made available here today.

In my judgment, I think the most important things that the United States can do at this time are the following. No. 1, mandate and fund a Reclaim D.C. program. No. 2, mandate and fund the sunset of Oak Hill with a small, secure facility. Mandate and fund a juvenile justice review board to approve and specify treatment programs to be made available for committed youth here in the District of Columbia.

I feel that the District of Columbia has had more than ample opportunity to demonstrate that they can succeed at juvenile justice without some type of oversight by the Federal Government. I believe they have failed at being able to prove that at this time. I think it is urgently needed, that the Federal Government step in and take some meaningful action to bring about change to remedy this deplorable situation that exists here in the District of Columbia.

Fourth, I would recommend that the Congress mandate and fund juvenile-blended sentencing, and fund a juvenile/adult detention facility, so that we can do some reform in the sentencing of juveniles here in the District of Columbia.

PREPARED STATEMENT

Last, I would recommend that the Congress mandate and fund an assessment system, and mandate a continuing assessment of treatment programs with judicial review for all committed juveniles. Thank you, Senator DeWine.

[The statement follows:]

PREPARED STATEMENT OF JUDGE EUGENE N. HAMILTON

Mr. Chair and Members of the committee, I am pleased to speak with you today regarding the District of Columbia's juvenile justice system. In terms of my personal outlook and with regard to my professional role (as a judge and as the former Chief Judge of the Superior Court), it is not customary for me to testify on matters of public policy. I do not speak here for the Superior Court of the District or as a Judge of that court. I am here today in my status as the Chair of the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform, and because I share your concern about the children and families of the District of Columbia.

I would also like to note for the record that I appear before you today at your committee's request. I have also recently provided testimony before the Judiciary Committee of the D.C. Council, both at their request and on my own volition, as that legislative body considers proposals related to the District's juvenile justice system. I say this as I would like to make clear that I am sensitive to issues of "home rule" and believe that the D.C. Council and District agencies are equipped to deal with these local issues of concern, while I also acknowledge Congress' oversight and funding responsibilities for the District of Columbia.

As I indicated, I recently had the privilege of leading an effort to study juvenile justice reform for the District of Columbia. The Mayor asked me to chair the Blue Ribbon Commission, which consisted of 20 talented people and outstanding staff, and the Commission members represented—in various ways and from divergent perspectives—the broad concerns and mixed interests of this community. We worked together for about a year and a half.

The Mayor asked us to offer policy recommendations. More specifically, we were to: assess delinquency prevention strategies and explore model programs, identify strengths and weaknesses in rehabilitative and supportive services and programs, explore the research on youth violence and substance abuse, examine how our current institutions were working, and develop strategies for serving children and youth in their neighborhoods and communities. The Mayor issued an explicit call for the Commission to formulate a vision and seamless network of youth service ideals that "treat children as children." This is an approach with which I fully agreed, and I was happy to devote time to these critical issues.

The Commission did a comprehensive study of the delinquency system in the District of Columbia, examined the research, and looked at promising and effective approaches from around the country. Let me say, parenthetically, that the Commission, with its broad expertise and diversity of viewpoints, worked hard and worked successfully to find common ground, to find compromises and nuanced approaches that balanced the concerns expressed from every conceivable side of these issues. The Commission issued a lengthy report, which I incorporate in my testimony—and I ask that it be made a part of the record. In the Report, we provided many recommendations, which I believe, constitute a solid "blueprint" for effective reform of the juvenile justice system in the District. This "blueprint" is based on research and study, as well as a broad, balanced, and representative inquiry.

I should note that I am pleased that many of the Commission's recommendations have now found their way into a legislative proposal—the "Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004"—which is currently pending before the D.C. Council. This legislation, which seeks to codify many of the Commission's recommendations, is based on research and study, and a broad, balanced, and representative inquiry. I have testified before the Council in support of this legislation and will continue to encourage its passage. I should also note that there is other legislation pending before the D.C. Council—which among other things would send more youth into the adult criminal justice system and create policies to punish parents of delinquent children in the name of "accountability"—that I believe would be counterproductive, and I have testified against this approach before the Council. I should remind you, in this regard, that as part of the 1997 District of Columbia Revitalization Act, the Federal Government assumed responsibility for housing through the Federal Bureau of Prison all District of Columbia persons who are sentenced to prison through the District of Columbia's (adult) criminal system.

The legislation recently proposed by the City Administration is completely inconsistent with the Recommendations of the Blue Ribbon Commission. I have to point out that the proposals in the City Administrator's bill are also inconsistent with agreements and promises that his predecessors in the District of Columbia's executive branch made 17 or 18 years ago in the context of the *Jerry M.* class action, a lawsuit regarding both the deplorable conditions at Oak Hill Youth Center as well as the lack of community-based alternatives to incarceration for children in the District of Columbia. After failing for almost two decades to comply with the requirements of the *Jerry M.* consent decree, which was designed to treat children as children and reduce and prevent juvenile delinquency, the District now seeks to treat more juveniles as adults (assuming, incorrectly, that redefining children as adults and sending them to Federal prisons is an effective and humane approach for reducing and preventing criminal activity by children).

One of the Blue Ribbon Commission's primary goals was to set out a plan to get the services and supports in our delinquency system to work. The Commission strongly believed that to accomplish this goal requires putting a sunset on the Oak Hill Youth Center. The Commission has recommended that we all work together to close Oak Hill and to move away from placing delinquent (or allegedly delinquent) children into large facilities. It does not work to put troubled children into a place

with 180 other delinquent children. Furthermore, we know that guards are smuggling illegal drugs into Oak Hill and that children who tested negative for illegal drugs before entering the institution are now testing positive. We know also that children are confronted with violence and the risk of serious bodily injury at Oak Hill.

There are better ways to secure children whom we need to constrain. What the Commission found is that the “best practice” is to limit juvenile incarceration facilities to 30 beds. We investigated approaches around the country and settled particularly on what has happened in Missouri. At a time when Attorney General John Ashcroft was the governor, Missouri successfully moved to a system in which children who are incarcerated are in facilities that do not exceed 30 beds. Predictably, following this transformation, the recidivism rate in Missouri has declined significantly.

Before I describe further the Commission’s recommendations, let me underscore another critical finding from the Commission: 100 percent of the committed youth in the District’s delinquency system are African-American and Latino youth. White children and youth are arrested for a range of delinquent offenses, but they do not end up at Oak Hill. The Commission recommended that we study and understand why this disparity exists and how to get rid of it. With this in mind, any proposed changes to the system should be viewed through a lens which considers whether the proposed change (such as sending more children to Federal prisons) would increase and exacerbate the racial and ethnic disparity and injustice that currently exists, and if so that proposed change should be discarded. Rather than increasing the disparate treatment, we should be reforming the system in ways that promote prevention, and, specifically, to promote racial parity and justice, we should be expanding community-based treatment and alternatives to incarceration for minority children.

The Blue Ribbon Commission also identified and promoted for possible implementation in the District of Columbia several model State systems. The Commission identified in Figure 11, the Offenses for Committed Youth, June 16, 2000 to June 15, 2001. The single largest number offenses were unauthorized use of a motor vehicle (U.U.V.). This finding cries out for intensive re-habilitation and treatment programs shown to be effective in rehabilitating juvenile U.U.V. offenders. Over the period of the *Jerry M.* Decree, no such programs existed at Oak Hill. Community Programs, such as the Auto Technician Training Program under the direction of Mr. George Stark, are designed to place juvenile U.U.V. offenders in and around motor vehicles in a positive, productive manner, and Programs of this type should be greatly expanded.

Moreover, the Office of Juvenile Justice and Delinquency Prevention (of the Department of Justice) has developed the Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders. The Annie E. Casey Foundation—that funded the Blue Ribbon Commission—has produced an extensive series of reports for understanding and implementing juvenile detention reform. I understand, as well, that the U.S. Surgeon General issued a report on Youth Violence in January of 2001, and that report contains a listing of tried and true programs, including, for example, multi-systemic therapy and therapeutic foster care. In the *Jerry M.* case, which is the litigation over conditions at the Oak Hill facility that I mentioned previously, there also exists “Order B” of the consent decree that provides a blueprint for a continuum of community-based services.

The District of Columbia can and now must accomplish the objective of moving away from institutionalizing children. There is, remarkably enough, a consensus among all of the stakeholders in the District of Columbia that Oak Hill should close. Yet, it has not happened, and one can predict that it won’t happen if we continue along the present course. We face the inertia of government and a particularly insidious Catch 22: People believe that we can’t close Oak Hill (and move to the Missouri model) until we have adequate community-based services and alternatives to incarceration. At the same time, we plow the very human and financial resources into running Oak Hill that are necessary for developing the community-based services and alternatives to incarceration. Thus, the *Jerry M.* parties agree to Order B, and 18 years later the children still don’t have a continuum of community-based services. I am reminded of what happened with Cedar Knoll. It was a minimum- to medium-security incarceration facility for D.C. children. Virtually everyone agreed that we didn’t need a large institution for locking up relatively young children who were not dangerous. Yet Cedar Knoll did not close until Congress wrote in the District of Columbia’s 1993 budget that there would be no money spent on Cedar Knoll. Then, finally, it closed.

In addition to setting a date for the closure of Oak Hill, there should be deadlines for establishing a continuum of services in the community. There should be a study to establish the number of secure beds that are needed. And on that point, I can

tell you that the number of children at Oak Hill has dropped to as low as 120 in the last year or year and a half. That number—120 children—includes detained and committed children, and we got to that number—at least temporarily—without having sufficient services in the community to treat U.U.V. offenders and other non-violent children.

With regard to the *Jerry M.* Consent Orders (and I remind you that a consent order is an order that both parties proposed and agreed to before the judge ordered it), the Blue Ribbon Commission implored the District to comply with those Orders. Unfortunately that has not happened, and the substance of those Orders—particularly Order B calling for the creation of community-based services—has yet to be accomplished.

In sum, I believe the Commission's recommendations are a solid "blueprint" for reform, and I would encourage any legislators or policy makers considering these issues to support and fund these recommendations to the fullest extent possible.

Beginning at page 27 of the Report, the Commission outlines the specific steps that are needed to reform the juvenile justice system of the District of Columbia. Key to any reform, however, is the closing of Oak Hill, because unfortunately, it has become simply a cruel training place for more sophisticated juvenile offenders. Secondly, there must be a sea change in the philosophy of the District's juvenile justice system, from primarily large institution custody to only small facility custody and to community-based alternatives to incarceration, together with frequent assessment and continuous treatment.

Thank you again for inviting me to speak with you today, and I would be more than happy to answer any questions.

Senator DEWINE. Judge, thank you very much.

Mr. Sullivan.

STATEMENT OF RONALD S. SULLIVAN, JR., DIRECTOR, PUBLIC DEFENDER SERVICE, DISTRICT OF COLUMBIA

Mr. SULLIVAN. Thank you, Senator DeWine. The Public Defender Service for the District of Columbia appreciates this opportunity to address you and this subcommittee on these important issues. In the interest of time, I shall deviate from my written remarks, and undertake to provide the subcommittee with an outline of the District's compliance or non-compliance with the *Jerry M.* Consent Decree, and the devastating effects the District's negligent and dilatory behavior has had on the children of the District.

As you know, the Superior Court recently held the District in contempt and imposed monetary sanctions. Because the District's already poor compliance did not improve, the Public Defender Service, along with its co-counsel, filed a motion requesting the Superior Court to appoint a transitional receiver. The court-appointed monitor's most recent findings summarized the history of the District's failure to meet its responsibilities to the youth entrusted to its care. The monitor found, among other things, that the District was out of compliance with 81 of the consent decree's provisions, and in compliance with only 95. Significantly, the District decreased its level of compliance in 19 consent decree provisions.

The monitor further pointed out that the District's few efforts to move towards compliance were last-minute actions that seemed, "driven by the fact that a hearing was imminent." This sort of shotgun policy by the District should not be allowed to persist without consequence.

Our contention, and that of the receivership motion pending before the court, is that the District has been given 18 years to comply with the consent decree. Despite extensive litigation, 65 court orders, and multiple findings of contempt, it has failed to do so. How long is too long? Twenty years? Twenty-five years? The Public

Defender Service respectfully submits that it has already been far too long, and we have asked the Superior Court to step in.

The problems with YSA and at the Oak Hill facility are manifest and have been well documented by the local press. A few examples to provide texture to the dozens of court rulings adverse to the District are appropriate. Indeed, as you mentioned in your opening remarks, a 12-year-old and a 13-year-old were sexually assaulted by the same resident—the 13-year-old after being placed in a room with the assailant subsequent to the assault on the 12-year-old.

Violent incidents at Oak Hill, including knife fights and assaults serious enough to result in broken jaws, occur with alarming frequency at Oak Hill, thus producing an environment not at all conducive to treatment or rehabilitation. The District's practice, as you have mentioned, of assigning more than one child to a room has led to the commingling of status offenders and delinquent youth, as well as the commingling of delinquent and committed youth.

This unlawful commingling invariably leads to trouble. Not only do these housing practices violate the plain letter of the consent decree and local statutory law, but they also compromise the very safety of the children, and have resulted in nothing less than the realization of everyone's greatest fear: harm to the children in the District's custody.

In the recent court hearing in connection with PDS's motion to place YSA in receivership, the District presented government officials who testified that the current leadership was adequate to begin the process of planning to comply with the 18-year-old consent decree. We respectfully submit that it is far too late.

The government officials quibbled with our evidence on issues such as whether the rats observed by our experts were, in fact, mice. They quibbled with our experts as to whether Oak Hill residents suffered five instead of six broken jaws in only a 6-month period late last year.

They also quibbled with respect to whether the conceded severe drug use by Oak Hill residents actually constituted drug abuse. Let me repeat that to be clear. In sworn testimony, the District of Columbia argued that manifest drug use by children—children—may not constitute drug abuse, thus implying that in the District's strange universe, some quantum of drug use by children in its care—its allegedly secure care—is acceptable. It is no wonder that the District cannot or will not come into compliance with the consent decree.

We are currently awaiting Judge Dixon's ruling on our receivership motion. While we believe that the evidence we presented at the hearing supports our request for the appointment of a transitional receiver, and we are optimistic that the court will grant our motion, we will take little pleasure in this litigation win. We wish the District had the will and the capacity to meet its obligation without the need to conduct protracted litigation.

PREPARED STATEMENT

Let me say in closing that in addition to our litigation efforts, we support litigation currently before the District of Columbia Council that is consistent with the findings of the Blue Ribbon Commission. This legislation calls for the closure of Oak Hill, and the develop-

ment of smaller, community-based, secure facilities in its place, and it requires the provision of various services to youth, which the District has failed to afford to date.

Thank you for your time and consideration, Senator.
[The statement follows:]

PREPARED STATEMENT OF RONALD S. SULLIVAN, JR.

Good afternoon, Mister Chairman and members of the subcommittee. My name is Ronald S. Sullivan Jr., and I am the Director of the Public Defender Service for the District of Columbia (PDS). I come before you today to provide testimony on the experience of the Public Defender Service as one of the lead counsels representing the plaintiffs in *Jerry M., et al v. District of Columbia*. The complaint was filed 19 years ago this month. Too many years have elapsed, too many hearings have been held, and too many court orders and findings of contempt have been entered for me to give a full recitation of the history of this case in my allotted time. Suffice it to say, from the perspective of the youths we represent, a full recitation would have very few highlights and too many lowlights in the story of how the District has served them. For context, I will give a cursory chronology, focusing mainly on the events of the past year.

The *Jerry M.* class action litigation began in March of 1985 with the filing of a complaint challenging the District's failure to provide the children housed at its Oak Hill facility with adequate care and rehabilitation services and seeking relief on behalf of a class of children then being detained at Oak Hill. In July of 1986, the parties entered into a lengthy Consent Decree. As part of the Consent Decree, a Monitor was appointed to assess the District's compliance with its commitments. In the almost 18 years since the parties entered into the Consent Decree, the case has been assigned to three different judges. These judges, using the Monitor's reports as a basis, have separately found the District out of compliance with the Consent Decree on a number of occasions. Each judge has also been forced to enter a series of enforcement and other orders.

One particularly notable order entered by Judge Urbina stemmed from the Consent Decree provision that called for a panel of experts to determine (1) the number of secure beds the District was to plan for and (2) the types of community-based services the District would be required to create. The goal of this continuum of services plan was to reduce the population in secure confinement and provide viable community-based alternatives for delinquent children. The findings of the original panel were incorporated into the Consent Decree by Memorandum Order B. Based on the recommendations of the expert panel, the judge ordered that the District draft a plan for a juvenile system in which no more than 42 youth are securely detained and no more than 60 committed youth are securely confined.¹ Memorandum Order B also requires the District to create specific community-based programs such as staffed, secure shelter houses; therapeutic groups homes; foster care for delinquent youth; and a vocational program with residential beds.

The case is currently before the Honorable Judge Dixon. In September 2002, Judge Dixon held a hearing requiring the District to show cause why it should not be held in contempt for failing to comply with six specific provisions of the Consent Decree. These provisions involved the adequate training of staff, the quality of the assessment and diagnosis of the children, the existence and quality of the pre-release unit, and the sufficiency of exercise provided to the children at Oak Hill. Two months later, in November 2002, plaintiffs filed an emergency motion alleging that the District was failing to comply with two additional provisions involving overcrowding in the girls' unit and the staffing of a program called Project Hands.² In June 2003, Judge Dixon ruled on the September 2002 hearing, finding that the District was in violation of the Consent Decree. He found that there was a lack of proper training of the Oak Hill staff and inadequate supervision of the staff. In addition, he found inadequate coordination between the teams that are responsible for assessing the treatment needs of the youths when they enter the facility and the teams

¹Juveniles are "detained" when they are held pre-adjudication, i.e. before a fact-finding hearing on whether they committed the delinquent act(s) with which they are charged. Juveniles are "committed" when a judge has determined that the juveniles did commit a delinquent act and has also determined that the juveniles are in need in services to be provided by YSA. Juveniles are said to be "committed to YSA." District Code § 16-2313(b) requires that detained youth and committed youth be confined separately.

²Project Hands is a division of YSA that investigates allegations of staff misconduct at Oak Hill, including allegations of assaults on youth by staff.

that are responsible for delivering the treatment. Finally, Judge Dixon found the District was failing to comply in the area of providing adequate facilities prior to a youth's release from confinement. Judge Dixon held the District in contempt and imposed monetary sanctions. However, the judge also allowed a grace period during which the District was to cure the violations. The grace period was different for each violation, but the last grace period expired in mid-September 2003. At the end of each grace period, the District filed notices claiming to be in compliance with the disputed Consent Decree provisions.

In September 2003, Judge Dixon held an evidentiary hearing on the plaintiffs' November 2002 emergency motion asking that the District be found in contempt for failing to comply with the Consent Decree by having an overcrowded girls' unit and improperly staffing Project Hands. In addition, the hearing was to address the question of whether the District had cured violations with respect to the pre-release unit at Oak Hill. Judge Dixon has not yet ruled. In October 2003, Judge Dixon had a hearing to determine whether or not the District had come into compliance with the Consent Decree provisions concerning staff training, staff supervision, and coordination between assessment staff and treatment staff. On October 6, 2003, in anticipation of the coming hearing, the Monitor issued a report finding that the District remained out of compliance with respect to each of these issues. In December 2003, plaintiffs filed a motion requesting the court appoint a transitional receiver. Judge Dixon held a hearing on the receivership motion in February 2004.

I should draw attention to one other aspect of the litigation. The District has liked to point to the school at Oak Hill as one area in which it has managed to come into compliance. While the school is currently a bright spot at Oak Hill, the District is neither in full compliance with the Consent Decree, nor does it deserve full credit for what has been achieved. In June 1997, the Court, at the time Judge Levie, found the District in contempt of the education provisions of the Consent Decree and appointed Dr. Peter E. Leone as special master for education. Dr. Leone was the receiver for education at Oak Hill from 1998 to 1999 and was able to help the District significantly in complying with the Consent Decree regarding Oak Hill's education system. At the receivership hearing, Dr. Leone pointed to five main areas of achievement during his tenure as educational receiver at Oak Hill: (1) academic achievement; (2) school climate; (3) human resources; (4) fiscal resources; and (5) leadership.

Despite the great strides made by Dr. Leone, the educational system at Oak Hill is still not in complete compliance. For example, there remain significant problems with nonattendance by some units and a lack of sufficient YSA programs to reintegrate youth at Oak Hill into the community education system upon their release. Dr. Leone testified at the receivership hearing that residents in the disciplinary unit and in the girls' unit are not getting standard educational services because of poor coordination among various departments at Oak Hill. Moreover, the Monitor in his latest report found that, while YSA contracts with the University of the District of Columbia for vocational classes for the boys, there are no equivalent programs for girls.

The Public Defender Service believes that the accomplishments of Dr. Leone as the receiver for education at Oak Hill demonstrate what a receiver could accomplish for the whole system. And the whole system is in need of repair. Just prior to the hearing on the receivership motion, the *Jerry M. Monitors* issued their 51st report on the District's compliance with the Consent Decree, evaluating the prior 6 months. The Monitor's most recent findings exemplify the history of the District's failure to meet its responsibilities to the youth entrusted to its care. The Monitor found the following:

- The District was out of compliance with 81 of the Consent Decree's provisions and in compliance with only 95. See Exhibit 1.
- The District decreased its level of compliance in 19 Consent Decree provisions.
- The prior 6 months were a "microcosm" of the past almost 18 years of the District's failed efforts to comply with the Consent Decree, as demonstrated by the latest leadership void which exists at YSA and the lack of both a permanent Superintendent and an Assistant Superintendent in charge of treatment at Oak Hill. While the District appointed two lawyers—Marceline Alexander and Mark Back—from the Office of the Corporation Counsel, to assume the mantle at YSA on an interim basis, neither Ms. Alexander, who is currently the Interim Administrator for YSA, nor Mr. Back, who is her special counsel, have any juvenile justice experience.³

³In fact, over the past 8 months, there have been four different YSA administrators, including Ms. Alexander; three Deputy Administrators for Secure Programs; four Deputy Administrators

—Accordingly, there were few efforts to move towards compliance except for last-minute actions that seemed “driven by the fact that a hearing was imminent” rather than a real effort to make positive change in the manner in which District children are being treated and rehabilitated.

Our contention in the receivership motion and at the hearing was this—the District has been given 18 years to comply with the Consent Decree, and, despite extensive litigation, 65 court orders, and multiple findings of contempt, has failed to do so. Accordingly, the plaintiffs requested that the Court appoint a transitional receiver to assume control of YSA until the Consent Decree’s mandates could be met and maintained. Plaintiffs’ motion noted numerous examples of non-compliance, including YSA’s failure to follow a suicide prevention plan for youth at Oak Hill, its failure to address the recurring violence against securely confined children by both Oak Hill residents and staff, the commingling of detained and committed children, overcrowding, and the ongoing environmental problems at Oak Hill, including lack of proper heating and cooling and lack of pest control.

The defendants responded that the Court did not need to take the extraordinary step of appointing a receiver because, in essence, the District was making “incremental progress” in complying with the strictures of the Consent Decree and because appropriate leaders were now again in place to ensure that YSA could continue to plan to make reform efforts.

Judge Dixon held the hearing on the motion for a transitional receiver February 23–25. At the hearing, the plaintiffs presented comprehensive evidence of the failure of YSA to create a safe environment for children at Oak Hill and the specific failings of the District’s efforts to comply with the 1986 Consent Decree, arguing that the District’s claims of incremental progress were dubious since the defendants had been given ample time to comply and that it was now time for the Court to intervene and secure final compliance. The primary witness for the plaintiffs was Paul DeMuro, an expert in juvenile justice and child welfare services. He testified that the District had failed to comply with the Decree and that the Court should appoint a receiver because the District had: (1) failed to protect youth committed to YSA from harm; (2) failed to implement an effective classification and treatment program at Oak Hill, such that residents suffered long periods of lockdown, detained and committed and low and high-risk youth are intermingled, treatment is not tailored to a youth’s particular needs, and substance abuse treatment is inadequate; (3) failed to develop an effective system of management and quality control so that staff and programs throughout YSA can be held accountable; and (4) failed to develop and implement a viable community continuum of care, such that community-based alternatives to secure detention at Oak Hill failed due to weak supervision, substandard housing, and a lack of accountability. In fact, just as in Oak Hill, the shelter houses merely warehouse children rather than provide therapeutic services: (1) there is no clinical supervision of staff; (2) many youth arrive without school placements; (3) few children in shelter houses receive drug treatment; and (4) there is no individual or family counseling for children. Notably, in July 2002, after studying the group home and shelter house problem and in consultation with the *Jerry M.* parties, an expert gave the District specific recommendations regarding the issuing of requests for proposals (“RFPs”) from new shelter and group home providers equipped to offer the services required by the Consent Decree. While the District, faced with a receivership hearing, finally completed RFPs for 3 new programs, it still has not fully implemented the expert’s recommendations some 2 years later.

The observations of our expert, the court-appointed monitor, and the Inspector General only hint at the breadth of the District’s failure to protect children at Oak Hill from harm. Violent incidents—including knife fights and assaults serious enough to result in broken jaws—occur with alarming frequency at Oak Hill. Life on the residential units at Oak Hill is quite harsh and, accordingly, not at all conducive to treatment. In one particularly disturbing incident that took place just last fall, nine residents sexually assaulted another resident in the victim’s room.

In addition, the practice of assigning more than one child to a room has led to the commingling of status offenders and delinquent youth, as well as delinquent and committed youth. For example, these practices led just last summer to a child detained as a truant and runaway being housed in the same room as a youth detained on charges of negligent homicide. The District also housed in another room both a runaway and a child detained for a number of serious delinquency reasons, including armed robbery and carrying a dangerous weapon.

Not only do these housing practices violate the plain letter of the Consent Decree, but they also compromise the very safety of the children and have resulted in noth-

for Court and Community Services; two Superintendents of Oak Hill; and three Assistant Superintendents in Charge of Treatment.

ing less than the realization of everyone's greatest fear: harm to children in the District's custody. For example, just last year, a 12-year-old child, held at Oak Hill as an overnigher and not accused of any crime, was placed in a room with two other children. An overnigher is a child eligible for release after some police contact, but whose parents cannot be reached. The overnigher was sexually assaulted by one of the other youth. There was no indication that any staff members were supervising the youth, as staff only learned of the incident 2 days later. Several months later a 13-year-old was arrested and held at Oak Hill waiting for shelter house space. The 13-year-old was placed in a room with the same child who committed the prior sexual assault, and another sexual incident occurred. Perhaps equally troubling is the fact that there is evidence that these types of incidents may be even more widespread than we know, as incidents at Oak Hill are underreported.

The defendants, in response, presented District government officials at the hearing, who testified that the current leadership was adequate to begin the process of planning to comply with the 18-year-old Consent Decree, quibbling with plaintiffs' evidence on issues such as whether the rats observed by Mr. DeMuro were in fact mice, whether Oak Hill residents suffered five or six broken jaws from July through December 2003, and whether the conceded severe drug use by Oak Hill residents actually constitute drug abuse.

The parties filed post-hearing briefs 2 weeks ago and reply briefs just last week. We are currently awaiting Judge Dixon's ruling. While we believe that the evidence we presented at the hearing supports our request for the appointment of a transitional receiver and we are optimistic that the court will grant our motion, we would take little pleasure in this litigation win. We wish the District had the will and capacity to meet its obligations without the need to conduct protracted litigation. Indeed, our overriding vision and our goal for the past 19 years has been the provision of adequate care and rehabilitation services for the children committed to YSA. The Public Defender Service consists of a group of lawyers; we do our work in the courts. Thus, our primary way of working towards our goal is through this litigation. However, litigation is but one of many means to an end. That is why we support legislation currently before the District of Columbia Council that calls for the closure of Oak Hill and the development of smaller, community-based secure facilities in its place and requires the provision of various services to youth which the District has failed to afford to date. There are many roads to the destination of providing adequate care and rehabilitation to youth in the juvenile justice system. The Public Defender Service will be satisfied to reach that destination by any of those routes. We are not satisfied to continue to take the incremental steps forward, with many steps back, that has been the history of YSA's actions in this case.

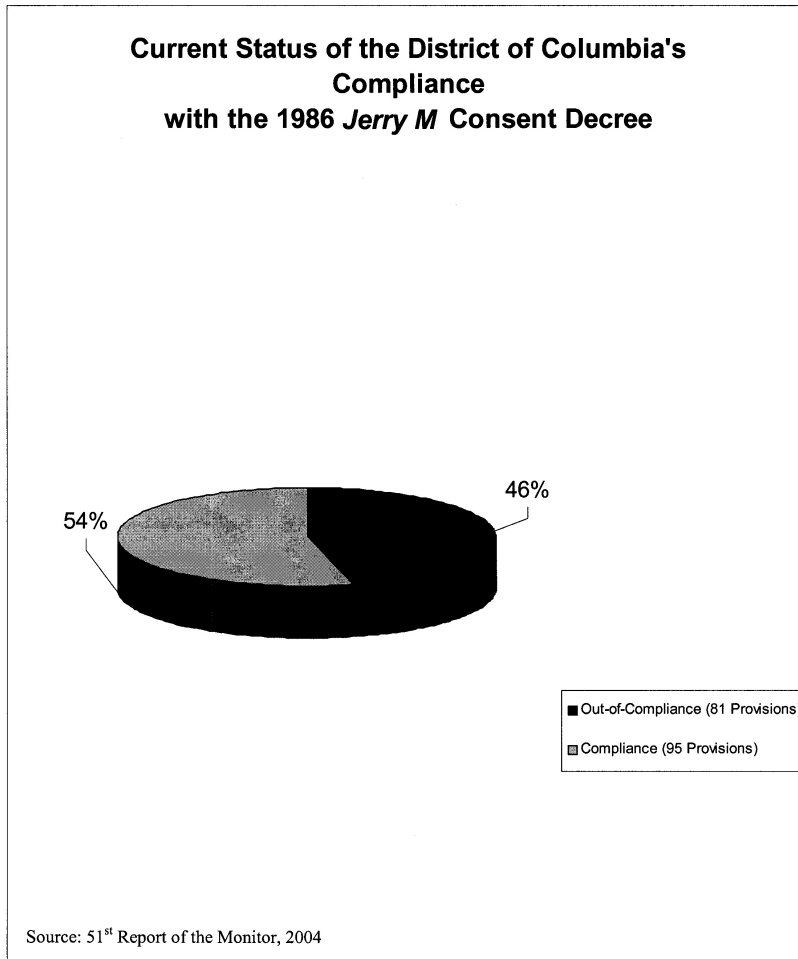


EXHIBIT 1

Senator DEWINE. Judge Hamilton, Mr. Sullivan, who advocates that Oak Hill stay open?

Judge HAMILTON. I guess the——

Senator DEWINE. Does anybody advocate that this place stay open?

Judge HAMILTON. The only implicit advocate is the District of Columbia, the administration, which refuses to really take meaningful steps in planning to sunset that institution.

Senator DEWINE. Well, is it not really a dinosaur from the, I do not know what decade you want to pick. I do not know if it is a dinosaur from any decade, the way you describe it, and the way my staff describes it. I have not been out there, but my staff has described it as just, in unbelievable terms to me, absolutely shocking.

Judge HAMILTON. Absolutely. That is the reaction of any reasonable person.

Senator DEWINE. Yes.

Judge HAMILTON. I just cannot imagine how any person in authority would suffer that institution to continue. It is beyond my comprehension.

Senator DEWINE. Well, it looks like, to me, it is beyond—you cannot fix it.

Judge HAMILTON. You cannot. No, sir.

Senator DEWINE. Your description, Mr. Sullivan, of the proposal of just doing away with it, and breaking it down into what we do today, which is smaller facilities, and manageable facilities, more humane homes, places to operate, is probably what needs to be done.

Judge HAMILTON. I agree, but I emphasize that—I think that there has to be some meaningful substantial Federal oversight in order to accomplish that. I mean given 20 years of litigation, which has just dragged on, and on, and on, I just doubt that the city has the will and the inclination to sunset that institution. I have seen no evidence, whatsoever, that the city is willing to do that.

Mr. SULLIVAN. Nor have I, Senator DeWine. What is most distressful about the situation is that the Blue Ribbon Commission provides a very good blueprint as to how juvenile justice should be carried out in the District. We participated on the Commission. The U.S. Attorney participated. The Corporation Counsel participated. All of the experts participated. As the judge said, it has been virtually ignored.

Senator DEWINE. Judge, when your Blue Ribbon Commission came up with the report, was there much opposition to the report?

Judge HAMILTON. Absolutely not. Every member of the Commission signed the report except the United States' attorney's representative. It had whatever reasons it had for not doing so, but otherwise, every community representative, it was a broad-based community representation, every other member signed it.

Senator DEWINE. That was November 6, 2001.

Judge HAMILTON. Correct.

Senator DEWINE. Well, it is hard to know where to begin when you look at the magnitude of this problem. I will go back to what I started in this discussion, to me, the most shocking thing is this commingling of these kids. I mean it is all shocking. It is all shocking, but then you start with kids who do not really—who clearly have problems.

The kid runs away. The kid has some problems. Then you dump that poor child in with another child who has huge problems, who is a sex offender, and are many times a predator, who preys on this one child. So now you have created more problems. It is just unbelievably unfair to that child.

Then you look at the cost. I mean it is not like this was being done cheaply. Judge and Mr. Sullivan, I asked the first panel this question. I am going to ask you, just so we can understand. For close to \$90,000 a year, what are the services that are being provided these kids out there?

Judge HAMILTON. Mr. Sullivan may know better than I, but I am hard put to put my finger on any treatment programs that are being provided for these children. No. 1, there is no reliable assessment system, so we do not really know what the kids problems are,

and we do not really know what treatment programs need to be provided. Then if we know what the problems are, what treatment programs are needed, there are none.

For example, the major class of offender, who is committed, are car theft offenders, UUV offenders. There are no programs that are targeted for UUV offenders. There are no sex offender programs. There are no treatment programs that are identifiable that can address the variety of problems that these committed children have. That is serious.

Senator DEWINE. Mr. Sullivan.

Mr. SULLIVAN. I agree 100 percent. The District simply warehouses children, both at Oak Hill and in the shelter house system. There are precious little, if any, therapeutic mechanisms to address any of the issues that the children have.

The District, I will say, has shown some improvement with respect to the education system, but only after that system was put in receivership, and a receiver made some substantial changes.

Senator DEWINE. Judge, you called Oak Hill, and I quote, "A cruel training place for more sophisticated juvenile offenders." I would assume that the recidivism rate coming out of there must be pretty high.

Judge HAMILTON. It is. It is the worst thing that you can do to a child, to send him to Oak Hill. But unfortunately, in all too many cases, there are no alternatives. We need reasonable and equitable community and local alternatives to the incarceration of minors, as was established in the State of Ohio, because there are so many kids that do not need incarceration at all. They can be treated in the community. We just do not have it.

Senator DEWINE. I want to explore that with you a little bit, Judge. The unique challenge that the District has is that the District is not a State. The District does not have the local resources that a State like Ohio does. As you know, I am very familiar with the Reclaim Ohio program. I was very much involved in the development of that.

Part of the principle of that program is that you try to tailor the program for each child. Your incarceration fits the child, and you try to do whatever is appropriate for the child. You try to do it locally, if you can. You only send, in Ohio, we only send, quote, to the State those kids who just cannot be dealt with locally.

How does that, though, apply to the District, that does not have the local government resources? I mean that is the challenge, is it not, that the District has? To play the devil's advocate, the people who would look at this maybe from the other side would say, "Well, look, we do not have the resources." How do we answer that?

Judge HAMILTON. Well, they may not have the resources, but they have had 20 years to come to the Congress and say that they did not have the resources to make treatment of juveniles local. There is a lot of treatment that can be done right in the communities that these children come from. If these resources are developed, and if there is a change from putting this money out in places like Oak Hill into these community treatment facilities, that is what we have been trying to get for 20 years here in the District of Columbia.

Senator DEWINE. So our total—what is the total operating cost then of Oak Hill? Does anybody in the room know that? Does anybody have that? I have not done the math here, so I do not know what the—

Judge HAMILTON. I have no—

Mr. SULLIVAN. I do not—

Senator DEWINE. Mary has it here. Is that Oak Hill? That is not just Oak Hill, though. That is YSA. Well, we will get that before the hearing is over, if somebody can do that for us.

I mean the bottom line is, you have a pot of money.

Mr. SULLIVAN. Right.

Senator DEWINE. You would have to figure out, I guess, if you closed it, what do you do with that pot of money? Maybe it is going to take more money to provide the resources. But at close to \$90,000 per child, I would think that you could buy some services for those kids somewhere else.

Judge HAMILTON. That is a lot of money.

Senator DEWINE. It is a lot of money. There has to be secure facilities. I mean some of these kids are, I assume, pretty tough kids, and you are going to have to buy secure facilities for some of these kids. But a truant, it is going to be a different story—

Judge HAMILTON. Right.

Senator DEWINE [continuing]. Too. I mean some of these kids were truants, according to what I hear.

Mr. SULLIVAN. That is correct. As the Inspector General's report pointed out, there are even unused monies available to the District—with respect to drug treatment programs.

Regrettably, it is not a difficult proposition to follow the Blue Ribbon Commission report. At least try. Then if the District says we do not have enough resources, then come to the appropriate authority, and request them. But the Mayor actually recently submitted legislation that is antagonistic to the goals of the Blue Ribbon Commission's—

Senator DEWINE. Well, I guess my question to this group, and I was not chairman at the time, when the Blue Ribbon Commission came out, but I guess my question is back to what I asked the Judge before, is whether or not there was a consensus in regard to the Blue Ribbon report. Because if there is a consensus, then it is only a question of getting the resources.

Judge HAMILTON. Absolutely.

Senator DEWINE. Then it is just the question of, can you put the resources together, and then can you move incrementally, and put piece by piece of the report together. You might not get it all in the first few years, but at least you try to build from that report.

Judge HAMILTON. Absolutely, Senator DeWine. Every member of that Commission signed the report, and endorsed the report, after long and serious discussions, except one. That is the fact of the matter.

Senator DEWINE. Well, I appreciate your testimony. Senator Landrieu is here. Mary, I do not know if you have any opening statement, or if you have any questions. We are about to move to the third panel.

Senator LANDRIEU. No. I only heard the last few minutes of the last—

Senator DEWINE. Okay. Good. Well, Judge, we appreciate your testimony—

Judge HAMILTON. Thank you.

Senator DEWINE [continuing]. Very much. We look forward to working with you on this problem. We look for you to maybe help us as a consultant.

The Federal Government, in the past, has made some contribution here. What else we can do in the future is something we are going to have to work with you on.

Judge HAMILTON. Well, I emphasize—

Senator DEWINE. I understand what you are saying, and we want to help.

Judge HAMILTON. All right.

Senator DEWINE. We would not have this hearing if we did not want to help. That is why we have the hearing. We want to see what we can do.

Judge HAMILTON. I would be delighted to, sir.

Senator DEWINE. We want to work with you.

Judge HAMILTON. Thank you.

Senator DEWINE. Mr. Sullivan, it is good to see you again.

Mr. SULLIVAN. Thank you.

Senator DEWINE. Thank you, sir. Let me invite our third panelists, the City Administrator and Deputy Mayor of the District of Columbia, Robert Bobb. He served in a similar capacity in four other cities, spanning nearly 30 years. Beginning in 1974, he was appointed to serve in Kalamazoo, Michigan, as assistant city manager. After Kalamazoo, he served as city manager in Santa Anna, California, for 2½ years, in Richmond for 11½ years, and Oakland, California for 5½ years.

He is accompanied by Ms. Alexander, interim Director of the Youth Services Administration. Mr. Bobb, thank you for joining us.

STATEMENT OF ROBERT C. BOBB, CITY ADMINISTRATOR AND DEPUTY MAYOR, DISTRICT OF COLUMBIA

ACCOMPANIED BY:

MARCELINE D. ALEXANDER, INTERIM ADMINISTRATOR, YOUTH SERVICES ADMINISTRATION

MARK D. BECK, INTERIM SPECIAL COUNSEL, YOUTH SERVICES ADMINISTRATION

Mr. BOBB. Thank you. Good morning.

Senator DEWINE. You have had the opportunity to listen to all of the other testimony. You can make your own statement, respond to any questions or comments that have been made so far. If you can confine it to 5 minutes, that will give us a chance to have a good dialogue with you.

Mr. BOBB. Thank you very much.

Senator DEWINE. Thank you for joining us.

Mr. BOBB. Good morning, Mr. Chairman, and distinguished members of the subcommittee on the District of Columbia. My name is Robert C. Bobb, City Administrator and Deputy Mayor for the District of Columbia government.

I appreciate the opportunity to appear before you this morning to testify on behalf of Mayor Williams. Our Mayor is deeply committed to improving the status of children throughout the District

of Columbia, and in particular, those who are under the guidance of the Youth Services Administration.

I also would like to report on substantial progress that we are making and have made in addressing a number of deficiencies at the Youth Services Administration, as identified by the Inspector General, and the code monitor in the *Jerry M.* litigation.

Joining me this morning at the witness table are two members of my management team, Marceline D. Alexander, Interim Administrator of the Youth Services Administration, and Mark D. Beck, Interim Special Council for the Youth Services Administration.

Based on my recommendations, Mayor Williams appointed these capable managers on December 3, 2003, to help my office conduct a top-to-bottom review of the Youth Services Administration, and to stabilize the agency.

On October 15, 2003, 9 days after my first day on the job, I attended a meeting with the Deputy Mayor for Children, Youth, Family, and Elders, and attorneys from the Office of the Corporation Counsel, to discuss the status of the *Jerry M.* litigation and coordination issues between the various District departments providing services to our youth.

For those of you who may not know, the *Jerry M.* litigation is a class action filed in 1985 by the D.C. Public Defender Service and ACLU National Prison Project against the District to address certain issues involving the care and custody of detained committed youth in the District's juvenile justice system.

Following that meeting, I convened a number of subsequent meetings in October and November, 2003, to confront the issues facing the Youth Services Administration. I assembled a team of in-house government experts to sit around the table together, in order to drive resolution of the issues, so that I could take action to stabilize this agency. That team included my chief of staff, Deputy Mayor for Public Safety and Justice Operation, and directors of the Departments of Human Services, Mental Health, and Corrections.

The first order of business was to professionalize the perimeter and the entrance security for Oak Hill Youth Center, because there were concerns of whether security was tight enough for persons entering that secure facility. Working with the team, I issued orders to terminate for convenience the contractor who had been providing those services, and to put the Department of Corrections in charge of external security, because I wanted to have the director and the District security experts accountable and responsible to me for providing an increased level of security for our employees and visitors.

The Department of Corrections began providing security at Oak Hill Youth Center beginning November 16, 2003. A memorandum of understanding between the Human Services and Corrections are in place throughout the balance of this fiscal year.

On November 21, 2003, I spent time at Oak Hill. I also visited a number of group homes to get a better picture of how those homes were operating. I reconvened that team that I had assembled in October and shared my views and thoughts, and that we immediately needed to stabilize the Youth Services Administration.

While I was city manager of Richmond, Virginia, I hired an expert in juvenile justice to assist in designing a continuum of care

services program for juveniles. That was the right approach for what was needed in those circumstances where we were developing an entire new continuum of care program. Based on my 30 years of city management experience, I concluded that a different approach was needed for the Youth Services Administration, because of the instability caused by the departure of the administrator, her two deputy administrators, the chief administrative officer, and the Oak Hill Youth Center's superintendent.

I personally selected and recommended to the Mayor, new leadership for the Youth Services Administration. I chose Ms. Alexander as interim administrator, because she is someone who knows the District government, and who knows how to get things done in this city.

Beginning in early 2003, Ms. Alexander had been assigned by the City to various troubled agencies within the District of Columbia, and did an outstanding job. As an 18-year employee of the District of Columbia, a fine lawyer, and a certified public manager, Ms. Alexander is the right person for the job. I am fortunate to have her on my team.

Since her arrival on December 3, Ms. Alexander has moved to fill critical vacancies in the Youth Services Administration, hiring 33 new employees, including the assistant superintendent for treatment, for both Oak Hill Youth Center and the Youth Services Center. We have also employed additional correctional officers, five treatment team leaders. These are critical hires for the agency, because these are the employees who provide direct services to our youth.

We also employed Dr. Sybil Smith-Gray as an assistant superintendent, who is a licensed clinical psychologist, and who had worked collaboratively with the Department of Mental Health, to provide additional mental health services and to improve our therapeutic atmosphere in working with youth at the Oak Hill Youth Center.

The Mayor has also proposed in his 2005 budget, a significant increase in funding of \$18 million, or a 40 percent increase over the base year of 2004, wherein, we are hiring 71 additional full-time employees in the Youth Services Administration to staff a new Youth Services Center in the District, to implement *Jerry M.* compliance and organizational improvements, and to fund other service delivery. The new Youth Services Center is an 80-bed diagnostic facility, which will be located on Mount Olivet Road, here in the District of Columbia.

As part of our management team, management reform initiative, Ms. Alexander is reorganizing the agency, and filling several key management positions in that agency.

The Office of the Inspector General's Inspections Evaluation Division issued its report, which we received a copy of today. The Department of Human Services provided its comments to the 45 findings and 96 recommendations, pursuant to the Inspector General's report.

During the course of the Part I inspection, the Inspector General also issued seven management alert reports on matters that the inspection team found required the immediate attention of the District of Columbia government officials. The Youth Services Admin-

istration responded to each of these management alert reports, and is taking specific action to address each of the deficiencies identified in the report, as detailed in my written statement, which provides much more detail.

The subcommittee has asked me to testify about whether a receiver should be put in place for the Youth Services Administration. Let me begin by expressing my understanding that the presiding Chair requested that the parties not try the motion in the media. Of course, I am mindful of the court's ammunition.

However, the subcommittee has specifically requested that the District present testimony on this important issue, and I will do so. The Superior Court of the District of Columbia held a 3-day hearing on the motion in February, and I testified on the government's behalf on the third day of the hearing.

Of course, I leave representation of the District of Columbia and the *Jerry M.* litigation in the capable hands of our corporation council and his assistants. I understand that the plaintiffs bear the burden of demonstrating that a transitional receiver should be appointed to oversee the Youth Services Administration, and the trial court must consider the six factors identified in my written statement.

We have urged the court in our findings not to impose a receiver, and we urge the same result this morning. The *Jerry M.* consent decree entered by the court in 1986 comprised 185 provisions and 43 pages of requirements governing the delivery of services by the Youth Services Administration. These provisions cover a broad range of complex issues, including diagnostic and treatment services, education, mental health, medical services, discipline and training, recreation transition, and after-care services environment, and sanitation and community programs.

The District has made incremental progress over the course of the last 2 years. The monitor's fifty-first report, the latest, measured the 6 months between July 1 and December 31, 2003, the time period following the departure of the former administrator, who provided stable leadership prior to her departure. This was a period of great transition.

PREPARED STATEMENT

I cannot say that I am satisfied with the District remaining under the litigation nearly 18 years after it was first initiated. I can say, however, that I am very confident in our current direction, and with the progress that we are making, and feel that our current approach, not a transitional receiver, is without question the best way for the District to meet the requirements of the consent decree. Thank you.

[The statement follows:]

PREPARED STATEMENT OF ROBERT C. BOBB

Good morning, Mr. Chairman and distinguished members of the U.S. Senate, Committee on Appropriations, Subcommittee on the District of Columbia. My name is Robert C. Bobb and I serve as the City Administrator and Deputy Mayor for the District of Columbia Government. I appreciate the opportunity to appear before you this morning to testify on behalf of Mayor Anthony A. Williams and to share with this subcommittee the substantial progress that we are making in addressing a

number of deficiencies at the Youth Services Administration as identified by the Inspector General and the Court Monitor in the *Jerry M.* litigation.

Joining me this morning at the witness table are two members of my management team: Marceline D. Alexander, Interim Administrator of the Youth Services Administration, and Mark D. Back, Interim Special Counsel for the Youth Services Administration. Based on my recommendation, Mayor Williams appointed these capable managers on December 3, 2003, to help my office conduct a top-to-bottom review of the Youth Services Administration and to stabilize the agency until we can put a permanent, juvenile justice professional in place.

A short autobiographical history is appropriate before I address the deficiencies at the Youth Services Administration and the pending issue of receivership. Before assuming my duties as the District of Columbia's City Administrator and Deputy Mayor on October 6, 2003, I already had served in a similar capacity in four other cities spanning nearly 30 years. Beginning in 1974, I was appointed to serve in Kalamazoo, Michigan as Assistant City Manager. I served as Assistant City Manager in Kalamazoo for 2 years before becoming Acting City Manager and then City Manager and serving an additional 8 years. After Kalamazoo, I served as City Manager in Santa Ana, California for 2½ years; in Richmond, Virginia for 11½ years, and in Oakland, California for 5½ years. In Oakland, I also served as the Executive Director of the City of Oakland Redevelopment Agency.

Prior to agreeing to my current position, I reviewed a series of newspaper articles on the issues facing the District of Columbia and the Williams Administration, one of which was the Youth Services Administration. I had prior experience with juvenile justice issues in Richmond, Virginia where I was responsible for both city and county functions. One of those functions included responsibility for the juvenile courts as well as the juvenile detention facilities. In Richmond, I appointed a juvenile justice expert to put in place a continuum of care services where the courts could decide, based on the severity of the youth's offenses and other issues, whether to place the youth in a community-based program, in the city's detention facility, or in Hanover County's more stringent juvenile facility. In the District of Columbia, the decision of where to place a detained youth, a youth who is awaiting court disposition of charges, rests with the court. For committed youth, a youth who has been adjudicated by the Court as involved in criminal activity, placement decisions reside in the Youth Services Administration. The point is that I am familiar with juvenile justice issues and I was aware of many of the issues concerning the Youth Services Administration prior to my arrival.

On October 15, 2003, 9 days after my first day on the job, I attended a meeting with the then Deputy Mayor for Children, Youth, Family, and Elders and attorneys from the Office of the Corporation Counsel to discuss the status of the *Jerry M.* litigation involving the Youth Services Administration and coordination issues between various District departments providing services to our youth. For those of you who may not know, the *Jerry M.* litigation is a class action filed in 1985 by the D.C. Public Defender Service and the ACLU National Prison Project against the District to address certain issues involving the care and custody of detained and committed youth in the District's juvenile justice system.

Following that first meeting, I convened a number of subsequent meetings in October and November 2003 to confront the issues facing the Youth Services Administration. As is my management style, I assembled a team of in-house government experts to sit around the table together in order to drive resolution of the issues so that I could take action to stabilize that agency. That team included my Chief of Staff, the Deputy Mayor's for Public Safety & Justice and Operations, and the Directors of the Departments of Human Services, Mental Health, and Corrections. It is important to recognize that the Youth Services Administration is one of five administrations within the Department of Human Services.

The first order of business was to professionalize the perimeter and entrance security for the Oak Hill Youth Center because there were concerns of whether security was tight enough for persons entering that secure facility. Working with the Deputy Mayors for Public Safety & Justice and Operations, the Chief Procurement Officer and the Director of the Department of Corrections, I issued orders to terminate for convenience the contractor who had been providing those services and to put the Department of Corrections in charge of external security. I wanted to have the Director of our Department of Corrections, as the District's security expert, accountable and responsible to me for providing an increased level of security for our employees and visitors. The Department of Corrections began providing security at the main entrance to the grounds and at the sally port entrances to the facilities at the Oak Hill Youth Center beginning November 16, 2003, and the Memorandum of Understanding between the Departments of Human Services and Corrections provides for continued security services by Corrections through the end of the fiscal year.

I have been quoted as calling “the entire system just broken” shortly after my visit to the Oak Hill in November 2003. This quote is accurate but is best understood in context. The Administrator who had run the Youth Services Administration for 5 years had resigned in July 2003, and there were a series of Acting Administrators; the Deputy Administrator for Secure Programs (which includes the Oak Hill Youth Center) resigned in October 2003; and the Oak Hill Youth Center Superintendent, the Deputy Administrator for Court and Community Programs (which includes oversight of aftercare services and court liaison activities), and the Chief Administrative Officer were each terminated on the day of my visit. On November 21, 2003, I spent a little over an hour touring the facility and talking with senior level staff. I also visited a number of group homes to get a better picture of how those homes were operating. Following these unannounced visits to Oak Hill and the group homes, I reconvened the team I had assembled in October and shared my views and thoughts that we immediately needed to stabilize the Youth Services Administration by putting a management team in place to stabilize the infrastructure and to address all of the issues surrounding the agency. I candidly admitted in my testimony to the court that “there was no management to any large degree in place.”

I have already testified that while I was City Manager in Richmond, Virginia, I hired an expert in juvenile justice to design a continuum of care program. That was the right approach for what was needed in those circumstances where we were developing an entirely new continuum of care program.

Based on my 30 years of city management experience, I concluded that a different approach was needed for the Youth Services Administration because of the instability caused by the departure of the Administrator, her two Deputy Administrators, the Chief Administrative Officer, and the Oak Hill Youth Center Superintendent. I personally selected and recommended to the Mayor new leadership for the Youth Services Administration. I chose Ms. Alexander as Interim Administrator because she is someone who knows the District of Columbia and who knows how to get things done in this city. Beginning in early 2003, Ms. Alexander had been assigned by the Deputy Mayor for Operations to the then troubled Office of Property Management as Chief of Staff, Deputy Director and then Interim Director. She stabilized that agency and began the process of turning it around until we could put a more permanent professional in place. While Ms. Alexander has some juvenile justice experience from her time in the Abuse and Neglect Section in the Office of the Corporation Counsel, her selection as Interim Administrator of the Youth Services Administration was premised on her ability to stabilize the agency and to reform its management infrastructure while we conduct a nationwide search for a permanent, juvenile justice expert to lead the agency. As an 18-year employee of the District of Columbia, a fine lawyer, and a certified public manager, Ms. Alexander is the right person for the job and I am fortunate to have found her.

Since her arrival on December 3, 2003, Ms. Alexander has moved to fill critical vacancies in the Youth Services Administration, hiring 33 new employees, including the Assistant Superintendents for Treatment for both the Oak Hill Youth Center and the new Youth Services Center (which is set for beneficial occupancy in late August 2004), 18 Youth Correctional Officers, and 5 Juvenile Justice Institutional Counselors (otherwise known as Treatment Team Leaders). These are critical hires for the agency because these are the employees who provide direct services to our youth.

Dr. Sybil Smith-Gray, the newly-hired Assistant Superintendent for Treatment, is a licensed clinical psychologist and has worked collaboratively with the Department of Mental Health (which previously retained her as a contractor) to reform our diagnostic and assessment unit. With Dr. Gray’s leadership, and in concert with the Department of Mental Health, the Youth Services Administration has developed a therapeutic atmosphere for securing detained and committed youth. The Youth Services Administration is a human services organization and its service delivery is predicated upon the concepts of Corrective Treatment and Balanced and Restorative Justice or BARJ. The fundamental goal of corrective treatment for the juvenile offender is the development of a healthy and adaptive respect/obedience for authority as evidenced by discipline, order, respect and compliance. As clinicians in social services, our aim is to accomplish this goal through repeated clinical interactions that replicate the phases that characterize the healthy caregiver-child relationship: positive engagement, interpersonal stress, reparation of the damaged interaction. Ultimately, this effort will support the juvenile offender’s ability to develop healthy interpersonal relationships and that are characterized by mutual trust, empathy for others, and the ability to exchange ideas and share feelings effectively. With regard to BARJ principles, victims/survivors of crime, offenders, and the community are viewed as equal consumers of the juvenile justice system. Therefore, each of these entities is given equal consideration when developing and implementing pro-

grammatic responses. The three over-arching goals of BARJ for juveniles are: accountability, competency, development and community protection.

As of this writing, 392 of the Youth Services Administration's 480 authorized FTE's are filled. Of these remaining positions, 65 are in recruit status and 23 are vacant. The Mayor has proposed in his fiscal year 2005 budget, a significant increase in funding, in order to hire an additional 71 FTE's in the Youth Services Administration to staff the new Youth Services Center and to implement *Jerry M.* compliance and organizational improvements. The new Youth Services Center is an 80-bed diagnostic facility located on Mt. Olivet Road that will serve our detained youth prior to adjudication. Understandably, the ongoing nationwide recruitment effort by the D.C. Office of Personnel for a permanent Administrator is made especially difficult while plaintiffs' motion for appointment of a transitional receiver is pending before the Superior Court in the *Jerry M.* litigation. Nevertheless, we are actively moving forward to recruit a top juvenile justice professional to lead the organization as we work diligently to stabilize it.

As part of her management reform initiative, Ms. Alexander is reorganizing the agency under four Deputy Administrators as follows: (1) Deputy Administrator for Secure Programs (responsible for operations at both Oak Hill Youth Center and the new Youth Services Center); (2) Deputy Administrator for Court and Community Programs (responsible for aftercare services for committed youth and for court activities); (3) Deputy Administrator for Support Services (functionally, the Chief Administrative Officer responsible for all administrative activities); and (4) Deputy Administrator for Performance Management (responsible for risk management, program evaluation, data collection, contract monitoring, policy and accreditation). The Deputy Administrator for Court and Community Programs has already been hired and the other three deputies have been recruited and are awaiting selection. The incumbents for these management positions will be involved in hiring direct report managers within their respective operational responsibilities. This new structure will rationalize the organization and provide for enhanced management and accountability to ensure that the youth are being comprehensively and efficiently served.

INVESTIGATIONS BY THE OFFICE OF THE INSPECTOR GENERAL

The Office of the Inspector General's Inspections and Evaluations Division began an inspection of the Youth Services Administration in April 2003. The inspection is being conducted in two parts. Part One, which is covered in a draft report submitted to the Department of Human Services for comments on March 4, 2004, includes management, administrative services, and all operations at the Oak Hill Youth Center. On March 22, 2004, in accordance with the Office of Inspector General's standard auditing procedures, the Department of Human Services provided its comments to the 45 findings and 96 recommendations contained in Part One's draft report of investigation. We await the Office of the Inspector General's final report. Part Two, which was commenced in February 2004, includes the remaining operations of the Youth Services Administration.

During the course of the Part One inspection, the Inspector General also issued seven Management Alert Reports on matters that the inspection team found required the immediate attention of District of Columbia government officials. The Youth Services Administration responded to each of these Management Alert Reports and is taking specific action to address each of the deficiencies identified in the reports.

Fire Safety

The Inspector General alerted the Youth Services Administration to a number of fire safety deficiencies, including inaccessible fire extinguishers, a lack of fire drills, and a lack of posted evacuation plans. In responding to the report, the Youth Services Administration abated each and every fire safety deficiency. However, the Youth Services Administration disagrees with the Inspector General on the issue of accessibility of fire extinguishers. The Youth Services Administration follows American Correctional Association (ACA) standards pertaining to ensuring the safety and well-being of its residents and staff at the Oak Hill Youth Center. To that end, all fire extinguishers are concealed in locked wall areas on each unit. The unit manager and supervisory Youth Correctional Officer or YCO on each unit have keys to open the locked wall boxes. In order to provide additional safety measures to each housing unit, the Youth Services Administration is installing a lock box in each of the security office's to ensure that the keys are available on the unit should a fire emergency occur. The Youth Services Administration has mounted its fire evacuation plans, is recruiting to fill the position of Health and Safety Officer, and is documenting its ongoing fire drills in weekly fire inspection reports.

Security

The Inspector General alerted the Youth Services Administration to breaches of security at entrances at the Oak Hill Youth Center due to a lack of adequate search procedures, and the employment of security guards without completed criminal background checks. These findings and recommendations were made during the time prior to November 2003 when a contractor was providing these security services. That contractor was terminated for convenience and, effective November 16, 2003, the Department of Corrections began providing these security services with an approximately 23-member squad and each of its correctional officers have undergone criminal background checks.

Female Youth

The Inspector General alerted the Youth Services Administration to certain deficiencies in the female housing unit that impair the ability of YCO's to effectively maintain the safety and security of residents and to ensure their own safety as well. These deficiencies included a lack of proper security monitoring equipment, insufficient perimeter lighting, a lack of proper communication equipment, and failure to provide all YCO's with keys to resident rooms in the event of an emergency. In the responding to the reported deficiencies, the Youth Services Administration issued four additional two-way radios to the unit supervisor in Unit 6 for female youth. In the event additional radios are necessary, instructions have been given to the Officer of Day to ensure that any staff member who needs access to a two-way radio receives this equipment immediately. In order to provide additional security measures that will allow faster evacuation of the housing units, including Unit 6, the Youth Services Administration is installing a lock box in the security office, and the unit manager, supervisory correctional officer and the officer of the day will have access in the event of a fire or other emergency. The Youth Services Administration has repaired the electronic security monitoring system in Unit 6 and the metal detector and hand wand equipment at Unit 6 have been replaced. The equipment is operational and the staff has been instructed to have this security equipment operational at all times. Finally, the Youth Services Administration is aware of the need to upgrade the facility's exterior lighting, and arrangements are under way to upgrade the electrical power so that institutional lighting can be enhanced for Unit 6.

Communication Equipment

The Inspector General alerted the Youth Services Administration to a lack of sufficient and reliable communication equipment that threatens overall safety and security and impairs the ability of YCO's, transportation officers, treatment team leaders, and social services representatives to perform their jobs effectively. The Youth Services Administration, in conjunction with the Department of Human Services, the Office of the Chief Technology Officer, and Verizon Communications, completed a thorough assessment regarding the telecommunications needs of the agency are in the process of establishing a corrective action plan. In the interim, while the longer term solution is planned and implemented, the Youth Services Administration has repaired the broken equipment, issued additional two-way radios and cell phones, and repaired broken electronic monitoring systems.

Illegal Substances

The Inspector General alerted the Youth Services Administration to illegal substances, such as marijuana and phencyclidine (PCP), smuggled into the Oak Hill Youth Center. These allegations arise at a time when a contractor was providing security but, candidly, the presence of illegal substances persists. In a recent testing, 14 of 159 youth or 8.8 percent testified positive for the presence of marijuana. The Youth Services Administration already is investigating the report's allegation that YCO's are engaged in illegal conduct (i.e. providing illegal substances to youth), in addition to the investigation being conducted by the Department of Human Services Office of Investigations and Compliance. We agree with the Inspector General that the use of Department of Corrections officers to provide perimeter and sally port security at the Oak Hill Youth Center will assist in the interdiction of contraband entering the facility. The agency is utilizing shakedowns and other measures within the facility to detect such contraband in the housing units. The Youth Services Administration also is working with the Metropolitan Police Department's canine unit to buttress its drug interdiction measures inside of the facility. The canine unit already has visited the Oak Hill facility on four unannounced visits, and the longer range objective is to enter into a memorandum of understanding to provide the Oak Hill Youth Center and subsequently, the new Youth Services Center, with a permanent canine detection program.

Abandoned Buildings

The Inspector General alerted the Youth Services Administration to documentation of 28 vacant and abandoned buildings on the same grounds as the Oak Hill Youth Center, many of which are unsecured and have been entered and vandalized. While the report improperly attributes the maintenance of these properties to the Youth Services Administration, the agency currently occupies only limited buildings located on the old Forest Haven site. Nevertheless, the District is responsible for these buildings and will, as part of its overall strategy for the future of this 888-acre site, take affirmative action to secure these properties. As to the allegations that the utilities should be terminated, the Youth Services Administration has learned that the Forest Haven facility was constructed prior to current water, sewer and electrical standards and therefore these services cannot be disconnected because these electrical systems provide the street lighting necessary to maintain security visibility at Unit 6 for the female youth), along each street in the parcel of the land, for the Training Academy, and the Union's facility. In addition, YSA must maintain water flow because it provides water to all fire hydrants on the property and serves the Woodland Job Corps, which was originally a part of this site.

In light of the Blue Ribbon Commission recommendation to demolish and rebuild the Oak Hill Youth Center at or near its current location, the Williams Administration has received proposals from both government and private groups for use of the land and must determine the most appropriate approach. I have tasked the members of my team to work with other government officials and the various stakeholders to develop a recommendation in May.

Transportation

The Inspector General alerted the Youth Services Administration to employees operating government vehicles without valid State driver's licenses and government motor vehicle identification cards, and vehicles being operated with expired inspection stickers. The Youth Services Administration has taken affirmative steps to ensure that employees who do not possess a valid District of Columbia driver's license or government motor vehicle identification card are not permitted to operate one of its vehicles. The Youth Services Administration has requested additional vehicles to keep from operating vehicles with expired inspections stickers, but those vehicles must continue to be operated, on the grounds of Oak Hill for maintenance use only, until such time as the new vehicles arrive.

The Youth Services Administration is cooperating with these ongoing investigations and is looking forward to working with the Office of the Inspector General to correct these and the other deficiencies identified in the Part One draft report of investigation.

RECEIVERSHIP

The subcommittee has asked me to testify about whether a receiver should be put in place for the Youth Services Administration in connection with the Plaintiffs' Motion for Appointment of a Transitional Receiver filed in the *Jerry M.* litigation in December of 2003. Let me begin by expressing my understanding from the attorneys in the Office of the Corporation Counsel who represent the District in the litigation that the presiding judge requested that the parties not try the motion in the media and, of course, I am mindful of the court's admonition. However, the subcommittee has specifically requested that the District present testimony on this important issue and I will do so. The Superior Court of the District of Columbia held a 3-day hearing on the motion on February 23–25, 2004, and I testified in the government's behalf on the third day of the hearing along with Ms. Marceline D. Alexander, the Interim Administrator, Mr. John M. Manuel, the Acting Deputy Administrator for Secure Programs, and Ms. Martha B. Knisley, the Director of the Department of Mental Health.

Of course, I leave representation of the District of Columbia in the *Jerry M.* litigation in the capable hands of the Corporation Counsel and his assistants. I understand that the plaintiffs bear the burden of demonstrating that a transitional receiver should be appointed to oversee the Youth Services Administration. *District of Columbia v. Jerry M.*, 738 A.2d 1206, 1214 (D.C. 1999). The trial court must consider six factors in determining whether appointment of a receiver, transitional or otherwise, is justified: (1) whether there have been repeated failures to comply with the court's orders; (2) whether additional efforts to bring defendants into compliance would lead only to confrontation and delay; (3) whether leadership is available that can turn the tide within a reasonable period of time; (4) whether defendants acted in bad faith; (5) whether defendants are wasting resources; and (6) whether appointment of a receiver would provide a quick and efficient remedy. *Dixon v. Barry*, 967

F. Supp. 535, 550 (D.D.C. 1997). We have urged the court in our filings not to impose a receiver, transitional or otherwise.

The *Jerry M.* Consent Decree, entered by the Court on July 24, 1986, comprises 185 provisions and 43 pages of requirements governing the delivery of services by the Youth Services Administration. These provisions cover a broad range of complex issues including diagnostic and treatment services, education, mental health and medical services, discipline and training, recreation, transition and aftercare services, environmental and sanitation, and community programs. The District has made incremental progress over the course of the last 2 years, achieving compliance with 35 additional provisions of the 185 provisions of the Consent Decree and reducing by two-thirds the number of non-compliant findings reported by the Court Monitor between September 30, 2000, and June 30, 2003. The Monitor's 51st Report measured the 6 months between July 1 and December 31, 2003, the time period following the departure of the former Administrator who provided stable leadership prior to her departure in August 2003. This was a period of great transition, during which there were two different interim administrators for brief periods of time before leadership was stabilized by the Mayor's appointment of Ms. Alexander. Some slippage during this less stable time period is not unexpected. Nonetheless, the District still maintained compliance with 23 additional provisions since September 30, 2000, and, essentially, maintained the two-thirds' reduction in non-compliant findings. This record contradicts the *Jerry M.* plaintiffs' assessment that nothing short of appointing a transitional receiver can be done at this stage of the litigation. Because the District has made incremental progress over the last 3 years, albeit, not as quickly or as comprehensively as anticipated or required, it is unreasonable to conclude that additional efforts to secure compliance will be futile and lead only to confrontation and further delay.

I cannot say that I am satisfied with the District remaining under this litigation nearly 18 years after it was first initiated. I can say, however, that I am very confident in our current direction and with the progress we are making and feel that our current approach, not a transitional receiver, is without question the best way for the District to meet the requirements of the Consent Decree. I can say that appointment of transitional receiver does not provide a quick and efficient remedy. Ms. Alexander and Mr. Back have been on task for nearly 4 months and their labors are beginning to bear fruit. I would like to highlight their accomplishments for the record:

Security Improvements at Oak Hill Youth Center

Security Enhancements—MOU with DOC for Security at Perimeter Locations and at the Facility Checkpoint.

Security staff added to the entrance of Central Administration Building.

YSA is in working collaboratively with (MPD, CFSA, Court Social Services and OCC) to establish an absconders unit who will return all youth in ascendance status to YSA custody.

YSA has introduced drug sniffing dogs at Oak Hill.

Increased staffing on housing units additional supervisors (2).

YSA has changed location for visiting in order to provide better observation and security.

Substance Abuse Enhancements/Treatments at Oak Hill Youth Center

YSA has established a therapeutic atmosphere at Oak Hill that is based on the concept of Corrective Treatment and Balanced and Restorative Justice. This therapeutic atmosphere serves as the foundation for additional services including substance abuse.

YSA is entering into a short-term MOU with APRA to provide substance abuse counseling until the Substance Abuse Free Environment or SAFE Program is implemented. This MOU would entail APRA supplying YSA with two Certified Substance Abuse Counselors for approximately 6 months. YSA would use Unit 9B, which is designated for substance abuse treatment, and YSA would pay for this service by using Re-entry Funds. Contained in the MOU is the number of hours that the substance abuse counselor reports to OHYC. At present, it is anticipated that YSA will utilize the services of the counselors for approximately 21 hours per week at a cost of \$28.00 per hour.

RFP for the Residential Substance Abuse Program at Oak Hill was issued on February 15, 2004 and will close on April 2, 2004. YSA held a Pre-Bidder Conference at the Office of Contracting and Procurement on March 1, 2004 and 15 people attended, representing 12 different organizations. It will take approximately 4 to 6 months before services associated with this residential treatment program will begin.

YSA has also established a SAFE Program for Unit 6.
 YSA has identified YCO's who are certified addiction counselors who will be placed in unit 9B on a permanent basis.
 YSA is reassigning youth with substance abuse needs to unit 9B.
 Voice and Motion Players (VAMP) will increase numbers of times they visit the housing units to 2 times a week.
 YSA has hired an additional rehabilitation specialist with a background in addiction treatment.

Training

YSA continues to provide Specialized Training to all Diagnostic Treatment Team Leaders: These specialized training session will consist of:
 —Writing and Implementing the Effective ISP,
 —Interviewing Youth,
 —Planning Successful Team Management.
 Continues to train case managers in conjunction with Dr. Marty Beyer—*Jerry M.* Consent Decree expert—which consist of:
 —Strength Based Assessments,
 —Treatment Plans.

Staffing Enhancements

YSA has hired two Assistant Superintendents for Treatment.
 YSA has hired 18 additional YCO's, 2 Licensing Monitors and 1 Chief of Licensing from CFSA, 6 program analysts, and 5 Juvenile Justice Institutional Counselors.
 YSA has filled one and is currently recruiting to fill for 3 Deputy Administrators for:
 —Secure Programs,
 —Court and Community Programs (filled),
 —Performance Management,
 —Deputy Administrator for Support Services (Chief Administrative Officer).
 YSA is also currently recruiting to fill:
 —Oak Hill Youth Center Superintendent,
 —Training Manager,
 —Intensive after care workers,
 —Cooks,
 —IT professionals.

Community Enhancements

YSA has entered into an MOU with D.C. Parks and Recreation's Roving Leaders to provide services to youth in community based programs.
 YSA has assigned a staff member to ensure that all youth are reviewed for Medicaid Eligibility once they enter the system.
 YSA launched its licensing of group homes in March and has implemented additional monitoring/inspection procedures for all group/shelter homes.
 YSA has signed a statement of work for three group home solicitations: generic, therapeutic, and therapeutic substance abuse. The generic group home is scheduled to go through the District's Procurement Review Committee for approval on April 2, 2004. The therapeutic group home is ready for placement on the web and should be on the web by March 31, 2004. The therapeutic substance abuse group home will be ready by April 15, 2004, provided that revisions are finalized and the Procurement Review Committee approves it. In the interim, YSA is working on additional statements of work for shelter and vocational group homes.

Educational Programming/Enhancements—Oak Hill Academy

Consistent with the *Jerry M.* Consent Decree, all youth entering Oak Hill receive education assessments within 72 hours. DCPS has on staff 2 Assessors who provide this service.

DCPS staff involved in the diagnostic process come together every Tuesday to assess the youth's educational and vocational test scores as well as educational history in an effort to develop an educational track/plan.

Changes In Educational Services

Oak Hill Academy has instituted two changes in Educational Services to meet the individual needs of its students: how to schedule students in their classes, and increase in programs to support the school's focus on reading and mathematics across all content areas.

DCPS has requested and YSA will provide additional YCO's who will be specifically designated as DCPS YCO's who will reside in the school to support the needs of the new and revised day and after school programs.

During the 3rd Advisory, students' class schedules will better reflect their Individual Service Plan (ISP), school credit, and interest needs.

Students will be scheduled in classes based on educational programming dictated by their ISP.

DCPS received an AOL Grant in the amount of (\$10,000). This grant will enable 15 students needing remediation services for graduation, or college/college preparation classes to take computer courses online.

DCPS will be expanding its evening program to include a school band, book club, public speaking class, typing class, chess class, debating team, math and reading tutorials.

DCPS will also offer athletic intramurals such as football and basketball.

DCPS has also hired a Reading Specialist, who will support teachers' efforts to modify instruction to meet the reading deficits that impact students' learning.

DCPS Volunteer Groups

Georgetown University and American University enable DCPS to provide tutorial services in such areas as job preparation, GED training, improvement in communication skills and self-esteem building.

American University's Washington College of Law has 13 tutors who each assist one male student, academically and socially. They meet every Friday from 3:30 p.m. to 5:00 p.m. in the main school building.

Georgetown University provides tutorial services for female residents on Unit 6. This group is comprised of 8 tutors, working on a one-on-one basis to help the female students attain higher academic success in need areas. These tutors are on Unit 6 every Sunday from 3:30 p.m. to 5:30 p.m.

DCPS has arranged for the Public Defender Service to provide evening classes on Street Law.

DCPS in conjunction with YSA conducts Interdisciplinary Community Transition Planning Meetings. The purpose of these meetings is to develop the aftercare plans that will address the needs of committed youth within the context of the Balanced and Restorative Justice principles of community safety, accountability, and competency. These meetings are held 90 days prior to a youth's projected release date.

DCPS has also established Oak Hill Transition Specialists Program Guidelines and established in DCPS are 5 individuals responsible for transition/coordination services related to Oak Hill youth. The youth transition into four schools Anacostia, Ballou, Cardoza and Roosevelt Senior High Schools. Students are also transitioned into other charter schools as applicable.

Moreover, plaintiffs seek to provide 6 months for the transitional receiver to prepare a work plan and an additional year to put the plan in place. On the other hand, I directed Ms. Alexander to prepare and submit her comprehensive work plan for achieving *Jerry M.* compliance to me in May, and I fully expect that the plan will include further organizational adjustments gleaned from the past 4 months and a recommendation of whether the Youth Services Administration should become a cabinet-level agency. The selection of a new transitional receiver itself would take weeks, in addition to the delay identified above in preparing a plan and implementing it. The quicker and more efficient remedy is to permit the current Interim Administrator to continue her stabilization efforts and concentrate on recruiting for a permanent Administrator to assume the reins of a reinvigorated Youth Services Administration.

I believe that I have demonstrated in my testimony to the court on February 25, 2004, and before this subcommittee this morning, that leadership is available that can turn the tide within a reasonable period of time at the Youth Services Administration. In addition to developing a comprehensive work plan for the Youth Services Administration by May 2004, Ms. Alexander's priorities include hiring staff, identifying and obtaining needed resources, developing more collaborative relationships with other agencies and stakeholders, and finalizing an organizational structure for the agency. Ms. Alexander already has hired 35 new staff and created a new organizational structure. She prepared fiscal year 2005 budget enhancements for the new Youth Services Center and is working to bring that facility on line. She and her senior staff have met with sister agencies and other stakeholders, including Councilmember Sandra Allen (Chair of the Council of the District of Columbia's Committee on Human Services) to develop collaborative strategies in delivering improved services to our youth. Ms. Alexander has met with Dr. Margaret Beyer, the parties' stipulated aftercare expert, about moving forward with the agency's group and shelter home solicitations and other Order B issues. Ms. Alexander is putting in place a management team that address each of the deficiencies identified in the Inspector General reports, the Court Monitor's 51st Report, and the Blue Ribbon

Commission Report. We fully expect the Court Monitor's 52nd Report to substantiate the progress we are making in the first half of the current calendar year.

Ms. Alexander and her special counsel, Mr. Back, have direct access to me for consultation, review or assistance with any issue on a 24/7 basis. In addition, the team that I began to assemble in October 2003 continues to provide its support to this multi-agency reform initiative. In short, the Youth Services Administration is a top priority of the District of Columbia. The Williams Administration is resolved to making all necessary reforms to continue to make improvements in the delivery of services to our detained and committed youth.

I want to thank this subcommittee for the opportunity to testify on behalf of Mayor Williams concerning the progress made at the Youth Services Administration. Ms. Alexander, Mr. Back, and I are available to answer any questions.

Senator DEWINE. Well, we thank you very much for your testimony. Let me start by asking: you had the opportunity to hear the previous witnesses testify?

Mr. BOBB. Yes.

Senator DEWINE. What is your opinion about the Blue Ribbon report?

Mr. BOBB. Well, I have read the executive summary of the Blue Ribbon report. It does make a lot of very good recommendations as to how the District of Columbia can move forward in providing services to youth, and in particular, to juveniles within the District.

The Mayor had appointed a committee in December of 2003 that is now taking the basics of the Blue Ribbon Committee, coming up with a series of recommendations and strategies as to how we can move the Blue Ribbon Committee's report forward in the District. So that is currently under review.

Senator DEWINE. How do you think that Oak Hill fits into this or does not fit into it, and get to the comments of the two previous panel members. I mean their recommendation is that you close Oak Hill. What is your opinion about that?

Mr. BOBB. Well, the recommendation, I will give you my candid opinion. The recommendation that we sunset—

Senator DEWINE. That is what we like. We like candid.

Mr. BOBB. The recommendation that we sunset the Oak Hill facility and close it at a future date is one what will require very careful study and analysis, because at the end of the day, Oak Hill closes its doors, and then we have to place all of those facilities within the District of Columbia. That, too, will have to be—you would have to bring the entire community along with you, because you are going to run into the NIMBY concept, or not in my back yard.

In addition, we are also going to have the issue of whether or not we want to impact—typically what happens is, many of these facilities, from my experience, are placed in moderate, low income areas, and so then you have the impaction of whether or not those communities themselves should be the recipient of many of these types of facilities.

So I just think that it is going to require very careful community discussions and conversations in a much broader sense than perhaps what was done when the committee conducted its study and its review, and made its recommendations.

Senator DEWINE. Well, the description that has been given, the picture of Oak Hill today, has that been an unfair description? It has been a pretty bleak description. Now, if someone went out

here, somebody who is in the audience today, who had not been at Oak Hill, would they see something better?

Mr. BOBB. No. You are not going to see any physical—the physical conditions of Oak Hill are the physical conditions at Oak Hill.

Senator DEWINE. Well, it is not just the physical condition. I mean commingling of status offenders, a kid who is a truant, put in a room with a sex offender. That is pretty shocking.

Mr. BOBB. Absolutely. I can tell you that those issues occurred, they were not on—they have not occurred at Oak Hill since October of last year. If you go—what we would challenge all of the finders and all of the reports, is to take a look at Oak Hill since Mayor Williams directed this team to fix a problem that has been plaguing this District of Columbia for the last 17 years. In my more detailed testimony, it speaks to the changes, fairly dramatic changes in a short period of time, that we have taken at Oak Hill, including putting in treatment programs, or expanding the treatment programs for youth at that facility.

Senator DEWINE. Tell us a little bit, you touched on this in your statement, but tell us in a little more detail about what treatment is available, what programming is available to the young people who are at Oak Hill.

Mr. BOBB. I will let Ms. Alexander, if you do not mind, go through—

Senator DEWINE. Sure.

Mr. BOBB [continuing]. Some of the details in that regard.

STATEMENT OF MARCELINE D. ALEXANDER

Ms. ALEXANDER. Good morning.

Senator DEWINE. Good morning.

Ms. ALEXANDER. As relates to substance abuse treatment, currently YSA has established a therapeutic atmosphere at Oak Hill that is based on the concept of corrective treatment and a balanced and restorative justice approach.

Senator DEWINE. A what? I am sorry.

Ms. ALEXANDER. Balanced and restorative justice, which basically—

Senator DEWINE. What does that mean?

Ms. ALEXANDER. It takes—it balances competing considerations, that of the offender, the community, and the victim.

We are also entering into a short-term memorandum of understanding with our substance abuse administration, APRA, to provide substance abuse counseling until the SAFE program, which has been the subject of a lot of discussion is implemented. As relates to the SAFE program, we expect to have a substance abuse treatment facility fully operational in September, late August.

We have also established a substance abuse education program for our females on unit six. I would be happy to provide the curriculum to you. We have identified youth correctional officers who are certified substance abuse counselors, who we placed on specific units within the facility on a permanent basis to assist us in providing treatment and counseling for the youth.

The Department of Mental Health is also conducting individual and group counseling for youth who have been identified through their treatment plan as requiring counseling. In addition, we have

the Voice and Motion Players, which is a private vendor that goes out and uses innovative approaches to working with youth in dealing with substance abuse and other related issues.

We have also hired a rehabilitation specialist, who formerly worked in the SAFE program to assist us in providing counseling and treatment.

I would also say that we have a cannabis youth treatment service module in preparation for a more intensive substance abuse treatment program. Those children who have, through their treatment plan, as being identified as having severe substance abuse addiction issues are, of course, placed in residential treatment facilities, so they get more specialized treatment.

Senator DEWINE. You say there are children who are placed in residential treatment facilities.

Ms. ALEXANDER. That is correct. Who, through their individualized service plan, have been identified as having overriding substance abuse issues that require more intensive treatment. They are placed in residential treatment.

Senator DEWINE. How many would be placed there? Do you have any idea?

Ms. ALEXANDER. I do not have those specific numbers, but I would be happy to supplement the record with that information.

Senator DEWINE. Would you do that for me?

Ms. ALEXANDER. Yes, I would.

Senator DEWINE. Senator Landrieu has some questions. Go ahead.

Senator LANDRIEU. Thank you, Senator. I have several other meetings this morning. I appreciate the chairman's courtesies.

I just wanted to state for the record that I will submit a quite lengthy statement that I have for the record, and to thank you all for your testimony, but just to be sure that we are clear on some of the overall facts, we are dealing with approximately, Mr. Bobb, 500 children, for a total of \$69 million.

The paper reported, I think, that it was about \$90,000 per child, but our figures indicate that we are spending about \$145,000 per child. I am going to clarify and verify those numbers. But whether it is \$90,000 or \$145,000 per child, I think we are all agreed that we can do a much better job than is being done.

I also think the findings of this this morning are that since you have come on board, you have tried to put some things in place, and actually have accomplished some new directions, and have put in place some refocus and urgency about this matter, which I want to commend you for, and thank you.

But clearly, the budget does not seem to be the problem. It is either the management, or the structure, or the focus, or the arrangements that seem to be, because we could send—these children are young people. I know that they are offenders. I know that some of them are violent offenders, and have been criminal in their actions. But for \$145,000 a year, we could send them to maybe the finest facilities in the world.

So I just want to go on record before I have to leave to say that I am personally committed to visit Oak Hill. I want to work with you all in every way that I can to see that we can find some immediate solutions to these situations, and to really urge you all to con-

tinue to put in place the kind of leadership team that is going to be necessary, which I think you are on the right track.

But putting a strong leadership team in place, that has as its focus finding the proper placement, and retraining, or rehabilitation for each and every one of these young people, and not be focused on the contractors, not be focused necessarily on the facilities, although, Mr. Chairman, I think it is always nice to have, obviously, a clean and safe environment. I think sometimes we spend too much energy on brick and mortar, and not enough on the teaching or the ministering to of the individuals that we are trying to rehabilitate.

So with that in mind, I am going to leave my further questions for the record, but I just want to ask one question. What is the date that we have to actually find a director for Oak Hill, or are we looking for a director?

Mr. BOBB. Yes, Senator, we are—we have our executive recruitment has taken place. We have identified a number of candidates. We are in the process of now trying to entice those candidates that come to the District for interviews, and we——

Senator LANDRIEU. Do we have a time line and a salary range?

Mr. BOBB. I do not have—some of the salaries will have to be negotiated, but——

Senator LANDRIEU. Approximately. A range of person that you are looking for.

Mr. BOBB. Probably \$125,000.

Senator LANDRIEU. A hundred to hundred-twenty-five thousand for a director. What is our time frame for identifying this person?

Mr. BOBB. May. We have already identified—we have a key candidate that we are working with at the moment. We will have that candidate, hopefully have that candidate on board by the first of May——

Senator LANDRIEU. Okay.

Mr. BOBB [continuing]. When, I might add, a comprehensive report from our interim team is due on my desk.

Senator LANDRIEU. One other—I know you have probably submitted this, but for the record, if you would state, how many youth are in group homes, and how many group homes are there in the District?

Mr. BECK. There are—we have 82 as of——

Senator LANDRIEU. Eighty-two——

Mr. BECK. There are 82 youth or shelter homes. We have 82 youth and 10 shelters, and 21 youth, and 3 group homes. Six in specialized services. That is a total of 103 that are in either group or shelter homes.

As of March 25, we had 177 children, youth, out in Oak Hill. On that same date, we had 159 in residential placement, either inside or outside of the District of Columbia.

Senator LANDRIEU. Okay. Do we have an evaluation procedure in place for evaluations of group homes? Have we ever had a contract terminated in the last 12 months?

Ms. ALEXANDER. We have actually started to kick off our licensing process. We have established a licensing unit, brought on board, two licensing monitors from the Department of Health—I am sorry—from the Child and Family Services Administration, to

get their expertise, because they have just gone through the licensing process of their foster and group homes. So that process is under way.

Mr. BOBB. Senator, if I may just elaborate on that just for a second. The District of Columbia does not license group homes, although, the licensor procedures has been on the books for about 2 years. When this team came on board, I visited a number of the group homes unannounced. I convened a meeting of—I brought in all of the group home operators. This team, we have met with all of the group home operators. We have issued a packet of information to them. They are now aware that those group homes will go through a licensing procedure over the next several months.

But it is more than just licensing. We are also putting in place programs, in terms of how are those children, you know, what are the programs for children who are in group homes? I was not satisfied with at least one of the group homes that I paid an unannounced visit to.

So we are tightening the reigns on the group homes, not on the physical conditions of the group homes, but the programmatic way in which the group home operators work with children who are under their care, in addition.

Senator LANDRIEU. Well, thank you. Finally, Mr. Bobb, I will just say, I really commend you for those unannounced visits. I think that is very, very important. You will not hear a peep out of this chairman or myself if you would decide to close one or two of those group homes, because I am not for giving people more time when they are not doing a good job. I realize there is due process, and I understand that, but I also understand these children's lives are—a year in a child's life, or a month, or a short period of time can seem like eternity for a child that is in the wrong place.

Just for the record, how much are we paying these group home operators per day, per child? What is the per diem, currently?

Mr. BOBB. It ranges, I think last—fiscal year 2003, we spent about \$6 million on the group homes.

Senator LANDRIEU. But what is their per diem rate, approximately?

Mr. BOBB. It is anywhere between \$115 to over \$300.

Senator LANDRIEU. So we are paying \$115 to \$300 a day for operators that are unlicensed, and basically, from what we can tell, not doing very much, in terms of either rehabilitating, or caring for, or nurturing, or protecting these children. Now, something has to change immediately. I thank you for your efforts.

Mr. Chairman, I have to go to my other meeting, but I thank you for the time you are giving to this important subject.

Senator DEWINE. How many young people does YSA have under your jurisdiction, total? Just recap those figures.

Ms. ALEXANDER. It fluctuates on a daily basis.

Senator DEWINE. Sure.

Ms. ALEXANDER. Anywhere from 480 to 500.

Senator DEWINE. Can you give me the rough breakdown of that again, where they are?

Mr. BECK. We took—Senator DeWine, we took March 25 as the date, and we had submitted—

Senator DEWINE. That is a good date.

Mr. BECK. For the committed, we had 81 committed, 96 detained at Oak Hill on that day. So that is 177. On that same day, we had——

Senator DEWINE. Wait a minute now. So you have 177 at Oak Hill.

Mr. BECK. On March 25. These are numbers that we provided the committee.

Senator DEWINE. Right. And they break down how at Oak Hill?

Mr. BECK. On that date, there were 81 committed, 77 of them male, 4 of them female; 96 detained, 82 of them male, 14 of them female.

Senator DEWINE. All right.

Mr. BECK. There were 82 youth in 10 shelter facilities, 21 in 3 group homes, and 6 in specialized services facilities. So that is a total of 103 that were in either group or shelter homes.

Senator DEWINE. Okay.

Mr. BECK. Then we had a total of 159 children in residential treatment centers. One-hundred-and-one of those were out of State, out of the District placements, and 58 of those were in District of Columbia facilities. Again, these were numbers that we provided the committee.

Senator DEWINE. The ones who are, let us take the ones who are committed, the 81 who are committed at Oak Hill. That would range from what to what, as far as the reasons?

Ms. ALEXANDER. From the most serious offense to minor offenses.

Senator DEWINE. How minor?

Mr. BECK. It would be up to the court to determine whether they would be committed. These are adjudicated youth, and it is up to the Superior Court in sentencing as to whether or not they are committed. So whatever a Superior Court judge indicated or thought would be an appropriate offense that would warrant commitment to Oak Hill.

Senator DEWINE. I know, but you know—you can give us some examples.

Ms. ALEXANDER. Unauthorized use of a motor vehicle. Simple assault. Theft.

Senator DEWINE. The period of time committed to Oak Hill will range from what to what?

Ms. ALEXANDER. It varies. I am not sure of the average length of stay. Indulge me for one second.

Senator DEWINE. I do not care about the average—I want to know what the range is.

Mr. BECK. Of time between——

Senator DEWINE. Yes.

Mr. BECK. The average stay is between 45 days and 6 months. In the District of Columbia, one of seven States where the age of majority is 21, we can, in fact, we do have children that stay committed to the care and custody of YSA up to their twenty-first birthday.

So you are going to have ranging from 14 years old, up to 21. We had submitted to the committee responses about non-violent offenses. The statistics are that for drug offenses, we have 24 percent of our kids that are there for drug offenses, 36 percent for property crimes, 2 for driving offenses. That is the UUV's. Other non-PINS.

That is persons in need of supervision, 2 percent. And then PINS, persons in need of supervision, 2 percent. So 66 percent are there for non-violent-type offenses.

Senator DEWINE. The figures you gave us indicated that 18 percent of the youth committed to the YSA are basically runaways, is that right?

Ms. ALEXANDER. Yes.

Mr. BECK. Yes. Runaways from group homes. We have not had an escape since 2001.

Basically, a group home is a situation where the child is returned to the community, so they are going to be going to school. One of the criticisms has been, well, why can you not make it more secure? Well, you are stepping them down from a more secure facility and putting them in the community, so that they can rehabilitate. They are going to be going to school, so it is not terribly difficult for them to just keep walking after school, or not going to school at all.

Senator DEWINE. So they are in the community anyway.

Ms. ALEXANDER. Yes.

Mr. BECK. Right.

Senator DEWINE. That is the next step.

Mr. BECK. A lot of them just go home.

Senator DEWINE. Now, what about this category of, we have another category of truants here.

Ms. ALEXANDER. Well, the new—

Senator DEWINE. What is this? The PINS' offenses?

Ms. ALEXANDER. Those are children in need—

Senator DEWINE. P-I-N-S.

Ms. ALEXANDER. Children in need of supervision.

Senator DEWINE. All right.

Ms. ALEXANDER. When the new youth diagnostic center opens in October, that population of youth will be serviced at that facility, along with our detained youth, and that is children who have not had a judicial determination that they have committed an offense.

Senator DEWINE. Okay. What percentage were foster care kids that ran away?

Mr. BOBB. That was a figure that we were not able to determine. Those are dual-jacket kids.

Senator DEWINE. They were what?

Mr. BOBB. They are called dual-jacket kids.

Senator DEWINE. What in the world does that mean?

Mr. BOBB. A child who has an abuse and neglect case proceeding, and one that also has a charge, an offense—

Senator DEWINE. Dual jacket.

Mr. BOBB. Yes. Dual jacket.

Ms. ALEXANDER. They are in both systems. The Child Welfare System, where they have either been adjudicated or a determination has been made that they have been abused and neglected, and through the process, they have also picked up a juvenile charge.

Senator DEWINE. They picked up a juvenile charge, because of why?

Ms. ALEXANDER. Because they have allegedly, if they were detained, committed a criminal act.

Senator DEWINE. Not just because they ran away. Because they have run away from a foster home?

Ms. ALEXANDER. No. I do not think that that would be a basis. Though, I cannot say that with absolute certainty that a child would be placed in a juvenile justice system because they have run away from a group home.

Traditionally, these are children who have purportedly committed a criminal act.

Senator DEWINE. Well, that gets them into your PINS, P-I-N-S. Does that not get them into that?

Ms. ALEXANDER. That would get them into the system, but I am not suggesting, nor do I believe that most of the kids who have dual jackets are there because they are PINS.

Senator DEWINE. But you have some of these kids detained at Oak Hill who come under that category, do you not?

Ms. ALEXANDER. We may, in fact, do.

Senator DEWINE. Okay. Well, this has been very enlightening. I think it shows how much work has to be done. I intend to go look at Oak Hill myself as well. So Senator Landrieu and I will both be out there.

Again, as Senator Landrieu said, the physical facilities are one thing, but I think the other question is, what services are being provided? Whether it is \$490,000 or \$140,000 is interesting, but the real question is, what are the services that are being provided?

Mr. Bobb, your comment about phasing out Oak Hill and going out into the community is interesting, but I do not think that anyone is suggesting that you are not going to need a secure facility, and that you are not going to always have a certain percentage of these juveniles who are hard core offenders, who are going to need to be locked up. No one should read this hearing, or what I have said, at least, as indicating other than that.

I have been involved in the criminal justice system for my entire career one way or the other. There are some hardcore juvenile offenders. They have to be locked up. But there are also some truant, and there are also some runaways. Part of what we have learned over the years in the juvenile justice system is to distinguish the two, and understand the difference between the two, and to sort them out, and to treat them differently, and to give the treatment that is appropriate for the offense and for the offender. I think that is, to me, what has been the biggest problem with Oak Hill, and the biggest problem with what is happening in the District of Columbia.

Now, I understand, Mr. Bobb, that your testimony has been that things are getting better under what you and the Mayor have been doing. We appreciate that. I guess the question is whether or not that can get better at Oak Hill, and whether or not that is the facility where that can be done.

CONCLUSION OF HEARING

So anyway, we look forward to working with you all. We appreciate everyone's testimony. Thank you very much.

Mr. BOBB. Thank you.

[Whereupon, at 11:10 a.m., Tuesday, March 30, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

