



Testimony on Behalf of Disability Rights DC at University Legal Services  
For the Committee on Recreation, Libraries and Youth Affairs  
Public Safety Concerns with Department of Youth Rehabilitation Services

May 21, 2024

Good Afternoon, Councilmember White and members of this Committee. I am Anya Kreider, Attorney with Disability Rights DC at University Legal Services. Disability Rights DC is the federally designated Protection and Advocacy Program for persons with disabilities in the District of Columbia. Per our federal mandate, Disability Rights DC staff serves the District's residents with disabilities through individual representation, investigations of abuse and neglect, training, and systemic advocacy.

The DC Department of Health Care Finance reported in a recent publication that, "On average, in 2023, eighty-seven percent (87%) of youth placed at a DYRS secure facility have at least one mental health diagnosis, thus, placing DYRS well within the purview of Disability Rights DC's work."<sup>1</sup>

As the news of this past week has made painfully clear, DYRS has failed to maintain the safety of the youth it has responsibility over.<sup>2</sup> While recent incidents are undoubtedly newsworthy and alarming, concerns of youth safety under DYRS are not new.

Disability Rights DC recently released a report, written in November 2023 entitled *Youth at Risk: Dangerous Restraints and Excessive Seclusion at DYRS Facilities*. My comments are largely based on this report. The report provides the disturbing details of one youth's experiences at both YSC and New Beginnings. However, Disability Rights DC continues to hear allegations of similar experiences.

Therefore, we are particularly concerned about the response DYRS may have to these recent incidents: the use of seclusion, restraints, and moving youth to out of state facilities.

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<sup>1</sup> Department of Health Care Finance, District of Columbia Section 1115 Medicaid Demonstration Renewal Request: Draft Application for Public Comment (April 1, 2024) 17, [https://dhcf.dc.gov/sites/default/files/dc/sites/dhcf/page\\_content/attachments/DRAFT%201115%20Renewal%20Application%20For%20public%20comment%20V2.pdf](https://dhcf.dc.gov/sites/default/files/dc/sites/dhcf/page_content/attachments/DRAFT%201115%20Renewal%20Application%20For%20public%20comment%20V2.pdf).

<sup>2</sup> Ted Oberg, *14 fights, 8 arrests, 4 positive drug tests in recent days at DC's secure Youth Services Center* NBC Washington (May 14, 2024), <https://www.nbcwashington.com/investigations/14-fights-8-arrests-4-positive-drug-tests-in-recent-days-at-dcs-secure-youth-services-center/3616123>.

## DYRS Use of Restraints

DYRS must be vigilant in monitoring the use of restraints. DYRS’s own Physical Intervention Policy places strict controls on the use of physical interventions and physical restraint. The policy states that “staff may use physical intervention against a youth only when the youth’s behavior threatens imminent harm to the youth or others, or to prevent escape, and only after alternative verbal interventions have been exhausted or are impossible.”<sup>3</sup> The policy bans the use of 11 particular restraint techniques on youth, including: the use of “pressure point control or pain compliance techniques ... restriction of blood circulation or breathing,”<sup>4</sup> “kicking or striking youth,”<sup>5</sup> and chokeholds.<sup>6</sup> The policy also prohibits “any form of excessive physical intervention, deliberate physical abuse, or physical intervention used as coercion, punishment, or retaliation,”<sup>7</sup> and “use of instruments of restraint prohibited by the DYRS Policy...”<sup>8</sup>

Unfortunately, Disability Rights DC has knowledge of these critical DYRS policies being blatantly disregarded, to the detriment of our youth.<sup>9</sup> Improper staff intervention not only traumatizes the youth, it egregiously violates laws and policies designed to protect them and actually makes facilities more violent and less safe for staff and youth.<sup>10</sup>

## DYRS Use of Seclusion

Additionally, DYRS must not rely on the seclusion of youth as a means of facility management. Seclusion, sometimes referred to as “room confinement,” may appear to be a benign solution to staffing shortages and violent outbreaks. However, both DC law and DYRS policy place strict limits on the use of room confinement at DYRS facilities. Both allow for room confinement only as a last resort where other, less restrictive measures have failed.<sup>11</sup> DC law is explicit that juvenile facilities must have adequate justification to confine a youth to their room and cannot use room confinement “for the purposes of discipline, punishment, administrative convenience, retaliation, or staffing shortages.”<sup>12</sup> To protect youth from potential trauma and psychological harm of

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<sup>3</sup> DEP’T. OF YOUTH REHAB. SERV., POLICY AND PROCEDURES MANUAL IV.c.3.iii § II.A (2019), [hereinafter DYRS PPM: Use of Physical Intervention].

<sup>4</sup> DYRS PPM: Use of Physical Intervention, *supra* Note 3 at § VI.B.a.

<sup>5</sup> DYRS PPM: Use of Physical Intervention, *supra* Note 3 at § VI.B.b.

<sup>6</sup> DYRS PPM: Use of Physical Intervention, *supra* Note 3 at § VI.B.c.

<sup>7</sup> DYRS PPM: Use of Physical Intervention, *supra* Note 3 at § VI.B.e.

<sup>8</sup> DYRS PPM: Use of Physical Intervention, *supra* Note 3 at § VI.B.f.

<sup>9</sup> DISABILITY RIGHTS DC, YOUTH AT RISK: DANGEROUS RESTRAINTS AND EXCESSIVE SECLUSION AT DYRS FACILITIES (Nov. 2023), [assets-global.website](https://assets-global.website)

[files.com/65792ba62c7815e2cdc139a2/663a9daffe4197e0f9768133\\_5.6.24%20Youth%20at%20Risk%20Report\\_FIN\\_AL.pdf](https://files.com/65792ba62c7815e2cdc139a2/663a9daffe4197e0f9768133_5.6.24%20Youth%20at%20Risk%20Report_FIN_AL.pdf). In November 2023, Disability Rights DC (“DRDC”) completed an investigation of several incidents at the District’s juvenile justice facilities, New Beginnings and Youth Services Center, based on allegations of abusive use of seclusion and restraint. DRDC’s investigation – which included analysis of videotape footage, Office of Internal Integrity reports, incident reports, and in-person observations of the facilities – revealed numerous violations of DC law and DYRS’s internal policies. DRDC found that DYRS staff violently and dangerously restrained a youth and improperly confined him in his room. DRDC further noted systemic abuses of room confinement practices at YSC.

<sup>10</sup> See Denise Marshall, *Trauma-Informed Care: Child Safety Without Seclusion and Restraint*, Council of Parent Attorneys and Advocates (Dec. 9, 2015), <https://www.copaa.org/blogpost/895540/234517/Trauma-Informed-Care-Child-Safety-Without-Seclusion-and-Restraint>.

<sup>11</sup> D.C. Code § 24-912(b)(2); DEP’T. OF YOUTH REHAB. SERV., POLICY AND PROCEDURES MANUAL IV.c.3.i § VI.A (2018) [hereinafter DYRS PPM: Room Confinement].

<sup>12</sup> D.C. Code § 24-912(a).

prolonged room confinement, DYRS policy requires staff to remove the youth from room confinement “[a]s soon as the threat to self or others no longer exists”<sup>13</sup> and both District law and DYRS policy state that seclusion shall not exceed six hours.<sup>14</sup>

Disability Rights DC’s monitoring and investigation also uncovered systemic violations of District law and DYRS seclusion policy.<sup>15</sup> For example, we have repeatedly seen YSC staff using a system called “split time,” where only half of the youth on a given unit are allowed out of their rooms at a time, and the other youth on the unit are forced to remain in their cells until the other youth have exhausted their time in the common area. In practice, this means that youth are confined to their rooms for lengthy intervals not based on the youths’ behavior, but for staff convenience.

The use of seclusion and restraint on vulnerable youth, especially children with mental health disabilities, carries a high risk of traumatization and re-traumatization.<sup>16</sup> Notably, DYRS’s own policy recognizes the potential for trauma, noting that “isolation and solitary confinement of youth can cause serious psychological, physical, and developmental harm to residents, as well as deleterious effects on youth-staff relationships which ultimately impacts facility safety and security.”<sup>17</sup>

### **Reliance on Out of State Facilities**

Disability Rights DC is concerned that in the context of overcrowding, understaffing, and chaotic conditions, DYRS will rely on out of state placements for youth instead of making meaningful change in its practices. When youth are placed in facilities far from DC, it becomes difficult for youth to maintain contact with their families, government supports, community services, and advocates, making the process of adequate discharge planning and community reintegration even more difficult. Thus, the conditions at DYRS have long lasting impact on DC youth.

DYRS has the responsibility to ensure that all youth in their custody are safe and free from abuse and neglect. Disability Rights DC recommends that to safely care for youth DYRS must at a minimum prioritize Trauma-Informed staff training, pursue a policy overhaul, comply with regulatory requirements, increase the staff to youth ratio, allow for external monitoring, and foster greater transparency.

Thank you again for this opportunity to submit testimony on these important issue

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<sup>13</sup> DYRS PPM: Room Confinement, *supra* Note 11 at § II.b.

<sup>14</sup> DYRS PPM: Room Confinement, *supra* Note 11 at § II.b; D.C. Code § 24-912(e).

<sup>15</sup> DYRS PPM: Room Confinement, *supra* Note 11 at § II.a.

<sup>16</sup> See Denise Marshall, *Trauma-Informed Care: Child Safety Without Seclusion and Restraint*, COUNCIL OF PARENT ATTORNEYS AND ADVOCATES (Dec. 9, 2015), <https://www.copaa.org/blogpost/895540/234517/Trauma-Informed-Care-Child-Safety-Without-Seclusion-and-Restraint>.

<sup>17</sup> DYRS PPM: Room Confinement, *supra* Note 11 at § II.