

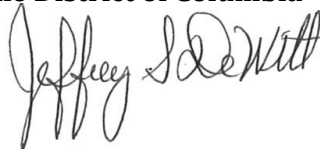
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: May 4, 2018

SUBJECT: Fiscal Impact Statement – Youth Rehabilitation Amendment Act of 2018

REFERENCE: Bill 22-451, Draft Committee Print as shared with the Office of Revenue Analysis on May 3, 2018

Conclusion

Funds are not sufficient in the fiscal year 2018 budget and the proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill's implementation will cost \$415,000 in fiscal year 2019 and \$1.2 million over the proposed four-year financial plan.

Background

Some youth offenders under the age of 22 are eligible for sentencing alternatives, access to treatment programs, and a conviction set aside if they are committed under the Youth Rehabilitation Act (Act).¹ For these youth, a judge may opt to place the offender on probation with conditions rather than serving a prison sentence or may allow the conviction to be set aside once the sentence is served.

The bill makes a number of changes to the Act, including expanding the age of eligible youth to include those up to 24 years of age and expanding the offenses for which a youth is ineligible for sentencing under the Act, to include first degree sexual assault, second degree sexual abuse, and first degree child sexual abuse.² In addition to expanding the age, the bill clarifies that eligibility is based on the youth's age at the time the crime is committed as opposed to sentenced.

¹ Effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-901 et seq.).

² Currently, only a crime of murder and first or second degree murder that constitutes an act of terrorism would make a youth ineligible.

The bill also separates the set aside decision from the sentencing decision, allowing the set aside determination to be made after the sentence is complete. The bill makes the set aside option available to returning citizens who were not sentenced under the Act, but could have been if the judge had made that determination at sentencing. The bill also makes it clear that a judge may impose a sentence under the Act that is less than what otherwise might be required as a minimum sentence. The bill establishes a series of criteria that the court should consider when making a sentencing decision that could support an alternative sentencing option or when making a set aside determination.

The Act requires a youth offender who is sentenced to probation, as opposed to incarceration, to perform ninety hours of community service. The bill directs the Mayor to provide the court with a youth offender community service plan by September 30, 2019 that outlines community service opportunities, monitoring procedures, and necessary communications between the Government or community service organization and the court system.

The bill also requires the Mayor to develop a strategic plan to provide appropriate facilities, treatment, and services for youth offenders who are pending trial or convicted of misdemeanor or felony offenses. The Mayor must also include a review of best practices, the expansion of diversion programs, and opportunities for outreach to committed youth offenders. The Mayor must work on the report with community organizations that have expertise in juvenile justice issues and must submit it to the Council by September 30, 2019.

The bill imposes two new reporting requirements related to the Act and youth offenders in general. The first requires the Corrections Information Council (CIC) to produce a new annual report detailing the conditions of confinement of and the programming available to youth offenders. The second requires the Criminal Justice Coordinating Council (CJCC) to issue a report that analyzes cases that could have or had a conviction set aside, the types of cases that could lead to sentencing under the Act, recidivism rates for cases sentenced under the Act versus those that were not, and the impact of available programming on youth offenders. The Department of Corrections, Metropolitan Police Department, Department of Youth Rehabilitation Services (DYRS), and the District of Columbia Sentencing Commission must provide relevant data upon request to the CJCC for this report. The CJCC report should be issued on a biennial basis beginning on October 1, 2022.

The bill requires the Office of Victim Services and Justice Grants (OVSJG) to issue an annual grant to organizations to enhance crime victims' and youth offenders' understanding of the Act's provisions on alternative sentencing and conviction set aside.³

Financial Plan Impact

Funds are not sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill. The bill's implementation will cost \$415,000 in fiscal year 2019 and \$1.2 million over the proposed four-year financial plan.

The bill requires the Mayor to produce two plans: a strategic plan for the Mayor to provide facilities, treatment, and services for youth offenders and a youth offender community service plan to organize community service options and procedures associated with a probation sentence. Both

³ The bill restricts the annual grant amounts to those included in an approved budget and financial plan.

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FIS: Bill 22-451, "Youth Rehabilitation Amendment Act of 2018," Draft Committee Print as shared with the Office of Revenue Analysis on May 3, 2018

plans are due by September 30, 2019. The strategic plan will cost \$100,000 and the community service plan will cost \$50,000. DYRS will contract the necessary expertise to produce the plans.

The bill requires CIC to produce an annual report on confinement conditions and available programming. CIC requires an additional program analyst at a cost of \$80,000 in fiscal year 2019 and \$326,000 over the proposed four-year financial plan to do the necessary research and produce the report.

CJCC produced a report similar to the bill's required report in 2017, but that was a one-time effort.⁴ The bill requires CJCC to produce the report to evaluate reasons why a case was sentenced under the Act, set aside applications, recidivism rates, and youth offender programming. CJCC must issue the report on a biennial basis and will need a specialist at a cost of \$85,000 in fiscal year 2019 and \$355,000 over the four-year financial plan period to produce the report.

The bill directs the District to provide assistance to victims and youth offenders around the Act's sentencing alternatives and set aside provisions. The scope of the need of this assistance is presently unknown, but OVSJG will be limited to what is available in an approved budget, which is intended to be \$100,000. OVSJG can provide assistance with this level of funding, but its activities could be limited to training and marketing of the Act's changes if the demand for assistance is large.

These estimates assume the bill's implementation will begin in fiscal year 2019.

Youth Rehabilitation Amendment Act of 2018					
Bill 22-451					
Implementation Costs					
Fiscal Year 2019 – Fiscal Year 2022					
(\$000s)					
	FY 2019	FY 2020	FY 2021	FY 2022	Total
DYRS Plans	\$150	\$0	\$0	\$0	\$150
CIC Personnel	\$80	\$80	\$83	\$83	\$326
CJCC Personnel	\$85	\$88	\$91	\$91	\$355
OVSJG Grant Limit	\$100	\$100	\$100	\$100	\$400
Total	\$415	\$268	\$274	\$274	\$1,231

⁴ <https://cjcc.dc.gov/page/districts-youth-rehabilitation-act-analysis>