

Hybrid Justice Systems & D.C.'s Youth Rehabilitation Act (YRA)

What is D.C.'s current law? How is it used? Is D.C. in line with the rest of the U.S.? What does research say?

1. What is D.C.'s Youth Rehabilitation Act?

D.C. has long made available alternative sentencing to the young adult population. In 1950, the Federal Youth Corrections Act became law, allowing some 18–21 year olds to receive specialized programming after conviction and shorter sentences. That law was replaced in 1984 with the Youth Rehabilitation Amendment Act (YRA). Under the law, at the successful completion of their YRA term, those convicted of an offense – except for murder – in adult criminal court under the age of 22 were eligible to have their record “set aside,” or sealed to the public but still available to law enforcement and some others. In 2018, D.C. law extended the eligible age for the YRA up to 24. Not all defendants in this age range are determined eligible for this special provision of the law.

Under the YRA:

- Individuals convicted of murder, first- or second-degree sexual abuse, or first degree child sexual abuse are not eligible for YRA sentencing or a set aside.
- Factors that will decrease the likelihood of receiving a YRA sentence include a high number of prior arrests or convictions, and being on the older end of the eligible age range.
- In determining whether to grant a YRA sentence, the judge can order a youth study, which includes a psychiatric evaluation, their social history, and their educational and employment needs. Judges have discretion in how to apply the YRA; for example a judge may sentence at or below the mandatory minimum, based on their analysis of the evidence and the defendant.
- Upon completion of a YRA sentence, a conviction may be set aside, but it is not expunged.

2. How does D.C.'s law compare to other places in the United States?

As of 2023, D.C. and six states – Alabama, Florida, Michigan, New York, South Carolina, and Vermont – had “hybrid” justice systems for young adults. These systems include expanded rehabilitative programming like in the juvenile justice system, combined with opportunities to be diverted from aspects of the adult system most likely to disrupt their development into productive members of society. While the specifics vary by state, these statutes generally rely on judicial and prosecutorial discretion to make individualized decisions that reflect the differences of each case and person.

3. What do we know about the recent use of the YRA?

Research completed on YRA, both before and after the 2018 expansion, indicates that D.C. judges conservatively apply the law.

- Between 2010–2012, **53% of 5,166 eligible cases were sentenced under YRA.**
- From 2019–2020, about 60% of eligible individuals received a YRA sentence, while **just 23% of offenses were eligible for a set aside**; during this time period, **37% of YRA recipients were sentenced to some period of incarceration.**

4. What does the law and research on this issue show?

Over the last 15 years there is a growing recognition that young adults (18–25) differ from the older adult population; particularly, scientific research has shown that the brain's prefrontal cortex, responsible for judging risk, planning and impulse control, is not fully developed until the age of 25.[i]

Amid the evidence that most people “age out of crime”[ii] and that traditional approaches were not reducing re-offending, lawmakers around the country embraced alternative or “hybrid” sentencing options for young adults. Multi-state research from 2023 showed that **defendants in hybrid systems have lower recidivism rates and increased workforce participation.**[iii]

Recent analysis indicates that D.C.'s YRA sentences have had a positive impact on public safety. A 2022 report by D.C.'s Criminal Justice Coordinating Council – an independent agency that works with law enforcement, federal prosecutors, and other partners – found that a smaller percentage of YRA recipients were rearrested than non-YRA recipients. **For those aged 22–24, being given a YRA sentence was significantly associated with fewer rearrests. Additionally, YRA recipients whose convictions were set aside had fewer rearrests and reconvictions than people with similar criminal histories** and offense types whose convictions were not set aside. [iv]

[i] <https://www.tandfonline.com/doi/full/10.2147/NDT.S39776#d1e375>

[ii] <https://bjs.ojp.gov/content/pub/pdf/aus9010.pdf>

[iii]

<https://static1.squarespace.com/static/5c6458c07788975dfd586d90/t/64b5c336101e34528d39e3f4/1689633591368/Time+for+Change+%282023%29+Full+Report.pdf>

[iv] <https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/CJCC%20-%20Analysis%20of%20the%20Youth%20Rehabilitation%20Act%20of%202018%20%28October%202022%29.pdf>

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