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**Testimony of the Council for Court Excellence
Before the Committee on Youth Affairs
Council of the District of Columbia**

**Roundtable on
DYRS' Fifth Rulemaking on the Community Placement of Juvenile Offenders**

October 7, 2026

Thank you, Chairperson Parker and members of the Committee, for this opportunity to present testimony. My name is Magdalena Tsiongas, and I am the Policy Manager at the Council for Court Excellence (CCE). CCE is a nonpartisan, nonprofit organization which conducts research, educates, and advocates to make D.C.'s unique legal systems more just, equitable, and accountable to the community. For over 40 years CCE has worked to improve the administration of justice in the courts and related agencies in D.C. through research and policy analysis, convening diverse stakeholders, and creating educational resources for the public. Please note that, in accordance with our policy, no judicial members of CCE participated in the formulation or approval of this testimony. This testimony does not reflect the specific views of, or endorsement by, any judicial member of CCE.

We at CCE appreciate the Committee holding this roundtable to testify on DYRS' Fifth Rulemaking on Community Placement, and the profound impact the amendments to these rules will have on youths' ability to be placed and remain in the community rather than being in secure detention, which should be used as sparingly and with as many due process protections as possible. As proposed, this rulemaking would change a youth's due process rights provided in Community Status Review Hearings (CSRH), expand DYRS's ability to remove youth from community placements, and increase the potential for lengthy pre-hearing detention.

The development of the rule changes, which were publicly released in May 2026 and finalized in June 2026, took place without the engagement of youth justice system advocates. Under the previous DYRS leadership, the Fourth Rulemaking process included a collaborative process with both judges and juvenile attorneys, in addition to DYRS leadership. A collaborative process before formal administrative rulemaking – especially when it pertains to changes this significant – ensures better coordination on implementation and likely better outcomes for youth. Here in D.C., there is a dedicated cadre of advocates and families with lived knowledge and legal expertise and experience working with DYRS youth who can understand the challenges facing the community and DYRS, while also ensuring the rights of those children are upheld with any rule changes. The lack of engagement with advocates and families in the drafting of these regulations

demonstrates a disregard for the experiences of the youth who will be directly impacted by these changes.

Increased Removal of Youth from the Community

For committed youth who have been placed in the community, changes to the regulations create additional reasons that DYRS can seek a revocation and send a child into secure detention. These new reasons include being “unsuccessfully discharged from a community placement” and when “the behavior of the youth in the community placement poses a risk to public safety.” Previously, a revocation could happen only when youth were found to be in violation of their Community Placement Agreement (CPA).

The CPA includes specific agreements that the child is made aware of and agrees to while in their placement. In contrast, both new additions are vague and give DYRS much broader discretion to justify a revocation for a child, without providing a deep understanding to the child of what specific actions could result in a revocation that would send the youth to the overcrowded and dangerous DYRS secure facilities.

Potential for Lengthy Pre-Hearing Detention

In addition to the changes which allow for increased agency discretion and ability to send a child into secure detention after a violation is determined, other recent regulatory changes also allow for longer pre-hearing detention prior to the CSRH. The previous DYRS rule explicitly detailed that a hearing must be held within five days of a child's removal from their placement. The new amendments remove that specific timeline and instead require a hearing “within a reasonable time period after the date the petition is filed,” leaving it up to DYRS to determine what is a reasonable time period for a young person to be held prior to a hearing being held.

We have testified in the past about lengthy wait times for young people in detention, specifically at the Youth Services Center. This is an issue we explored in our October 2025 report *Committed Youth Awaiting Placement in the D.C. Youth Services Center*.ⁱ The multi-factor delays that already exist in placing young people who had been committed in a timely way cause us to have concern for an additional source of delays that could happen by removing the five-day timeline for this population of committed youth.

Harms of Incarceration

As we have testified to this committee time and again, research consistently demonstrates that incarceration for children is associated with a variety of negative outcomes.ⁱⁱ With the potential for increased pre-hearing detention and revocation under these new regulations, comes increased exposure to violence, both from staff and other youth, separation from family and lasting, long-term effects. For incarcerated youth, both physical and mental health outcomes are negatively impacted, in addition to a decreased chance of graduation, poor transition to adulthood and increased recidivism.

Unfortunately, the abuse of youth in detention facilities is also well documented in D.C. Historical cases have detailed the systemic violation of children’s rights, denial of medical and mental healthcare, a climate of violence, unfit educational programming and unsafe conditions. More recent lawsuits continue to highlight instances of staff physical and sexual violence against children in the facilities, including a recent rape conviction of a former DYRS staffer against a child.ⁱⁱⁱ

Expansion of incarceration for youth will further expose children to these negative outcomes and perpetuate disparities.

Lack of Alignment with D.C.'s Philosophy on Juvenile Justice

The D.C. Code specific to the juvenile justice system (§ 16-2301.02), explicitly states the system "will treat children as children in all phases of their involvement."^{iv} Any agency rule changes should align first and foremost with this principal, and thus ensure the distinction of the youth and adult justice systems, as intended. Specifically, the rule changes are misaligned with the following stated goals in D.C. Code:

- *To provide due process through which juveniles and all other interested parties are assured fair hearings, during which applicable constitutional and other legal rights are recognized and enforced;*
- *To preserve and strengthen families whenever possible and to remove a child from the custody of the child's parents, guardian, or other custodian only when it is determined by the appropriate authority to be in the child's best interests or when necessary for the safety and protection of the public;*
- *To serve children in their own neighborhood and communities whenever possible;*
- *To achieve the foregoing goals in the least restrictive settings necessary, with a preference at all times for the preservation of the family and the integration of parental, guardian, or custodial accountability and participation in treatment and counseling programs.*

Multiple goals explicitly demonstrate a commitment to keeping children with their families, in their communities, and in the least restrictive setting possible. DYRS's new rules instead allow for increased removal of children from the community to secure detention, changes that have been forwarded without justification from DYRS, and should not be implemented. Additionally, our 2025 report on YSC included recommendations developed with a working group of key juvenile justice stakeholders and impacted people, including a call to increase community-based and less restrictive placement options and invest in community-based supports and services. At the same time as the agency seeks to make changes to its procedures and protocols – or perhaps instead of the recently adopted changes - DYRS should be working with Council to ensure that those community investments and prevention strategies are prioritized above all else.

Thank you again for creating a venue for advocates to raise concerns over the new rule changes.

ⁱ Office of the D.C. Auditor. "Committed Youth Awaiting Placement in the D.C. Youth Services Center," October 2025. https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/68eff0152e361f5c93521d86_YouthAwaitingPlacement_for%20website.pdf.

ⁱⁱ Pilnik, Lisa, Robert Schwartz, Karen Lindell, Jessica Feerman, and Christina Sorenson. 2019. "Transforming Justice: Bringing Pennsylvania's Young People Safely Home from Juvenile Justice Placements." Juvenile Law Center. https://jlc.org/sites/default/files/attachments/2019-10/Transforming_Justice_final.pdf; Mendel, R. (2023). *Why youth incarceration fails: An updated review of the evidence*. The Sentencing Project.

<https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>

ⁱⁱⁱ Jerry M. v. District of Columbia; Disability Rights DC. "Youth Still at Risk," March 2025. <https://www.aje-dc.org/wp-content/uploads/2025/03/Youth-Still-At-Risk-March-2025.pdf>; Washington Lawyers' Committee for

Civil Rights and Urban Affairs, & McGough, K. L. (2024, May 8). *District of Columbia sued over DC Youth Rehabilitation Services abuse of youth*. The Washington Lawyers' Committee.; Phylcia Ashley, "DC Guard Found Guilty of Sexually Abusing Teen Held at City's Youth Detention Center," *WJLA*, August 5, 2025, <https://wjla.com/news/local/dc-guard-youth-detention-center-guilty-abuse-rehabilitation-ysc-services-negligence-lawyers-judge-jury-verdict-accountability-powell-camera-years-key-watch-security-funding-council>. ; Linda Paris, "DYRS Faces New Lawsuit Over Brutal Staff-on-Youth Assault at Youth Detention Facility," The Washington Lawyers' Committee, May 15, 2025, <https://www.washlaw.org/dyrs-faces-new-lawsuit-over-brutal-staff-on-youth-assault-at-youth-detention-facility/>.

^{iv} D.C. Code § 16-2301.02 (2026).