

NOTES

- 1 "Conviction" means an offender pleads guilty or pleads *nolo contendere* ("no contest"), is found guilty after a trial, or is found not guilty by reason of insanity by plea or verdict. D.C. Code § 16-801.
- 2 These records would still be available to view by: courts; federal or state prosecutors; law enforcement; licensing agencies with respect to an offense that may disqualify a person from obtaining a license; any licensed school, daycare center, before- or after-school facility, or other educational or child protection agency or facility; or any government employer. D.C. Code § 16-801(11).
- 3 Conditions could be serving a period of incarceration, completing community service, paying restitution, or a combination of these, among other sentencing options.
- 4 Factors considered are: (1) the offender's age at the time of the crime; (2) the nature of the offense and the offender's role in the crime; (3) whether the offender was previously sentenced under the YRA; (4) the offender's participation in any rehabilitative programs in DC; (5) any previous contacts with the juvenile and criminal justice systems; (6) the offender's family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system; (7) the offender's ability to appreciate the risks and consequences of their conduct; (8) any reports of physical, mental, or psychiatric examinations; (9) the offender's use of unlawful substances; (10) the offender's capacity for rehabilitation; and (11) any oral or written statements provided by a victim of the crime. D.C. Code § 24-903(c)(2).
- 5 The DC law is called the Crime Victims' Bill of Rights, D.C. Code § 23-2901. These rights apply in prosecutions by the DC Office of the Attorney General. The federal law is called the Crime Victims' Rights Act, § 18 USC 3771. These rights apply in prosecutions by the DC U.S. Attorney's Office.
- 6 "Sealing" is when an offender asks a judge to essentially erase a crime from the public record, meaning that a member of the public will not be able to see that the offender committed that particular crime.

The Youth Rehabilitation Amendment Act

What Victims of Crime Should Know

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The DC Council passed the **Youth Rehabilitation Amendment Act of 2017 (YRA)** to help:

- (1) improve public safety outcomes,
- (2) enhance transparency, and
- (3) incentivize young people charged with crimes to strive for rehabilitation.

A central goal of the justice system, rehabilitation refers to an offender's ability to reenter society and no longer commit crimes. Primarily, the DC Council sought to promote programming and supports for young people that would decrease the chances of them interacting with the criminal justice system again.

WHAT DOES THE YRA DO?

The YRA allows judges the discretion to **set aside** a youth offender’s conviction¹—blocking it from public records and background checks.² Under the YRA, a **youth offender** is a person who was 24 years old or younger when they committed the crime.

In setting aside a conviction, the judge is determining that a youth offender has been successfully rehabilitated and should be able to integrate back into DC society without the barriers to basic needs (like housing or employment) that a criminal conviction can create.

A judge may set aside convictions at sentencing, along with specifying any **conditions**³ the offender must meet. Or the judge can set aside a conviction after the offender has served their sentence and completed any conditions. In either case, the judge must make a written statement during a sentencing hearing or set-aside determination hearing that communicates to both the victim and the convicted young person the judge’s reasoning for providing or denying YRA benefits.

WHO CAN PARTICIPATE IN THE YRA?

A judge will consider a variety of factors to decide whether a youth offender is an appropriate candidate for the YRA. Those factors include:⁴

- The offender’s age at the time of the crime
- The nature of the crime and the offender’s role in it
- Previous crimes committed
- The offender’s family and community situation at the time of the crime, including any history of abuse, trauma, or involvement in the child welfare system
- Any reports of physical, mental, or psychiatric conditions
- A written or oral statement from the victim

However, youth who have committed any of the following crimes are **ineligible** for the YRA:

- Murder
- First or Second Degree Murder That Constitutes an Act of Terrorism
- First or Second Degree Sexual Abuse
- First Degree Child Sexual Abuse

HOW DOES THE YRA AFFECT VICTIMS?

Crime victims have many rights under both DC and federal law—including the **right to notice**.⁵ The right to notice means that crime victims should be informed about events or court proceedings related to their case. Instances requiring notification include: when an offender is going to be sentenced, if the offender requests early release from jail or prison, or if the offender is trying to “seal” (or erase) a crime from their criminal record.⁶

In cases where the offender wants to be considered for YRA benefits, victims should be notified of several things:

- If there will be a court event where a judge sentences the offender, or where a judge changes the sentence that was already decided.
- Any changes to the sentence after the offender is already in prison or jail. For example, victims should receive notice if the offender is released early for probation or community service.
- If the offender tries to seal the crime from their record.

In addition to being informed of events and kept up to date on case-related proceedings, crime victims also have the **right to submit a statement** to the judge who is considering whether to apply the YRA to a youth offender. In that statement, victims can explain how they feel about the offender receiving YRA benefits, whether they agree or disagree with the offender participating in rehabilitation programming rather than incarceration, or whether they feel it is right or wrong for the offender to receive a different sentence. Or victims can bypass those questions altogether and share instead how the crime has affected them. It is entirely the victim’s decision regarding whether to share their story and how. Options include: providing a written statement to the judge; designating someone else to read the statement to the judge; or directly speaking to the judge themselves.

Crime victims in DC have **local resources** available to help with understanding and asserting their rights, or if they believe their rights have been violated.

RESOURCES

DC Victim Hotline
www.dcvictim.org | 844-4HELP-DC (844-443-5732)

Provides free, confidential information
for crime victims 24/7

Victim Legal Network of DC
www.vlndc.org | 202-629-1788

Helps connect crime victims to
organizations that match their legal needs

