

D.C.'s Justice Systems: An Overview

October 2019

Public Welfare
Foundation

ACRONYMS

- ACE: Alternatives to the Court Experience Diversion Program
BOP: Bureau of Prisons
CDF: Central Detention Facility (“Also referred to as “D.C. Jail”)
CSOSA: Court Services and Offender Supervision Agency
CSS: Court Social Services
CTF: Correctional Treatment Facility (“Also referred to as “D.C. Jail”)
CYJA: Comprehensive Youth Justice Amendment Act
DCHA: D.C. Housing Authority
DOC: Department of Corrections
DYRS: Department of Youth Rehabilitation Services
LEA: Law enforcement agencies
IRAA: Incarceration Reduction Amendment Act
MPD: Metropolitan Police Department
NEAR Act: Neighborhood Engagement Achieves Results Act
RAN: D.C. Reentry Action Network
OAG: Office of the Attorney General
ONSE: Office of Neighborhood Safety and Engagement
OPC: Office of Police Complaints
OVPHE: Office of Violence Prevention and Health Equity
OVSJG: Office of Victim Services and Justice Grants
PDS: Public Defender Service
PSA: D.C. Pretrial Services Agency
RRC: Residential reentry center (refers to a federally run halfway house)
TIPS: Transitional Intervention for Parole Supervision
USAO: United States Attorney’s Office
USAO-DC: United States Attorney’s Office for the District of Columbia
USPC: U.S. Parole Commission
YME: Young Men Emerging

For over seventy years, Public Welfare Foundation has supported efforts to advance justice and opportunity for people in need. Today, our efforts focus on catalyzing a transformative approach to justice that is community-led, restorative, and racially just through investments in criminal justice and youth justice reforms. These efforts honor the Foundation's core values of racial equality, economic well-being and fundamental fairness for all.

Learn more at www.publicwelfare.org.

An Artist's Statement from Photographer
Dee Dwyer:

Art, to me, is "Life." I use photography as a form of art. It is a way to stop time and reflect on a moment that can possibly shift history going forward. As a person who has witnessed and experienced struggle, I am naturally drawn to its core. While out creating photographs, I spend time trying to understand human experiences. This is essential to my process. I create photographs that capture people in their element. My goal is to show all aspects of human life with the primary focus being humanity. I'm fascinated with photographing the "Misunderstood." I hope that my work will clarify many misconceptions of which the world has dumped on people that aren't socially accepted into society and who are economically disadvantaged.

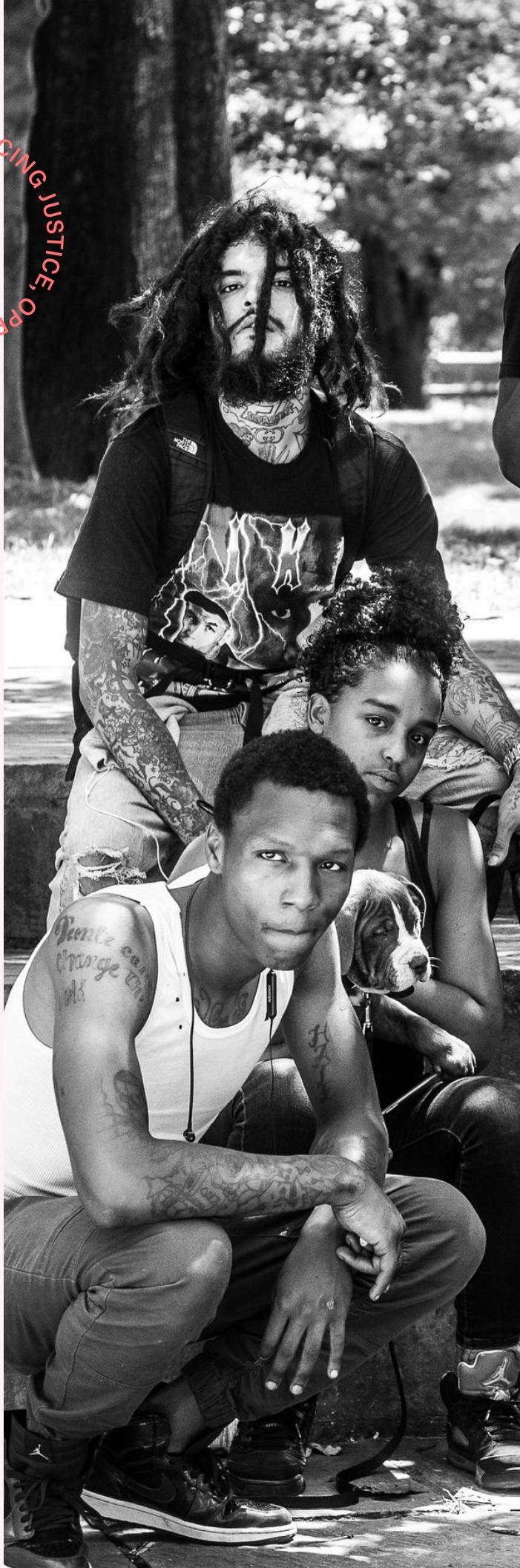
– Dee Dwyer

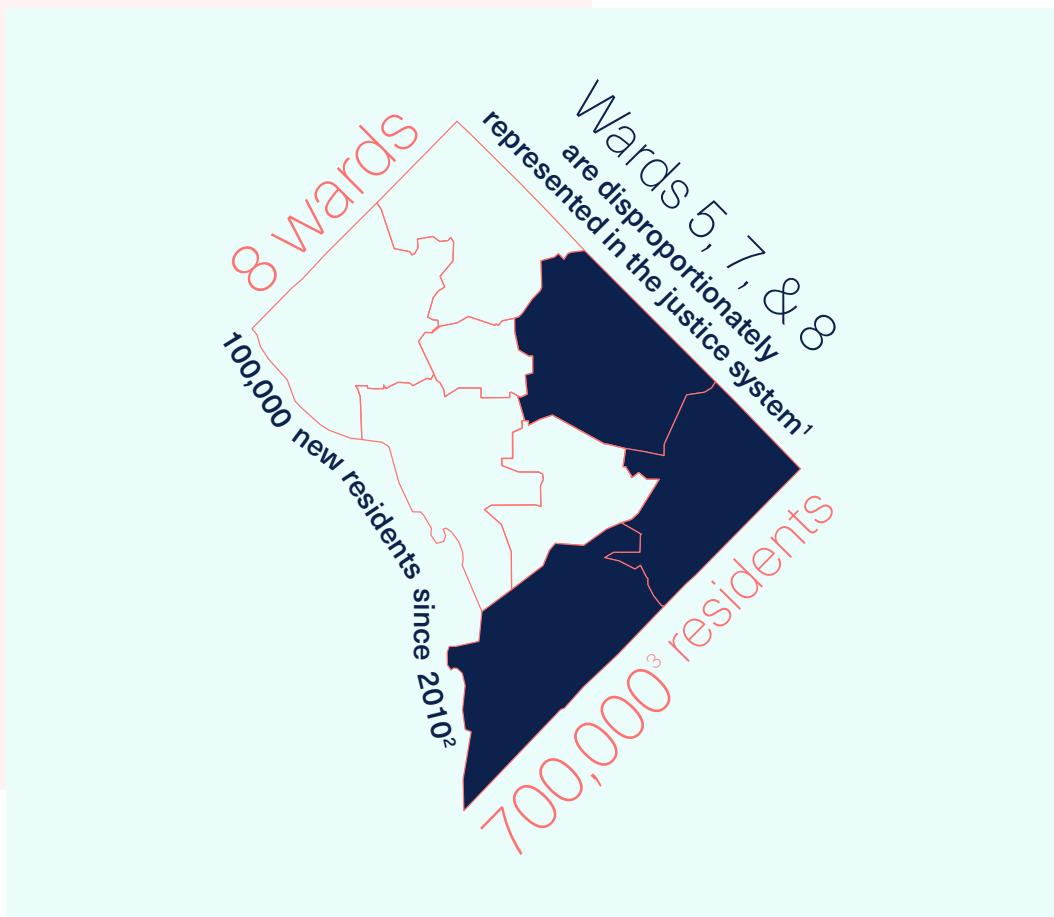
All photography in this report was done by Dee Dwyer of Washington, D.C. Learn more about Dee's work at deedwyerjonts.com.

~~Washington,~~ D.C.

OVERVIEW

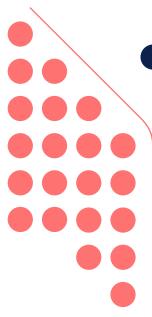
Washington, D.C. is a vibrant and diverse city, with many governance and structural traits that make it unique nationally. These same traits make it particularly challenging when it comes to the administration of justice. Several factors signal that D.C. is ripe for justice transformation. Notably, a number of the city's policymakers have expressed a willingness to test and advance innovative solutions. Recent achievements also indicate a strong foundation for impact: Progressive legislation, committed organizations and





advocates working along the frontlines to give voice to those most impacted by the justice system, and promising policies and programs that support more safe and just communities. These achievements all provide an environment fit for further reforms.

This report is a compilation of existing information. It is meant to serve as a summary of D.C.'s criminal justice systems, and is not intended to be an exhaustive or single-use resource. The report strives to use "people first" language and will generally use terms like "incarcerated person" unless quoting a direct source or referring to an official or legal term. The report uses the phrase "returning citizen" to describe the people around whom this report centers because it is the preferred terminology in the District, as expressed by the community of people who have been directly affected by involvement with the justice system. "Returning citizen" includes both previously incarcerated people and people with criminal records, classifications which often, but do not necessarily, overlap. A deviation to this principle is the distinction between individuals who have been convicted of crimes under the laws of the District and those who have been convicted under federal law; this report uses "D.C. Code offenders" for those who have been convicted in the District, as it is the commonly used term, both colloquially and legally.



1 / 22
adults is actively
justice-system-
involved on any
given day.⁴



1 / 7
has a criminal
record.⁵

Washington, D.C. has long been a city divided, but that divide has grown considerably more pronounced over the past two decades. D.C. was a majority-African American city from the late 1950s through 2011, when the city's African American population fell below 50 percent for the first time in more than 50 years.⁶ According to the D.C. Chief Financial Officer's December 2018 report on economic and revenue trends, 2018 was the 13th consecutive year of population growth for the nation's capital. From 2005 to 2018, D.C.'s population grew by 135,319—a gain of 23.9 percent.⁷

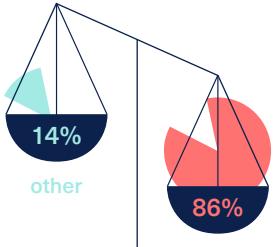


HOME RULE ACT

There are two major federal laws governing D.C.'s justice system: these are colloquially referred to as the "Home Rule Act" and the "Revitalization Act." To change any of the pieces of D.C.'s justice system that are governed by these laws, D.C. Council legislation is not enough; Congress must amend the U.S. Code. The District of Columbia Home Rule Act is a federal law that was passed in 1973. The Act gives certain congressional powers to local D.C. government and established the Council of the District of Columbia.⁸

REVITALIZATION ACT

Passed by Congress 22 years ago to prevent the District from facing bankruptcy, the 1997 Revitalization Act alleviated local expenditures in a variety of categories, including, significantly, D.C.'s local court system and many elements of local criminal justice administration. Additionally, the Revitalization Act shuttered the city's Lorton Penitentiary and D.C. Code offenders incarcerated for felonies are now instead in custody of BOP. The population of D.C. residents incarcerated at BOP facilities across the country is much higher than D.C. Jail.⁹



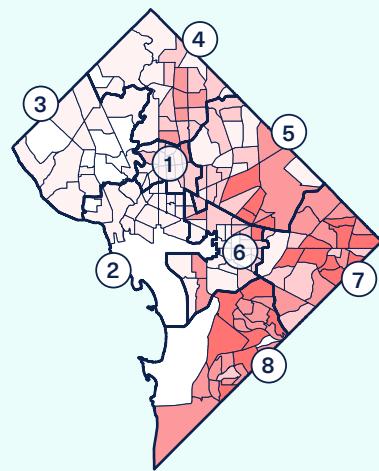
From 2013–2017, African Americans represented 86% of D.C.'s arrestees.¹⁰

A CITY DIVIDED

People incarcerated at DOC are overwhelmingly from just a few neighborhoods in Wards 5, 7, and 8.

Number of DOC Inmates by Census Tract of Residence, Jul 2014–Dec 2015

0-15	41-72
16-40	73-135
No Inmates Reported	
— 2012 Ward Boundaries	

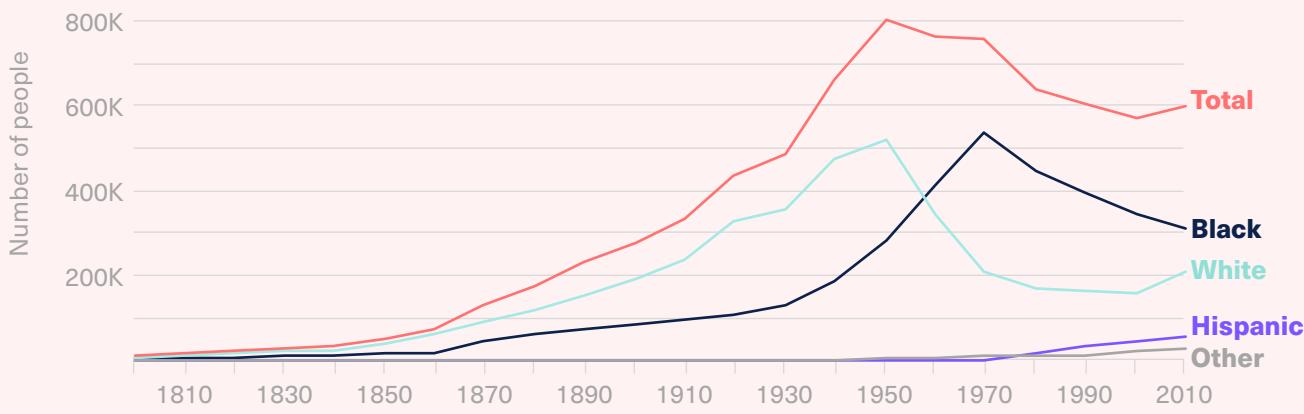


As of 2017, African Americans account for 47.1 percent of the city's overall population.¹¹ Consistent with the increasing racial and economic segregation of D.C.'s neighborhoods,¹² people incarcerated at the D.C. Department of Corrections (DOC) are overwhelmingly from just a few neighborhoods in Wards 5, 7, and 8.¹³ These three wards are home to most of D.C.'s African American population¹⁴ as well as the most people who were born in the District.¹⁵

CHALLENGES

From prosecution through parole, D.C.'s system presents unique challenges and opportunities in the pursuit of justice. The city's status as a federal district means the D.C. Council is not the only local legislative body. The U.S. Congress ultimately has authority over the laws of the District, and it has used this authority to shape D.C.'s justice system in a variety of ways.¹⁶

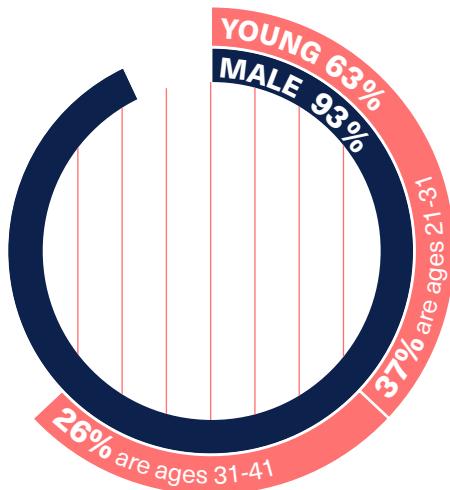
D.C.'S CHANGING DEMOGRAPHICS (POPULATION BY RACE OVER 200 YEARS):



“From prosecution through parole, D.C.’s system presents unique challenges and opportunities in the pursuit of justice.”

OPPORTUNITIES

As the District tries to address racial and fiscal divides, it is shifting its focus to investing more in communities. The city is in the process of adopting a public health approach to trauma and violence reduction that focuses resources on direct, front-end investment in those youth, families, and communities that have been most impacted by outdated policies. These activities pave the way for progress. Recent legislative changes include passage and implementation of the Neighborhood Engagement Achieves Results (NEAR) Act; the Comprehensive Youth Justice Amendment Act (CYJA), which encompasses the Incarceration Reduction Amendment Act (IRAA); and the amended Youth Rehabilitation Amendment (YRA) Act. In addition, there has been increased D.C. government funding of reentry programs, new programming at the DOC, violence interruption efforts, and a growing movement to restore local control of D.C. parole. There have also been significant reforms to D.C.’s juvenile justice system since 2005.



The incarcerated population, in addition to being overwhelmingly black, is overwhelmingly **young** and **male**.

While an estimated 50% of D.C. residents have college degrees...

...in 2015, **less than 1%** of those incarcerated in DOC had even some college credit.

**The city is in the process
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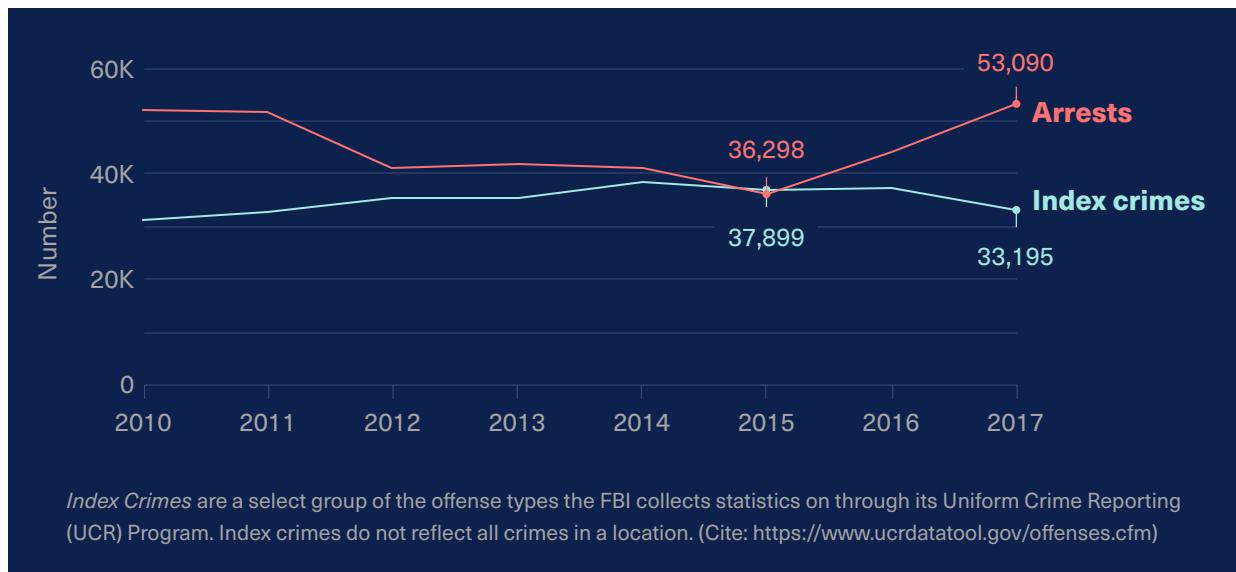
Violence & Policing

OVERVIEW

Although the Metropolitan Police Department (MPD) is the primary local law enforcement agency in the District, there are more than 30 independent law enforcement agencies operating in D.C.¹⁷ While total crime has dropped dramatically in recent decades, recent increases in homicides and gun violence (predominantly in Wards 5, 7, and 8) have brought the issue of public safety back to the forefront.¹⁸



RECENT INCREASE IN ARRESTS WHILE CRIMES DECREASE



CHALLENGES

Heavy policing and racial disparities in arrests.

D.C. is one of the most heavily policed cities in the United States,¹⁹ with police interactions disproportionately taking place “East of the River,” in Wards 7 and 8.²⁰ Citywide, there are an average of 55.1 officers per 10,000 residents—more than triple the median number of officers per 10,000 residents nationally.²¹ A 2019 ACLU analysis of MPD data shows clear racial disparities in local arrests: from 2013 to 2017, African Americans represented 47 percent of D.C.’s population but 86 percent of its arrestees. During this time, African Americans were arrested at 10 times the rate of white people.²² There have also been documented complaints about MPD’s Gun Recovery Unit,²³ which has come under scrutiny for its tactics.²⁴ Of the approximately 11,600 stops conducted by MPD from July 22 to August 18, 2019, African Americans accounted for 70 percent of persons stopped.²⁵

Use of police force.

The total number of MPD officers who report having used force has increased by 42 percent over the past four years—the same time period as the launch of MPD’s body-worn camera program.²⁶ At the same time, there continue to be significant delays in the review of officer-involved fatal shootings.²⁷

“D.C. is one of the most heavily policed cities in the United States.”

Uptick in violence and homicides.

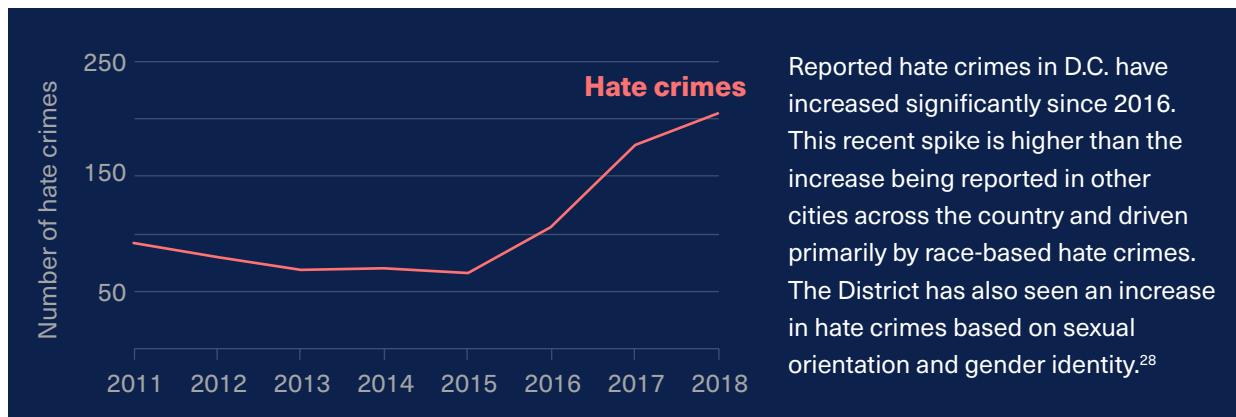
D.C. is currently experiencing an increase in homicides and gun violence. In 2017, there were 116 homicides in the District and in 2018 there were 160. As of this report’s publication, there have been 137 homicides in 2019, representing a 8 percent increase from the same point in time last year. From 2013 to 2017 homicides have been most dramatically concentrated in Ward 8.²⁹ In 2017, 76 percent of homicide victims were African American men and 16 percent were African American women. Additionally, in 2017, seven homicide victims were under 18 years old, and five of the people arrested for homicide were under 18.³⁰

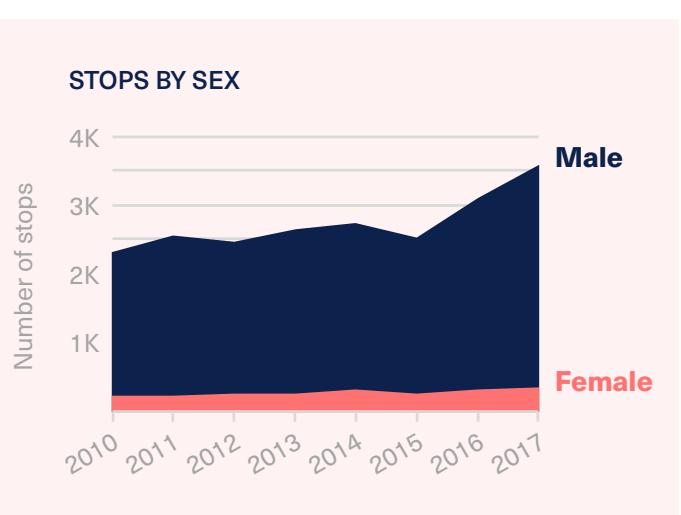
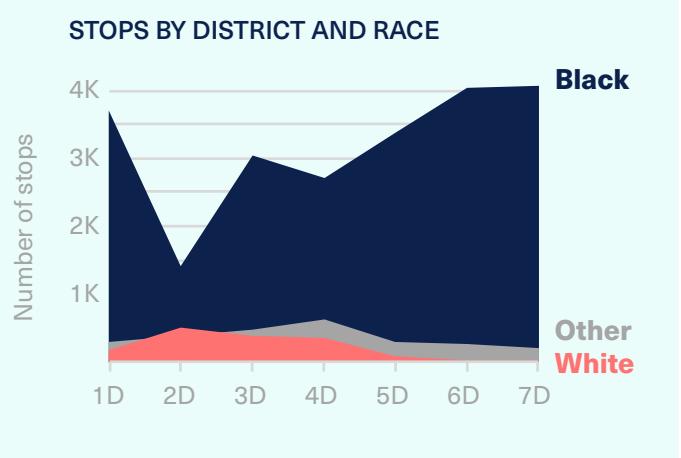
DEVELOPMENTS AND RESPONSES

Creation of ONSE and launch of Cure the Streets.

In 2018, the NEAR Act established the Office of Neighborhood and Safety Engagement (ONSE), which provides services to people at high risk of participating in or becoming victims of violence. Since its launch, ONSE has reported 48 young adult graduates of the Pathways Program, with 92 percent of those graduates having avoided criminal involvement as of February 2019.³¹ In 2018, the Office of the Attorney General, in partnership with the National Association for the Advancement of Returning Citizens (NAARC) and other local leaders launched “Cure the Streets”, a violence interruption program that operates in parts of the city experiencing high rates of gun violence.³²

RECENT INCREASE IN HATE CRIMES





NEAR ACT

The Neighborhood Engagement Achieves Results Amendment Act of 2016 (the NEAR Act) is a D.C. public safety reform package that emphasizes greater transparency and accountability in local agencies, trauma-informed policies and practices, and access to employment.

Transparency.

The District has made strides to implement public health and trauma-informed approaches to safety, but little is known about what impact new efforts are having. There also continues to be consistent calls for and recent judicial intervention to ensure MPD collects more comprehensive and accurate data about police interactions with residents, as required by the NEAR Act.³⁴

Split over best approach.

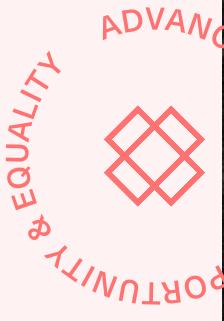
The split between those who propose harsher punishment and increased policing, and those advocating for multi-disciplinary, public health-focused approaches has resulted in a fragmented approach to violence prevention. According to a 2015 survey of D.C. residents' perceptions of public safety (the most recent of its kind), no single suggestion on how to improve public safety garnered the majority of endorsements.³⁵

and housing, all rooted in a public health approach to violence and safety in the district. NEAR passed the D.C. City Council unanimously and, according to Safer Stronger D.C., is comprised of 20 provisions that cover a range of public safety initiatives designed to reduce violence, reform criminal justice, and improve police-community relations.³³

Adult Prosecution and the Courts

OVERVIEW

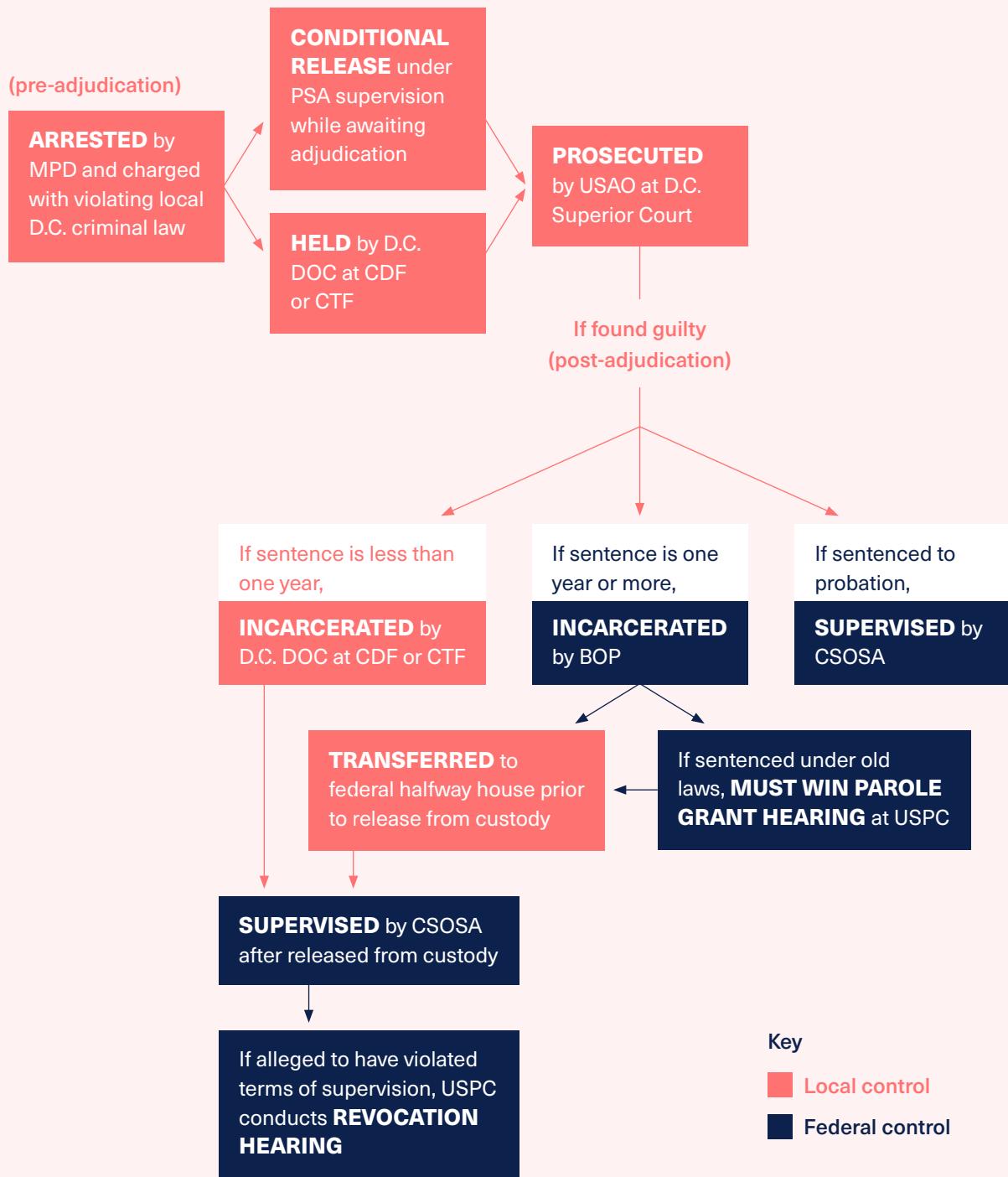
Like all states in the U.S., there are two separate criminal legal systems at work in D.C.: federal and local. The difference in D.C. is that both federal and local crimes are prosecuted by federal prosecutors through the Office of the U.S. Attorney, adjudicated by federally appointed judges, and supervised by federal agencies. This difference impacts those in contact with D.C.'s criminal justice system and those trying to effect change in the system.

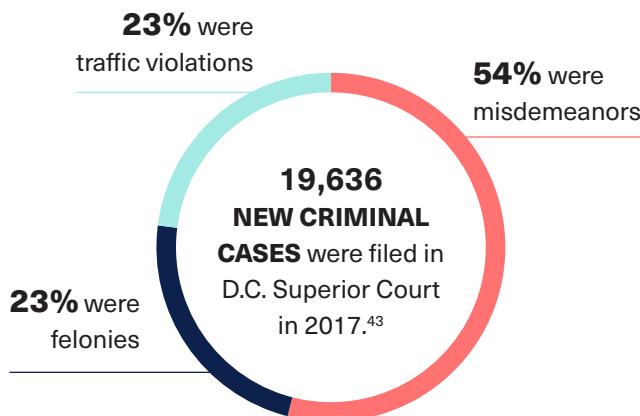


Most of the time, people in the District who are charged with a crime will face prosecution under D.C.'s local laws, and the people involved in that system are commonly referred to as "D.C. Code offenders." Unique to D.C., Code offenders may be sentenced to BOP and supervised by the federal probation and parole agency Court Services and Offender Supervision Agency (CSOSA).³⁶ Because of the combined effects of the Home Rule Act and the Revitalization Act, D.C. Code offenders follow a chain of custody and supervision that bounces back and forth between local and federal agencies.³⁷ Typically, after being arrested for a violation of D.C. law and arraigned at Superior Court, a person is either conditionally released under the D.C. Pretrial Services Agency,³⁸ or detained by the DOC at the Central Detention Facility or the Correctional Treatment Facility.³⁹

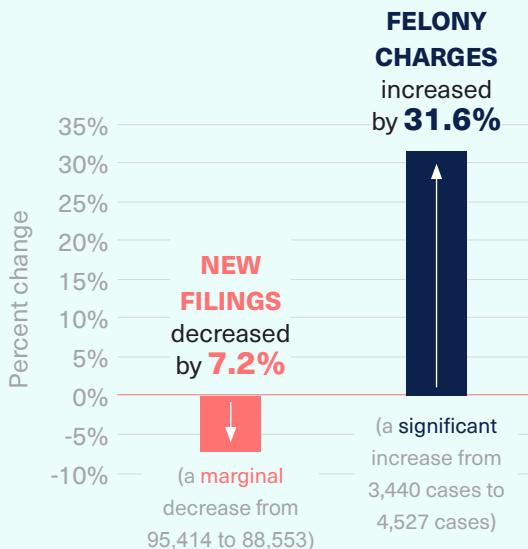
Following a conviction, the United States Parole Commission (USPC) has the authority to grant and revoke the parole of D.C. Code Offenders sentenced under a pre-2000 sentencing scheme and to revoke the community supervision of people sentenced under D.C.'s new sentencing scheme.⁴⁰ The Revitalization Act gave the USPC a new population to oversee, and D.C. Code offenders soon became the largest population over whom the USPC has jurisdiction, accounting for 76 percent of the Commission's current work.⁴¹ This change had the effect of removing supervision and revocation decisions from a local agency.

A D.C. CODE OFFENDER'S TYPICAL PATH THROUGH D.C.'S ADULT CRIMINAL JUSTICE SYSTEM⁴²





Percent change in new filings and felony charges between 2013 and 2017⁴⁴



CHALLENGES

Since 1970, the D.C. Code has given the presidentially appointed U.S. Attorney for the District of Columbia (USAO) broad power over most local adult criminal prosecutions. Changes to prosecutorial authority are made by the U.S. Congress. The D.C. Office of the Attorney General (OAG), led by a locally elected official, only prosecutes youth and a limited number of minor charges.⁴⁵

Judicial vacancies in D.C. Courts.

The selection of D.C. judges by the U.S. Congress is one of the many unique elements of D.C.'s justice system. As of April 2019, the D.C. Court of Appeals and D.C. Superior Court had 12 vacancies out of the 71 total judicial seats.⁴⁶ There were ten vacant seats at the Superior Court, reflecting an 18 percent reduction in trial court capacity; and two vacancies on the Court of Appeals, reflecting a 22 percent reduction in appellate court capacity.⁴⁷ More vacancies are expected in 2019.

Narrow eligibility for specialized criminal court dockets.

D.C. Superior Court runs several specialized criminal division dockets that it calls "community courts" and "problem-solving courts."⁴⁸ These specialized dockets include traffic court, misdemeanor community court, drug court, and the Mental Health Community Court (MHCC). Perhaps one of the more innovative specialty

dockets in D.C. Superior Court is MHCC, which was established in 2007. In Superior Court, an adult who has a severe mental illness and is facing misdemeanor or low-level felony charges can be eligible for the MHCC if they meet a variety of guidelines.⁵¹ The determination of whether a defendant is MHCC-eligible is entirely at the discretion of the USAO.

Felon in possession.

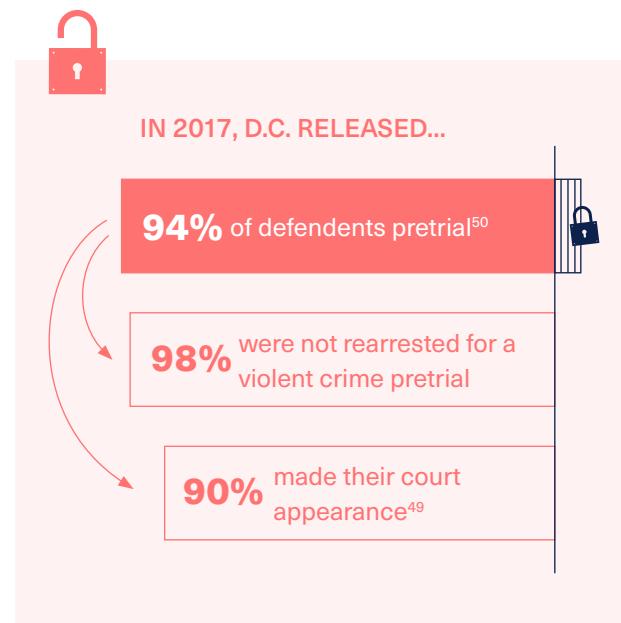
Beginning in February 2019, in partnership with the Mayor,⁵² the USAO began prosecuting all cases of “felon in possession” of guns in federal court instead of Superior Court with a stated goal of applying harsher sentences through the federal court system to address a recent spike in gun homicides.⁵³

DEVELOPMENTS AND RESPONSES

Despite these challenges, D.C. can serve as a model of best practice for its low pretrial detention rates, its elimination of cash bail,⁵⁴ and retaining a highly regarded Public Defender Service.⁵⁵

THE DAILY REACH OF D.C.’S JUSTICE SYSTEM

130	Average Daily Adult Arrests All Agencies (CY2017)	Source: Metropolitan Police Department
4,779	PSA Average Daily Population (FY2017)	Source: Pretrial Services Agency
10,110	CSOSA 1-Day Count (9/30/2017)	Source: Court Services and Offender Supervision Agency
2,099	DOC 1-Day Count (9/30/2017)	Source: DC Department of Corrections
5,258	BOP 1-Day Count (12/30/2017)	Source: Federal Bureau of Prisons



**D.C. can serve as a model
of best practice for its low
pretrial detention rates,
its elimination of cash
bail, and retaining a highly
regarded Public Defender
Service.**





Adult Corrections

OVERVIEW

D.C.'s Department of Corrections (DOC) currently houses approximately 1,800 people. Overall, around 11,500 people went through DOC custody in 2018, a rate which has held fairly steady over the past five years.⁵⁶ Demographic data on the population shows alarming racial disparity: 90 percent of men and 86 percent of women are African American. The incarcerated population, in addition to being overwhelmingly African American, is overwhelmingly male (93 percent) and young: 36.6 percent are



between the ages of 21 and 31, and 25.7 percent are between the ages of 31 and 41. According to DOC's most recent quarterly report, the average length of stay for male inmates was 214 days and the average length of stay for female inmates was 105.4 days.⁵⁹

RACIAL DISPARITY:⁵⁷



RACIAL DISPARITY:⁵⁸



The D.C. Department of Corrections System.

The D.C. DOC system houses an estimated 1,800-1,900 people – approximately 1,300 at CDF, 630 at the CTF, and 30 at contract halfway houses.

The Federal Bureau of Prisons.

At any given time, 4,500-5,000 incarcerated people are serving their sentences hundreds or thousands of miles away from their families and other support systems.⁶⁰ As a result, incarcerated people lose access to supports provided by D.C.-based community organizations and city agencies, face discrimination and abuse related to their race and to being from D.C., and are difficult to account for by local D.C. justice institutions.⁶¹ Adding to the complexity, there are no systems of communication between federal and local agencies and BOP officials do not notify local agencies when D.C. residents are released.⁶² According to a recent ACLU report, 43 percent of people imprisoned for D.C. Code felony convictions in 2014 were serving time for a nonviolent offense. The same report cited that an average time served for people in prison for a D.C. Code felony offense increased by 47 percent between 2007 and 2013.⁶³

“43 percent of people imprisoned for D.C. Code felony convictions in 2014 were serving time for a nonviolent offense.”

CHALLENGES

Conditions.

While overcrowding is no longer a problem at CDF, safety and physical conditions are still serious issues.⁶⁶ Temperature control has been a persistent challenge and the physical structure is crumbling, which has resulted in entire tiers being shuttered. D.C.'s Auditor found that insufficient capital funds were allocated to the DOC to address these issues and recommends building a new jail facility.⁶⁷

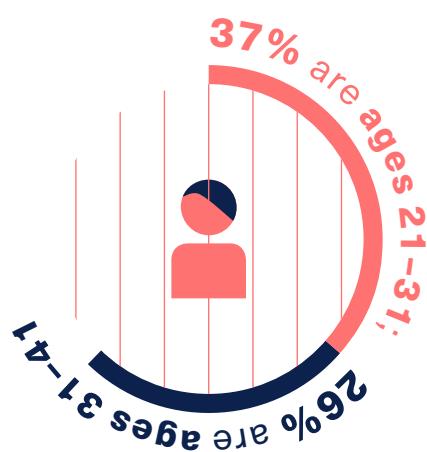
Disparities.

Demographic data on the population of D.C.'s correctional system shows disparities across race, age, educational attainment, and neighborhood. The incarcerated population is overwhelmingly African American, male, and young. D.C.-specific data on LGBTQ representation in the justice system is not available, yet D.C.'s overall LGBTQ population is estimated at 10 percent —the highest in the nation.⁶⁸ Only a few community-based or governmental organizations focus on this population, making it a key area for further attention.

RACIAL DISPARITY:⁶⁴



AGE DISPARITY:⁶⁵



EDUCATION DISPARITY:

<1%
of D.C.'s
incarcerated
population is
college-educated.⁶⁹

**EMPLOYMENT DISPARITY:**

60%
of D.C.'s incarcerated
population is
unemployed at the
time of commitment.⁷⁰

**Halfway houses.**

While awaiting trial, some people can be confined at a halfway house. When approaching the end of their sentence, about half of all D.C. Code offenders are transferred from a BOP prison to a privately run residential reentry center that contracts with the BOP.⁷¹ Fairview is the halfway house for women and Hope Village is the halfway house for men.⁷² When approaching the end of their sentence, about half of all D.C. Code offenders are transferred from a BOP prison to a privately run residential reentry center (Hope Village) that contracts with the BOP. Upon release from custody, a person serves their term of parole or community supervision under Court Services and Offender Supervision Agency (CSOSA). As of September 2019, plans for a new halfway house in the District had stalled. The BOP's contract with Hope Village expired in 2016, but has been extended until October 2019. The BOP has not yet publicly stated its intentions for moving forward after its newly selected provider's bid was delayed by controversy over location.⁷³

DEVELOPMENTS AND RESPONSES

Emerging adults.

D.C. is piloting more developmentally appropriate policies and practices for justice-involved emerging adults (18-25 years old). Emerging adults make up 11 percent of D.C.'s total population⁷⁴ yet comprise as much as 38 percent of the D.C. DOC population—more than any other age group.⁷⁵ As envisioned in the amended Youth Rehabilitation Act (YRA), D.C. has an opportunity to be a national leader in developing a model for how to achieve the best public safety outcomes with this population.⁷⁶ In 2018, the D.C. Council called for an evaluation of the YRA and the Act was amended

to include raising the age of eligibility from 22 to 25 for the possibility of avoiding mandatory minimums, expanding access to rehabilitative programming and other District programs such as the Summer Youth Employment Program (SYEP), and sealing records to be consistent with research that indicates adolescence and brain development continue into the mid-twenties.⁷⁷ The District is currently undergoing a planning process, as required under the amended YRA, to develop a strategic plan for a continuum of services, supports and opportunities for justice involved young adults in the District.

Innovative programming.

There are new program offerings, some facilitated by DOC itself, such as the 2017 pilot of “Family Reunification Day” and “Empowerment Sessions” and some by community-based organizations and other institutions.⁷⁸ One new program is Young Men Emerging (YME). Modeled after a similar program in Connecticut, YME officially launched at CTF in February 2018 and at CDF in 2019.

Each YME unit houses 20 incarcerated men ages 18-24 with older incarcerated men (often serving longer term sentences) who serve as mentors to the young men. The program aims to create a “therapeutic and rehabilitative environment” with the goal of helping these young men change the trajectory of their futures.⁷⁹ Credible Messengers,⁸⁰ a mentoring program for justice-



NEW PROGRAMS

- › DOC began offering college courses for credit through Georgetown University in 2018.⁸¹
- › Howard University's Inside-Out program brings together university students and people incarcerated at the D.C. jail.⁸²
- › In 2017, DOC piloted “Family Reunification Day” and “Empowerment Sessions.”⁸³

involved youth, facilitated training inside the YME and is soon expected to reach other populations inside the jail.⁸⁴

Community-based organizations.

A number of community-based organizations provide programming for individuals within DOC facilities and upon their transition back to the community. A few examples are the Free Minds Book Club, which operates a Book Club and Writing Workshop;⁸⁵ the Industrial Bank, which teaches banking and financial literacy to people incarcerated in the D.C. Jail;⁸⁶ The WIRE (Women Involved in Reentry Efforts) works to reintegrate formerly incarcerated women and girls back into the community after release;⁸⁷ the Alliance of Concerned Men works to expand access to opportunity for justice involved youth and young adults;⁸⁸ and the Hope Foundation Reentry Network provides a range of community transition services to returning citizens.⁸⁹ Howard University's Inside Out program works to strengthen relationships between Howard students and justice impacted people at the DOC.⁹⁰ Georgetown University's Prisons and Justice Initiative also provides a range of educational programming at the local prisons and jails and for returning citizens across the Washington, D.C. area.⁹¹

Jails and Justice Task Force.

In 2019, the Council for Court Excellence, the National Reentry Network for Returning Citizens, and the Vera Institute launched the District Task Force on Jails and Justice to provide recommendations to the city about the future of corrections and justice in D.C. The Task Force is an independent advisory body dedicated to redefining the local approach to corrections.⁹²

~~Reentry~~

OVERVIEW

D.C.'s jurisdictional context complicates the reentry process for people leaving incarceration and returning home to our community. Additionally, the collateral consequences of convictions, even for misdemeanors or for those with shorter sentences, can have major impacts on the lives of D.C. residents, its economy, and its administration of justice.



Over the last 10 years, there were approximately...

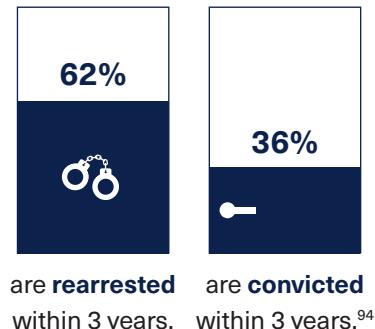


→ Among those who were released from DOC...

CHALLENGES

Geographic separation.

One significant challenge to reentry is that D.C. Code offenders with felony prison sentences are sent to federal facilities throughout the country despite BOP's policy to attempt to place them within 500 miles of D.C.⁹⁵ This distance separates people who are incarcerated from their loved ones, support systems, and local reentry service providers.

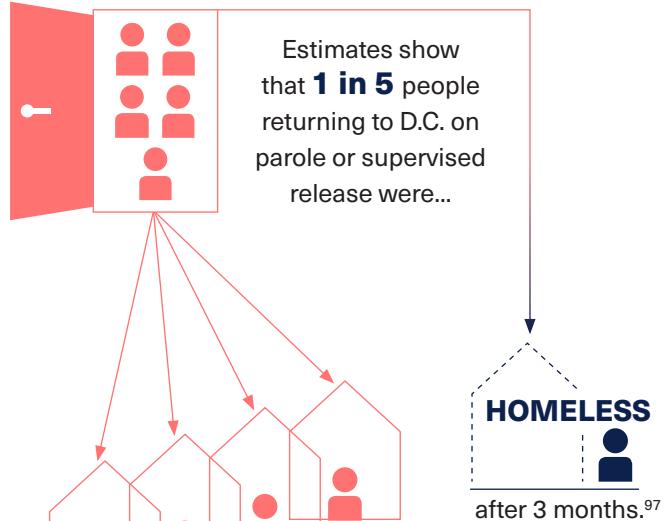


Harsh parole decisions.

Lawyers at the Public Defender Service (PDS) and the Washington Lawyers' Committee for Civil Rights and Urban Affairs have found that the USPC's parole decisions have been far harsher than those of the former D.C. Board.⁹⁶ Local advocates have proposed reforms that might provide relief.

Housing.

D.C.'s housing market is the fifth most expensive in the nation.⁹⁸ While it is not lawful for private landlords in D.C. to universally exclude people with criminal convictions from housing eligibility,⁹⁹ the rules and regulations of the D.C. Housing Authority (DCHA) still create significant barriers to subsidized housing.¹⁰⁰ These barriers make it difficult for those returning from incarceration to find housing, especially during a time when D.C.'s affordable housing stock is dwindling.¹⁰¹



Employment.

D.C.'s job market also presents obstacles for citizens returning to the District. Almost half (49 percent) of jobs in the region require a college degree or higher,¹⁰² but less than 1 percent of D.C.'s incarcerated population is college-educated.¹⁰³ There is no

BARRIERS TO EMPLOYMENT FOR RETURNING CITIZENS¹⁰⁴

Among returning citizens beginning CSOSA supervision during 2015, **34%** of returning citizens (i.e., parole and supervised release) reported circumstances making them

Unemployable

unemployable (e.g., student status, retirement, disability) after the first 90 days of supervision. Of those considered to be employable, **71%** reported they were unemployed.

Unemployed

comprehensive strategy between criminal justice professionals and leaders in the housing and employment fields to remedy these systemic barriers.

Strict eligibility for record sealing and expungement.

In D.C., the eligibility requirements for record sealing and expungement are particularly stringent, making very few cases and people eligible, with complex processes and long waiting periods for those few who do qualify.¹⁰⁵

DEVELOPMENTS AND RESPONSES

D.C. Reentry Action Network.

The D.C. Reentry Action Network (RAN) is a growing coalition of more than 25 reentry service providers. Established in 2017, RAN provides education, trainings, and advocacy shared among community-based organizations. RAN enables members to exchange information, strengthen services, address issues of mutual concern, and be a collective voice for returning citizens.¹⁰⁶

Office of Victim Services and Justice Grants.

Over the last 15 years, the reentry support landscape in the District has grown. The Office of Victim Services and Justice Grants (OVSJG) funds direct reentry services at community-based organizations and supports research and technical assistance projects.¹⁰⁷ The city's FY20 budget includes \$1.7 million for trauma-informed care sites to provide additional supports and services to residents impacted by violence. Despite the growth of local resources, the lack of communication between BOP and D.C. agencies to coordinate reentry services for D.C. Code offenders who are returning home to the District remains a major issue. Reentry organizations need increased collaboration and data collection to ensure coordinated care and services.

“...the lack of communication between BOP and D.C. agencies to coordinate reentry services remains a major issue.”

Clemency Board Establishment Act.

D.C. Code offenders represent 2.4 percent of the BOP population but only account for .037 percent of clemency Federal grants.¹⁰⁸ The Clemency Board Establishment Act, which passed in 2018, offers D.C. Code offenders greater access to clemency¹⁰⁹ by creating a local board to review applications. However, this board is not yet functioning.

Local control of parole.

In 2017, a group of advocates renewed the call for bringing back local control of parole and supervised release decision-making.¹¹⁰ In late 2018, Congress passed a two-year reauthorization of the USPC as it is currently structured, which is a shorter period than its prior reauthorizations.

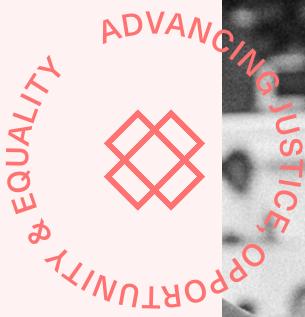
**The collateral consequences
of convictions, even for
misdemeanors or for those
with shorter sentences,
can have major impacts on
the lives of D.C. residents,
its economy, and its
administration of justice.**



Youth Justice

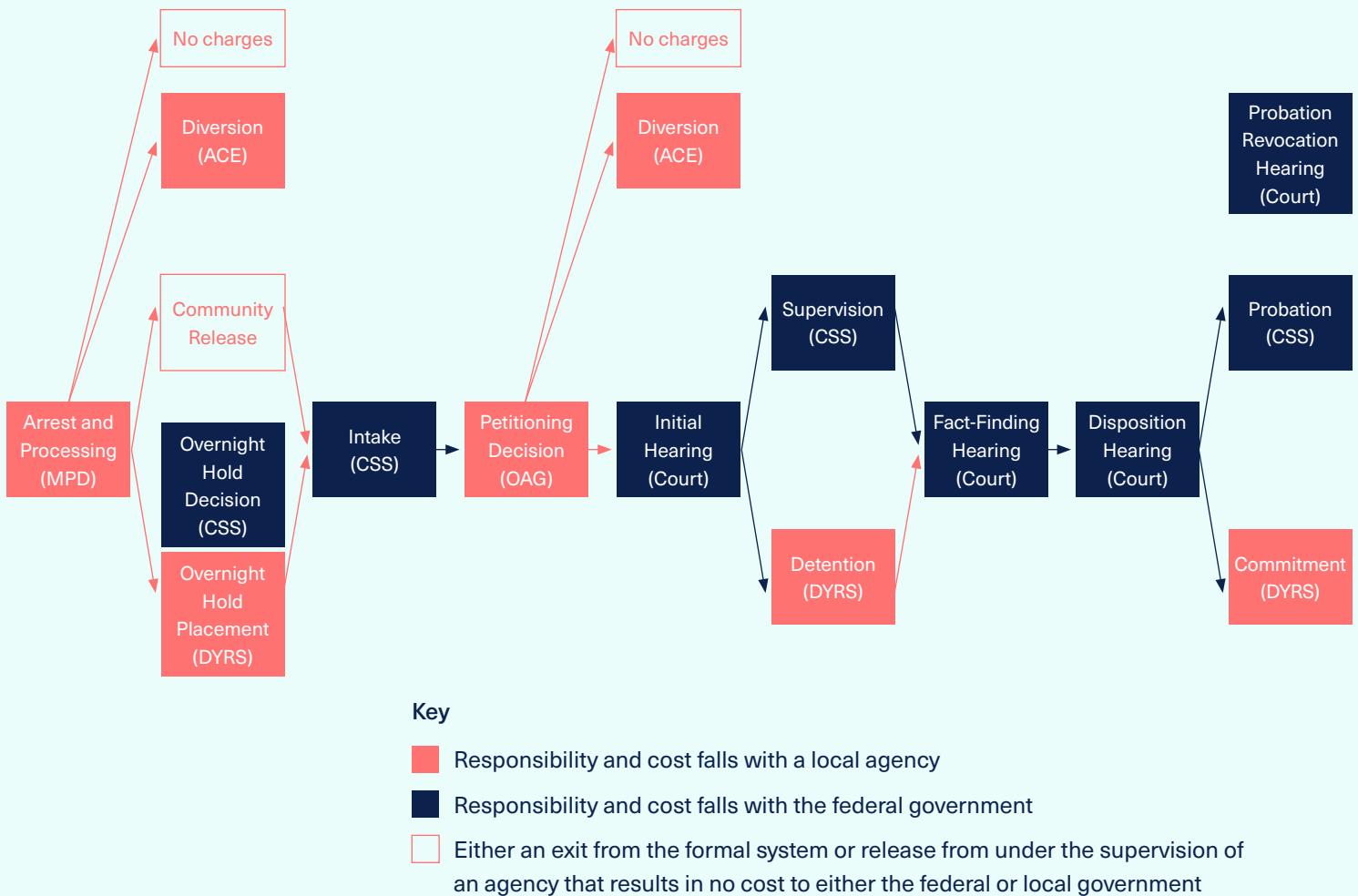
OVERVIEW

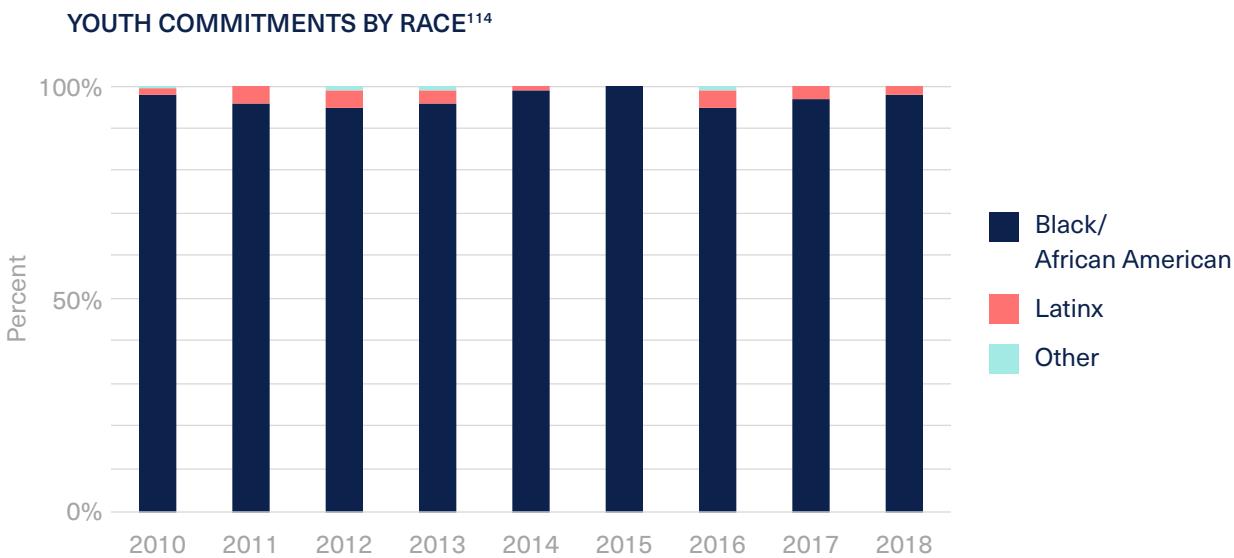
According to a 2013 brief by DC Lawyers for Youth, “The juvenile justice system involves a complicated mix of local and federal agencies that often pass the power, responsibility, and cost of processing a youth through the system back and forth until the youth exits the system.”¹¹¹ The responsibility for processing youth through the juvenile justice system in the District is split between local D.C. agencies, which report to the mayor; and the Superior Court, which is under the jurisdiction of the federal government.¹¹²



The following simplified chart shows how a young person is processed through the juvenile legal system in the District, highlighting whether a local or federal agency bears the primary decision-making and/or cost during that stage of the process.

YOUTH'S PATH THROUGH THE YOUTH JUSTICE SYSTEM¹¹³





Over the past decade, over 95 percent of all youth committed to DYRS have been African American and about 4 percent have been Latinx.

CHALLENGES

African Americans overrepresented in youth arrest trends.

Despite the positive general decrease in youth arrests in the District, there are still significant disparities in arrests by race and gender for D.C. youth. African American girls were arrested at a rate of 51.9 per 1,000 youth—over 30 times that of both girls (1.6) and boys (1.6) reported as white. African American boys were arrested at a rate of 133.9 per 1,000 youth—83 times greater than white boys and white girls. Additionally, in 2018, arrests of youth residing in Wards 7 and 8 accounted for over 50 percent of all youth arrested in the District.¹¹⁵

Arrests among girls rising sharply.

Arrests of girls rose sharply from 490 in 2007 to 918 in 2016, an increase of 83 percent. The overwhelming majority of these arrests (86 percent) were for non-violent, non-weapon related offenses. This dramatic increase in the arrests of girls occurred at the same time that arrests of boys decreased by 22 percent.¹¹⁶

Lack of integrated data.

D.C.'s bifurcated system has resulted in the lack of a cohesive data system to track youth from start to finish and to provide an accurate high-level view of how the system is operating. For example, there are few publicly available data sets with outcomes data for the delinquency and status offense cases processed in D.C. Superior Court. Court Social Services (CSS) handles the majority of youth contact with the system through its youth probation division, yet access to its data is a major challenge.

Direct file with no reverse waiver option.

"Direct File" (also known as "Prosecutorial Discretion") allows prosecutors to decide whether to bring charges against youth in juvenile court or in adult criminal court. D.C. is one of only three jurisdictions in the country that does not allow any review or challenge to the prosecutor's decision.¹¹⁷ There are currently an estimated 65 youth each year that the U.S. Attorney charges as adults.¹¹⁸

DEVELOPMENTS AND RESPONSES

There are reasons for optimism in D.C.'s youth justice landscape. Both the number of youth arrests and youth petitions filed in delinquency court have declined in recent years.¹¹⁹ In addition, DYRS is on par with national trends toward becoming a smaller system.

Comprehensive Youth Justice Amendment Act and Incarceration Reduction Amendment Act.

In 2016, as part of the Comprehensive Youth Justice Amendment Act (CYJA), the D.C. Council passed the Incarceration Reduction Amendment Act (IRAA). IRAA allowed a person to petition the court to reduce their term of imprisonment for a conviction as an adult for an offense committed before their 18th birthday if they had already served 20 years in prison and had not yet become eligible for release on parole. Since then, one amendment has passed: IRAA 2.0 decreases the requirement of years served before being eligible to petition the court from 20 to 15 years. There

FAST FACTS ON THE CYJA¹²⁷

With the passage of the Comprehensive Youth Justice Amendment Act, effective April 4, 2017, D.C.'s detention standard changed in three ways which has resulted in a drop in pretrial detention for youth in the District's juvenile justice system.



New detention standards have effectively:

1. Eliminated the ability to detain youth pre-disposition solely for violations of release conditions;
2. Strengthened the presumption against detention unless necessary to protect the community from significant harm or to secure the child's presence in court; and
3. Prohibited the detention of status offenders.

have been 18 individuals approved for release under IRAA to date.¹²⁰ Proponents of IRAA 2.0 expect the eligible pool of IRAA applicants to expand by approximately 150. Local advocates and practitioners continue to push for reform.

Expanding diversion and piloting restorative approaches to youth justice.

In 2016, the locally elected Attorney General launched an in-house Restorative Justice Program to respond to the root causes of crime and community conflict and offer juvenile prosecutors an alternative to traditional prosecution. Since the launch, the OAG has expanded its use of restorative justice, which helps to reduce recidivism and support better outcomes for justice-involved youth.¹²¹ The Alternatives to the Court Experience Diversion Program (ACE) is the District's diversion program for youth up to age 17 who have been accused of low-level delinquency or status offenses. ACE works to reduce the number of court-involved youth by linking them with clinically appropriate behavioral health services and community supports in place of arrests and prosecution.¹²²

Credible Messenger Initiative.

Since the end of 2016, D.C. has been implementing the Credible Messenger Initiative to deliver community-based services to DYRS-committed youth. Credible

Messengers are neighborhood leaders, experienced youth advocates, and individuals with relevant life experiences who help youth transform attitudes and behaviors around violence in addition to connecting youth to services, resources, and opportunities more broadly. They serve young people whose needs go beyond the traditional mentoring approach. The Credible Messenger Initiative is now the most common service provided to youth and the primary source of “mentoring” provided in addition to two DYRS community-based achievement centers.¹²³

Youth in the Adult Criminal Justice System at New Beginnings.

In addition to reforming the pre-disposition detention standard, the CYJA also reformed the housing of youth tried as adults in the District. Previously jailed at CTF on a segregated unit, Title 16 youth (i.e., youth charged as adults) had little access to education or quality programming.¹²⁴ The CYJA included a provision requiring the transfer of all youth from adult jails, provided there was documentation of sufficient space in an appropriate juvenile facility in the District. Today, all Title 16 youth are housed at the DYRS New Beginnings facility.

Specialty Courts.

D.C. Superior Court has two specialty courts for youth: the Juvenile Behavioral Diversion Program (JBDP) and the H.O.P.E. Court. JBDP is a voluntary program designed to link juveniles and status offenders to mental health services and supports in the community.¹²⁵ The H.O.P.E. Court program (“Here Opportunities Prepare you for Excellence”) is a treatment court established to address the multiple needs of court-involved youth who are victims of commercial sexual exploitation.¹²⁶

Conclusion

Over the last few years, D.C. has made important changes. The city now faces several major decisions: contracting for a halfway house, the sealing and expungement of criminal records, potential of a new correctional facility, and reckoning with violence. It is a critical time in the nation's capital as the course of D.C.'s systems is decided for future generations.

Work remains to fully address the challenges that jurisdictions face, including the nation's capital. This report serves as a snapshot of where



one jurisdiction is along its journey to create a more safe and just community for its residents. In addition, it is also important to note what the community sees as its greatest challenges and opportunities. The Council for Court Excellence and Georgetown University's Juvenile Justice Initiative held a series of community listening sessions about challenges and opportunities. In early 2019, those sessions resulted in several recommendations under broad themes, including fostering greater transparency and access to more data, ensuring D.C. tax-payers have a voice in the shaping of their justice system, and offering better supports for those returning home from institutional custody.

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It is a critical time in the nation's capital as the course of D.C.'s systems is decided for future generations.



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