

A POST-DISPOSITION ADVOCACY PERSPECTIVE: AN INTERVIEW WITH RAYMOND  
NGU, LEGAL DIRECTOR OF OPEN CITY ADVOCATES

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INTRODUCTION

Open City Advocates, founded in 2005 by Whitney Louchheim and Penelope Spain, provides legal representation and mentoring services to children in the Washington D.C. juvenile system who have undergone sentencing and have been committed to the custody of the Department of Youth Rehabilitation Services (“DYRS”).<sup>1</sup> Children can be committed to DYRS custody until they turn twenty-one.<sup>2</sup> Open City Advocates primarily serves youth aged 14-25, who are predominantly Black and Latino.<sup>3</sup>

While committed to DYRS, a child’s placement and the services he or she may receive often change. A child can be placed in secure facilities, in group homes, or may be placed in the community at their family homes. DYRS is responsible for deciding where every individual is placed. DYRS also determines supervision requirements, such as whether a child must participate in mental health services, be on electronic monitoring, or adhere to a nightly curfew. Open City Advocates helps its young clients navigate this process by explaining the system and ensuring their voices are heard in the decision-making process. Their lawyers also seek to hold DYRS accountable to their mission of transitioning youth successfully back into the community.

In 2020, Open City Advocates was instrumental in securing the right for all children to have access to an attorney during their period of commitment to DYRS.<sup>4</sup> The D.C. Court of Appeals in *In Re N.H.M.* held that children have a right to counsel in all ancillary judicial proceedings, which includes those that happen during a youth’s commitment.<sup>5</sup> D.C. Family Court now appoints a “post-commitment attorney” to every child in DYRS custody.<sup>6</sup> D.C. was the first to implement this framework of youth defense.<sup>7</sup> Open City Advocates works to make the criminal legal system more just both on a direct personal level by providing

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<sup>1</sup> OPEN CITY ADVOCATES, <https://www.opencityadvocates.org/> (last visited Jan. 6, 2025).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *In re N.H.M.*, 224 A.3d 581 (D.C. 2020).

<sup>6</sup> OPEN CITY ADVOCATES, *supra* note 1.

<sup>7</sup> *Id.*

comprehensive expressed-interest advocacy for systems-involved youth and on a systemic level by supporting policy reform.

Raymond Ngu is the Legal Director at Open City Advocates. Raymond graduated from Carleton College, where he majored in Sociology/Anthropology.<sup>8</sup> He later received his J.D. from NYU School of Law.<sup>9</sup> After law school, Raymond was a public policy and health care associate with Covington & Burling LLP and maintained an active pro bono docket.<sup>10</sup> While at Covington, Raymond provided pro bono services at the Neighborhood Legal Services Program where he represented clients on issues ranging from custody to child support, and civil protection orders.<sup>11</sup>

In this interview, Mr. Ngu discusses the challenges faced by post-commitment attorneys for youth in D.C., the rewarding aspects of working with youth in this capacity, and his vision for the legal system and post-disposition advocacy.

#### INTERVIEW

1. *How and why did you get involved in post-commitment work with kids?*

I don't have a traditional route into the work. I've always loved working with young people. I did that right after college when I worked for an education group doing remedial tutoring and college prep for middle school and high school students. But I did not know going into law school that I was definitely going to represent young people.

I'm from Canada so I knew I needed a work visa to stay in the country. I also knew that working at a large law firm was going to be the best way to obtain a work visa, which is the route I ended up taking, but I tried to leverage that experience to make it as in line with my interests as possible. At the firm, I did a bunch of pro bono work including a post-conviction case in Louisiana, voter protection litigation in Michigan after the 2020 election, and contributing to an amicus brief in *Dobbs v. Jackson Women's Health Organization*. I also got the opportunity to handle child custody issues, child support, divorce, and adoption work during a full-time pro bono rotation.

From those pro bono experiences I learned that I really wanted to do direct services because it solidified my interest in the value of representing a single person—taking their case from start to finish and just being there for a client in a way that I wasn't getting from my work at

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

the firm. When I was leaving the firm and deciding where I wanted to go next, I was looking for an opportunity to not only make a difference in an individual client's life, but also to take part in systemic advocacy. I believe that mass incarceration is one of the defining issues of our generation and I wanted to find a position that would allow me to work toward dismantling the prison-industrial complex.

What really drew me to Open City Advocates specifically was their holistic advocacy model. We are not a traditional public defender's office and so we have some flexibility in terms of what we can do to support our clients. We're not exclusively government funded, as we also get funding from organizations, individuals, and foundations. A typical civil legal services organization does intake, the client gets assigned an attorney, the attorney helps them with their legal problem, they close the case, and then everybody moves on. That's very different than the model that we have. We strive to maintain contact with our clients even after our formal legal relationship with them ends to continue assisting them however we can.

For example, we understand that our clients' legal problem may not be the most pressing issue that they're facing: a lot of our clients are thinking about how they're going to get to school the next day, how their family is going to pay for groceries next week, or if they're going to be able to make rent. Because we are not a traditional PD office, we have the flexibility to go out and solicit funds to help our clients do that. For the last couple of years, we've been really fortunate to start and grow what we call our "flex funds" program for our clients who are in the community. This program allows us to provide our clients with financial assistance to support their transition back to the community after a period of incarceration. For example, we can provide them with transportation gift cards to get to school, gift cards so their family can buy groceries, or phones so that they can stay in touch with their case workers. We take really seriously our commitment to our clients to thrive and do their best in the community, and believe that the best way to ensure that that happens is to set them up with the resources and tools to do it.

The time that our clients spend committed to DYRS is often the longest period that they will be systems involved, which is why post-commitment counsel is so important. Their trial or plea process could take a few months, but they could end up being committed for five years or more than that, and without legal counsel or somebody to represent them during that period of time, there's no one holding the agency accountable. The young person could be shuffled back and forth between out-of-state facilities, secure facilities, group homes, or their family home any number of times during their commitment to the agency. In other states, kids who are sentenced might be sent into this

vacuum where no one can really figure out what's going on, where they are, or how long they've been there. Thankfully this is not the case in D.C. because of the robust post-commitment practice that we continue to grow.

2. *What is your favorite part about this work?*

Working with young people is the obvious answer. I get my energy and inspiration to do this work by talking to and working with clients. Their resilience and intelligence and empathy, even though they are in some of the worst circumstances, is always amazing for me to witness.

Also, any time we can get a client into a less restrictive or less carceral setting, whether they're going from a secure facility to a group home or from a group home to their family home, is a celebratory moment for everyone, which keeps me motivated to continue in this work. We play a small part in that and a lot of kudos goes to the young person for their ability to withstand their circumstances and make it to that point. To have played any small role in getting a kid out of a cage and back into the community where they belong is definitely a highlight.

3. *What are some of the biggest challenges in post-commitment work?*

One obstacle for us is the broader cultural and media narrative, which says that kids are dangerous, and that Black kids in DC are particularly dangerous. There is no nuance or understanding of the fact that they are young people, and young people make mistakes. Kids make different decisions than adults do, and that's a normal part of growing up. And that's to say nothing of the economic or social context in which the young people grow up. It's extremely concerning when adults say that a 12-year-old who commits a crime should be locked up for the rest of their life. This is a 12-year-old that we're talking about and that seems to get lost in the conversation.

That carceral impulse toward punishment makes its way into the system even though the mission of DYRS is rehabilitation. The mentality that some kids are inherently bad and that they need to be locked up for their safety and for the community's safety is extremely troubling. It really goes against what we know about adolescent development and the age-crime curve. The way that young people learn to make decisions changes over time. It also goes against the research, which says that the more time that young people spend incarcerated actually increases their likelihood of re-offending rather than decreasing it. I think it's been scary to see that narrative grow even since the time that I've started at OCA.

Another challenge is making sure that our clients get the proper support when they transition back into the community. Part of what

makes a successful transition is adequate planning. However, we have found that the agency often fails to appropriately plan for a young person's return to the community and this sets them up for failure. We have found that reentry planning often doesn't happen until a couple weeks before a young person is set to be released. We know that that's not effective and that it is not enough time to get services and programming in place. Kids need to have a continuum of care, which includes planning for the youth's next placement as early as possible. We should be seeking to minimize disruption as much as possible in all aspects of their life, whether it be schooling, family, jobs, and potentially mental health services. Robust reentry planning should begin as soon as a young person is placed at a facility. The agency should be thinking about where the youth will be going next and what services they need to get in place over the next nine months to a year to make sure that this kid is going to be set up successfully.

4. *Is there any moment across your career or an experience with the client that sticks out to you as particularly rewarding?*

I had a client whom I worked with for almost a year, and he was in a community placement but was having issues. He was getting into disagreements with the adults who were supervising him, and it all came to a head one day. He called me and told me he was cutting off his GPS and running away because he could not take it anymore. In that moment, I was glad that we had built up enough of a relationship where he felt like he wanted to call me and didn't make the choice to just run and talk to me later.

Over the course of the next several hours, we had multiple conversations about what he should do. I reminded him of his goal, which had always been to go home back to his family. I also told him that I knew this moment was tough but asked him whether and how we can ensure he makes it through this placement successfully so that he can go home, which was a plan that was on the horizon, but would be much harder to do if he ran away in that moment. I told him that we can work on the problem and talk to DYRS about what the issues are and get them fixed. But if he ran and got caught, he would be locked up again and would be that much further from his stated goal. Eventually he agreed to go back inside, and we made a plan for him to successfully get through the next couple of weeks.

That client is at home now and doing well. I often think back on that story and am thankful that we had built up enough of our relationship at that point where he felt comfortable enough coming to me and that I could help reorient him towards his longer-term goals.

5. *What advice would you give to young people who are interested*

*in helping kids through the various stages of the legal process, public defenders, post-commitment workers, etc.?*

I think what I'm learning more and more is that to be effective advocates in this space we also need to be connected to and build relationships with the communities that our clients come from. As lawyers, for the most part, we come from very different circumstances than a lot of our clients and I think that's important for us to acknowledge if we are going to be systemic actors in the way that we want to be. By that, I mean both that we need to understand what the community identifies as issues and what they see as potential solutions, but also that we need to demonstrate that we are working on their behalf and not trying to set our own agenda.

I would say, to the extent that you can, get involved in community-based organizations and learn from people in the community about what they care about and what issues are affecting their young people. And hear from young people directly, of course. Learn how young people are navigating the world today, particularly how young people of color in DC are navigating the world. Take any opportunity to work with young people, whether that's in a legal context or not.

6. *What do you think are the most pressing issues with the current system legal system that impact kids who are committed in DC?*

I would go back to my earlier answer about the narrative. I think the culture is a really tough one right now and everyone feels pressure to do something: judges, prosecutors, DYRS staff. There's a lot of attention on what young people are doing in the District and I think that—inadvertently or not—affects a lot of the individual decisions that they make in specific cases which can have lasting consequences in a young person's life.

A big issue that we've been seeing in the post-commitment space is that kids are awaiting placement for months at the Youth Services Center ("YSC"). There are a number of reasons why kids should not spend months at a place like YSC. The Director [of DYRS] has specifically said that it's not designed for rehabilitation. It's supposed to be a temporary pretrial detention facility so there's not appropriate access to outdoor space, there's not appropriate programming, and not sufficient mental health services. Kids are languishing in YSC and when they actually do get to their long-term placement, they often don't do well in their treatment program because they deteriorated so much while at YSC. This is to say nothing of the impact of being torn away from your family and community.

I would also go back to the continuum of care. I think it's important for agency to understand that they are responsible for that young person

for the duration of their commitment—not just for one placement at a time—and really individualize a plan specific to that young person. Too often now there is a cookie cutter plan for every kid. There is a mentality that virtually every young person needs to go to a secure facility, then stepped down to a medium placement, like a group home, and then they can go home only if they have behaved perfectly during that time. That just doesn't work for all kids. No kid needs to be locked up, but it seems as if the agency is saying that *every* kid needs to be locked up in order for them to be “rehabilitated”. When young people are back in the community, we see that community placement agreements [the conditions of supervision that young people agree to abide by] are all cut and paste templates, copied from one kid to the next. These plans need to be individualized in order to have any meaningful positive impact on a young person's transition back to the community.

We're sending kids through this cookie cutter program in their community and expecting them all to comply perfectly and then locking them back up if they don't. But we know that what would actually be successful is taking the time to invest in what each individual child needs, what they're interested in, and how the agency can help them on their path to adulthood. These kids are figuring themselves out, like all kids are. They have interests, hobbies, passions, and goals and that so often get lost in the conversation about these really restrictive and quasi carceral conditions like GPS monitoring and curfew monitoring. I would love if the agency took the time to dig deep into each young person's case, help them find what they're really passionate about, and set them up with those programs or activities—that would go a much longer way to keeping our communities safe than having the same conversation about 24-hour no-movement curfews.

7. *What keeps you up at night?*

Personally, I'm an abolitionist so I don't think that prisons should exist. I don't think policing should exist as it currently exists in in this country. What keeps me up at night is how to get more people on board with that idea. I think it's really tough for a lot of people to imagine a world in which prisons and police don't exist because they think that those institutions have always existed. That's not true yet people have such a hard time even entertaining the idea.

I am so interested in hearing from other people and learning more about the best way to have those conversations because I think what I've learned over the course of my own abolitionist journey is that a lot of this work needs to be done through micro interactions between people. That's how we grow an abolitionist future—by having an individual conversation with your neighbor or with your friends about what you

want for society and what you want for accountability and justice in our world. It doesn't need to be a grand vision of how we handle violent offenses in our communities, but it can be as simple as how to give support to a person returning from a period of incarceration. That is an abolitionist action.

I think a lot of people are worried about their safety and the safety of those around them in an abolitionist future, which is totally understandable. It's not that there is one correct solution to stopping violence in our world, but we know that what we're doing is not working—police and prisons aren't keeping us safe, especially not Black and brown communities. But how do we stop violence? That's a conversation that we need to be open to having. That's what building an abolitionist future is about. It concerns me when people simply refuse to engage in that conversation and entrench themselves in the status quo because they can't imagine a world different than our own.

8. *What are you most excited about?*

I've been thinking a lot about the expansion of post-disposition advocacy around the country and that's something I'm really excited about. We were just at the Gault Center Summit and our team gave two workshops about issues that come up during post-disposition advocacy and how to secure the right to post-disposition advocacy in your jurisdiction. Both of those sessions were well attended, and we heard a lot from other defenders about the value of post-commitment advocacy in their own jurisdictions. From what I understand this was not always the case in this space and that post-disposition advocacy has historically been relegated to the side. But I think we're seeing an increased recognition among youth defenders and advocates about the importance of doing this kind of work. I'm really excited to not only be a part of that but also to witness the action, ideas and, creativity that folks have around the country to further this practice.