



DC

D.C.'s Justice Systems Overview 2020

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Council for Court Excellence

The Council for Court Excellence (CCE) is a nonprofit, nonpartisan civic organization. For nearly 40 years, CCE has worked to enhance the justice system in the District of Columbia to serve the public equitably. CCE identifies and proposes solutions by collaborating with diverse stakeholders to conduct research, advance policy, educate the public, and increase civic engagement.

Learn more at www.courtexcellence.org

Public Welfare Foundation

For over seventy years, Public Welfare Foundation has supported efforts to advance justice and opportunity for people in need. Today, the Foundation's 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



**Public Welfare
Foundation**

Contents

v	Letter from Candice Jones
1	Introduction
3	Violence & Policing
11	Adult Prosecution & the Courts
19	Incarceration
29	Reentry
37	Youth Justice
45	Conclusion
47	Acronyms
49	Endnotes

About the Artists

This report features artwork from talented young D.C. artists from the ARTLAB program at the Hirshhorn Museum and D.C. Public Schools. Artists submitted pieces that speak to racial justice, youth justice, community investments, protests, restorative and transformative justice, policing and police reform, incarceration, and more. As a report designed to educate and empower people to better understand the most pressing issues in District's criminal justice system, it was important to highlight young D.C. artists whose work touches on many of the issues discussed in the report.

The Council for Court Excellence and Public Welfare Foundation extend our thanks to Art Brown, Liam Dance, Kandice Johnson, Paige Perkins, Darius Scott, Jamie Voytsekhovska, and Tia Wilson for lending their talent, passion, and artwork to this report.

LETTER FROM CANDICE JONES

Community-led. Restorative. Racially just.

Public Welfare Foundation feels so strongly that a new, transformative approach to justice is possible that we have implemented a grantmaking strategy to focus on getting resources closer to the ground where promising solutions are happening.

We began this approach to grantmaking in our hometown of Washington, D.C., and kicked off the work with the 2019 release of *D.C.'s Justice Systems: An Overview*. The Council for Court Excellence (CCE) has authored this update to track key developments, issues, opportunities, and progress in D.C. over the last year.

D.C. has many governance and structural traits that make it a unique jurisdiction nationally. These same traits also make the administration of justice particularly challenging. Yet the District is ripe for transformative justice reform—with local leaders who have long advocated for change, policymakers and practitioners who are willing to test innovative solutions, and residents that are ready to come together to meet a range of real, unmet community needs.

Over the last two years, our team has spent time building relationships and working with local organizations to develop our D.C. grantmaking strategy. We are investing heavily in promising work happening around the District and will continue to support transformative justice in D.C. moving forward.

Transforming D.C.'s youth and adult justice systems will take a broad coalition of like-minded partners to bring this new vision to fruition. As the Foundation continues to work deeply in our targeted jurisdictions, we are committed to sharing our learnings and making data accessible to our partners and District residents.

We hope that this 2020 Overview provides some of the needed grounding to advance a new transformative vision of justice in D.C.—a justice system that is actually just.



Candice Jones
*President and CEO, Public Welfare
Foundation*

If nothing else, 2020 proved that large-scale, system-wide change is possible and that, with dynamic community-based and governmental leadership, the District of Columbia has the capacity to lead the way.





Jamie Voytsekhovska, *Collective Trauma and Healing*, 2020

Introduction

2020 was a year full of challenges, loss, and grief. COVID-19 spread fear, illness, and death in our neighborhoods and inside our correctional facilities, where people were uniquely vulnerable to the virus. At the same time, D.C. residents participated in large-scale protests in response to the unjust police killings of Black people and in support of the Black Lives Matter movement, forcing residents and government leaders to once again reckon with the profound racial disparities within our criminal justice system and beyond.

The District saw many changes last year: the abrupt closure of Hope Village (D.C.'s only halfway house for men), emergency legislation and policy changes that changed policing and temporarily reduced our jail population by a third in the face of the pandemic, restoring the right to vote for people incarcerated on felony convictions, and a sharp spike in homicides.

There are also things that have not changed. While Black people make up 47% of D.C.'s population, they make up 86% of the people arrested, 90% of the people jailed, and 95% of the people in prison. The District also continues to be uniquely challenged by its complex criminal legal system that includes a web of local and federal agencies and authorities, many of which are beyond the reach of local oversight. If nothing else, 2020 proved that large-scale, system-wide change is possible and that, with dynamic community-based and governmental leadership, the District of Columbia has the capacity to lead the way.

This report builds on *D.C.'s Justice Systems: An Overview*, published by Public Welfare Foundation in October 2019. It offers a summary of the significant challenges and innovations faced by the District's adult and youth justice systems over the last 18 months. As with any report that relies on governmental information to explain some elements of our justice system, there is often a lag between the events and policy changes that can be described and the data that is available. Therefore, in this report, the most recent comprehensive data available is often from 2019 or earlier. We anticipate offering more data about 2020 and the unique impacts of COVID-19 in the next annual edition.

We hope that this 2020 Overview offers new and valuable insights into the state of justice in the District of Columbia, inspires some hope after a difficult year, and increases your sense of urgency and dedication to transforming D.C.'s approach to safety and accountability.

A note on language: In this report, the authors sought 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. It does not refer to a person's citizenship or immigration status.

Violence & Policing

The last year has seen another major increase in the public debate about the role and power of law enforcement in the United States, and the District has been no exception. Throughout the summer in Washington, D.C., there were significant and sustained protests against police-involved killings of Black people and amplified calls for defunding the police. Organizers uplifted the names of Karon Hylton-Brown, Deon Kay, D'Quan Young, and Marqueese Alston, all Black men killed by Metropolitan Police Department (MPD) officers since



Tia Wilson, *Strange Fruit*, 2020

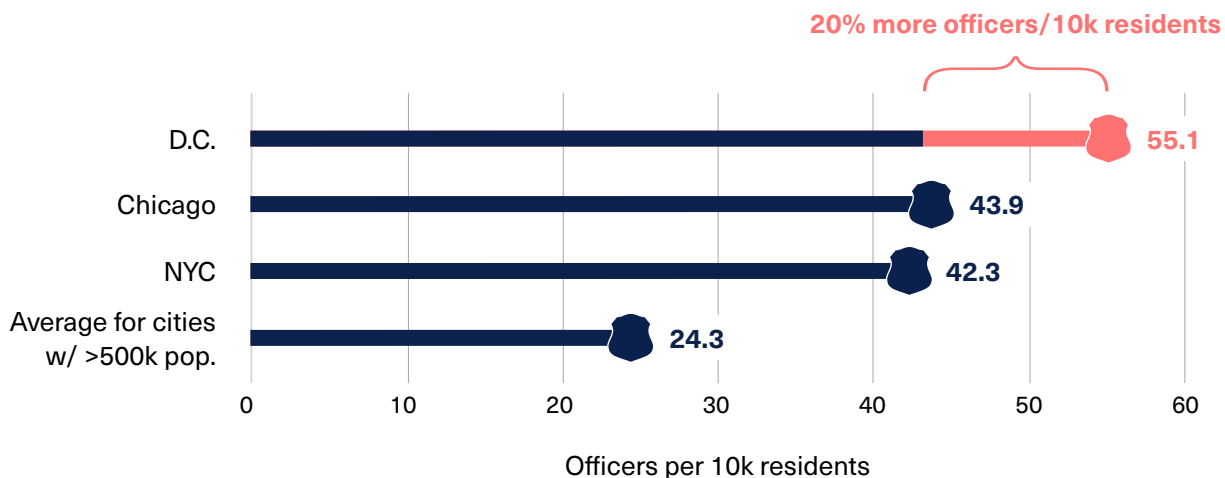
2018, and demanded more transparency and accountability. At the same time, the District grappled with the challenges of COVID-19 and a rising murder rate; 2020 was the deadliest year in D.C. since 2004. Although District leaders adopted several police reform measures in 2020, reckoning with these important issues is ongoing and is complicated by the continuing public health crisis. MPD will be facing these challenges with new leadership, as Mayor Bowser announced she would appoint Robert J. Contee III as D.C.'s next police chief, beginning January 2, 2021.¹

CHALLENGES

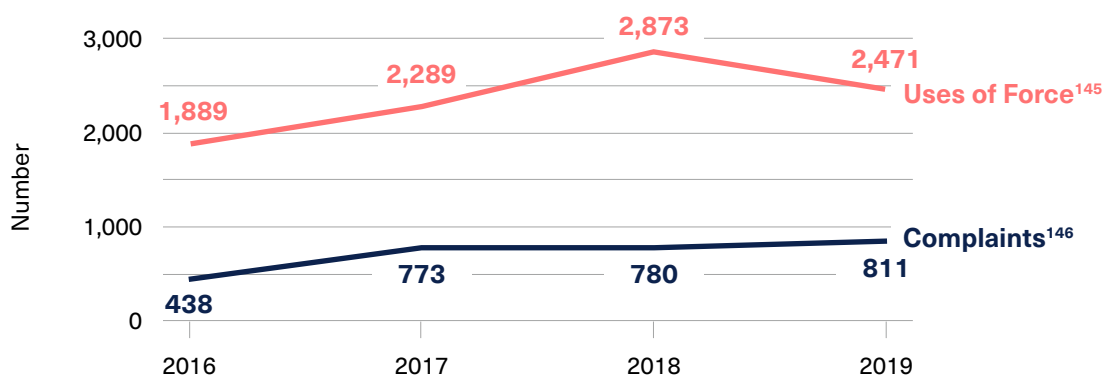
Rates of Policing and Use of Force.

D.C. has the highest per capita rate of law enforcement officers per resident of any large U.S. city. MPD has a 20% higher ratio of officers per resident than the next highest city, Chicago.² This high rate of law enforcement presence does not even account for the more than two dozen independent law enforcement agencies that have more limited jurisdiction around the District, including the D.C. Housing Authority Police, the Metro Transit Police, the U.S. Park Police, and the U.S. Capitol Police.³ For this reason, advocates continue to call for changes not only to police practices, but also for a decrease in the number of law enforcement officers patrolling the District.

D.C. has more officers per resident than any other large American city.¹⁴⁴



Reported Uses of Force by MPD officers vs. complaints received from public about MPD Use of Force in 2019.



In 2019, more than one-third of MPD officers reported using some type of force.⁴ This was an 8% decrease in the number of officers reporting use of force from the prior year.⁵ The District also saw a 15% decrease in use of force allegations from the public against MPD between FY 2018 (189) and FY 2019 (160).⁶ However, the Office of Police Complaints (OPC) recorded an 8% increase in total complaints filed by the public against MPD officers during the same period. Of the complaints sent to an examiner, 96% had at least one finding that an allegation of misconduct had occurred.⁷

In 35% of the FY 2019 cases investigated by the OPC, investigators found that MPD officers were not compliant with body-worn camera policy, either because they did not notify the public that they were being recorded, they turned the camera on too late or not at all, or they obstructed the camera.⁸

Reflecting the most significant impact of law enforcement use of force, there were two high-profile cases of people killed during interactions with D.C. police in 2020. Both of the young people who died were Black. The first was 18-year-old Deon Kay, who was shot and killed by a MPD officer while running from police with a gun in his hand.⁹ The second was 20-year-old Karon Hylton-Brown, who was killed when the moped he was driving collided with another vehicle while MPD pursued Hylton-Brown after he failed to pull over for a traffic stop.¹⁰ Several nights of protests and vigils were held throughout the city for both Kay¹¹ and Hylton-Brown.¹²

Allegations of MPD Use of Force by type in 2019.¹⁴⁸



Law Enforcement Response to Protests.

Throughout the summer of 2020, there were near-daily protests in the streets of D.C. against the police killings of George Floyd, Breonna Taylor, Deon Kay, and Karon Hylton-Brown.¹³ Throughout these events, protestors, the media, and elected officials critiqued law enforcement's response and in particular, the use of "kettling" (a crowd control tactic used by police that involves surrounding and corralling people into smaller, more controllable spaces, and then often arresting all individuals within the controlled area¹⁴), arresting of protestors, and use of aggressive crowd disbursement tactics.¹⁵ Additionally, protestors asserted that MPD unlawfully used chemical irritants against crowds at the March on Washington on August 30, despite the fact that the D.C. Council had banned the use of chemical irritants against crowds in June 2020.¹⁶

Some D.C. residents and political leaders also decried the deployment of federal law enforcement agencies against peaceful protestors in Lafayette Square on June 1, especially because these federal agencies can act without local accountability and without adhering to D.C.'s legal limits on policing activity.¹⁷

MPD made a total of 551 "unrest related" arrests between June and December 2020.¹⁴⁷



Policing Changes Due to COVID-19.

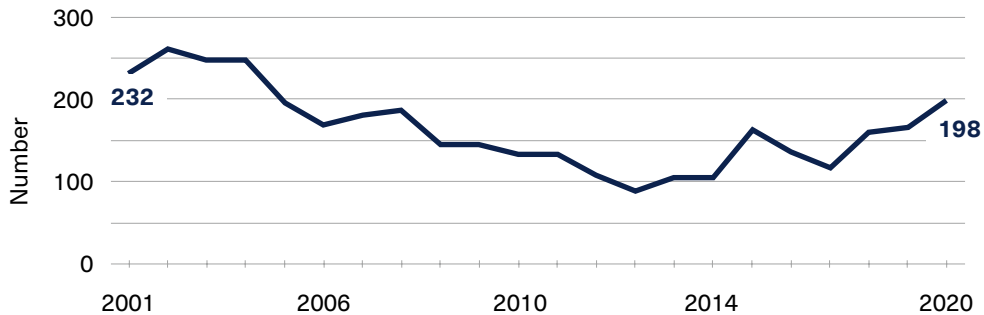
The COVID-19 pandemic led to a variety of law and policy changes that impacted policing and law enforcement in the District. Following an emergency declaration from D.C. Superior Court in March 2020, MPD issued an order expanding eligibility for alternatives to arrest and alternatives to post-booking lock up.¹⁸ Although the data on MPD's custodial arrests for 2020 is not yet publicly available, the count is expected to be significantly lower than in recent years.¹⁹

As the District grappled with how to ensure public safety while reducing the spread of the coronavirus in D.C.'s jails, the community also had to navigate the role of police in enforcing the Mayor's stay-at-home orders.²⁰ At different times, MPD educated residents about mask use and broke up large gatherings. However, some alleged that police enforcement of social distancing measures resulted in disproportionate targeting of Black and Latinx residents.²¹ Many advocates, including the American Civil Liberties Union of the District of Columbia (ACLU-DC), also complained that some officers were not wearing masks when interacting with the public.²² Shortly thereafter, MPD issued an order mandating that officers and civilian employees wear masks beginning July 22, 2020.²³

Homicides and Gun Violence.

The District was no exception to the recent nation-wide increase in homicides,²⁴ with 198 homicides in 2020.²⁵ This reflects the highest reported number in 15 years, and about a 20% increase from the 2018 and 2019 rates.²⁶ According to a *Washington Post* analysis, the majority of the 2020 homicide victims were Black men; only 25 were women.²⁷ The victims ranged in age from 11-months to 81 years-old. The vast majority (84%) of the deaths were caused by shooting.²⁸ At the same time, more than 920 people were reported as having been shot in D.C. in 2020, which has been cited as a 64% increase from 2017.²⁹

D.C.'s 20-year homicide trend.



Racially Disparate Policing.

Racial disparities in arrests in the District are both longstanding and well documented. Despite Black and White people each constituting about 47% of D.C.'s overall population, Black people were arrested at a rate nearly 10 times that of White people in 2019.³⁰

MPD arrests declined by 16.3% from 2013 to 2019; however, the declines were more pronounced in wealthier and predominantly White neighborhoods.³¹ For example, there was a 10.9% decrease in the arrest rate in majority Black neighborhoods compared to a 19.52% decrease in the arrest rate in neighborhoods with a Black minority from 2013 to 2019. Over the same period, the District's overall reported crime rate decreased slightly, but the violent crime rate decreased by 38.33%. However, in the first few months of the pandemic both the property crime and violent crime rates decreased.³²

DEVELOPMENTS AND RESPONSES

Budgetary and Statutory Reforms.

Defund MPD is a coalition that led the local call for divesting from police in order to decrease MPD's "ability to harass, arrest, incarcerate, and surveil Black people in the District."³³ Defund MPD's top three demands for D.C.'s

FY 2021 budget were to 1) reject increases to MPD's budget and instead institute decreases each year until MPD's budget reaches zero, 2) reinvest funds diverted from MPD's budget into community resources, including violence interruption, and 3) remove all police from D.C.'s public and charter schools, reinvesting those funds in school-based mental health and violence interruption programs.

During 2020, more than 16,000 people submitted written, video, or audio testimonies to the D.C. Council in advance of its Budget Oversight Hearing for MPD and, according to Council staff, over 90% of the communications called for defunding MPD in some way.³⁴ By contrast, only 22 people testified live at the same hearing in 2019.³⁵ The D.C. Council ultimately approved an FY 2021 budget of \$568 million for MPD, cutting approximately \$10 million from the Mayor's proposal. The approved FY 2021 MPD budget was \$8.4 million more than its FY 2020 approved budget, but \$33 million less than the agency's actual expenditures in FY 2020.³⁶

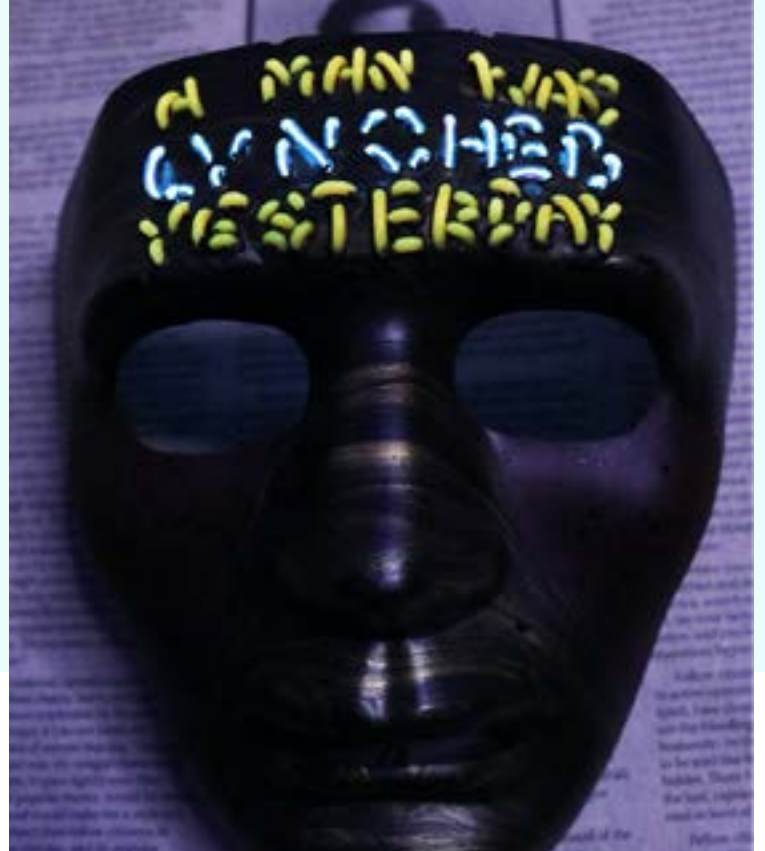
The D.C. Council also unanimously passed emergency legislation in June 2020 banning the use of chemical irritants and rubber bullets on peaceful protestors, banning chokeholds and neck restraints, modifying the structure of the Police Complaints Board, creating a 20-member Police Reform Commission, and more.³⁷

The newly-established Police Reform Commission began meeting in summer 2020 and organized five committees: Assessing and Expanding Violence Reduction Efforts, Policing in Schools, Reforms to MPD Practices, MPD Accountability and Oversight, and Building Non-police Health and Safety Interventions.³⁸ In October, the Commission hired Impact Justice, a national research and policy nonprofit, to provide technical assistance.³⁹ The Commission must release its final report and recommendations by the end of April 2021.⁴⁰

Violence Interruption Efforts Increase.

Since 2017, the District has employed two violence interruption efforts, one run by the Office of the Attorney General (OAG), called Cure the Streets (CTS), and

another run by the Office of Neighborhood Safety and Engagement (ONSE). CTS works in six sites across Wards 5, 7, and 8, engaging with residents to interrupt and stop violence while changing community norms.⁴¹ Between January 1, 2020 to August 1, 2020, CTS engaged 9,694 residents, initiated 107 conflict mediations, and responded to 13 violent incidents.⁴² Data was not yet published about the ONSE office program scopes or impacts.



Darius Scott, *Lynched Yesterday*, 2020

~~Adult Prosecution~~ & the Courts

2020 posed significant challenges for the timely administration of justice as courts across the country, including in D.C., closed and delayed criminal proceedings in response to the pandemic. At the same time, lawyers noted a sharp drop in the number of new criminal cases filed in D.C. Superior Court, where local crimes are prosecuted. There was also a historic leadership change in D.C. Superior Court and continued judicial vacancies affecting court capacity. Amid calls for reform from lawyers within the U.S. Attorney's Office for the District of Columbia (USAO-DC), local advocates also exposed disproportionate impacts of prosecutorial policies on the District's Black community. At the same time, the courts responded with innovations such

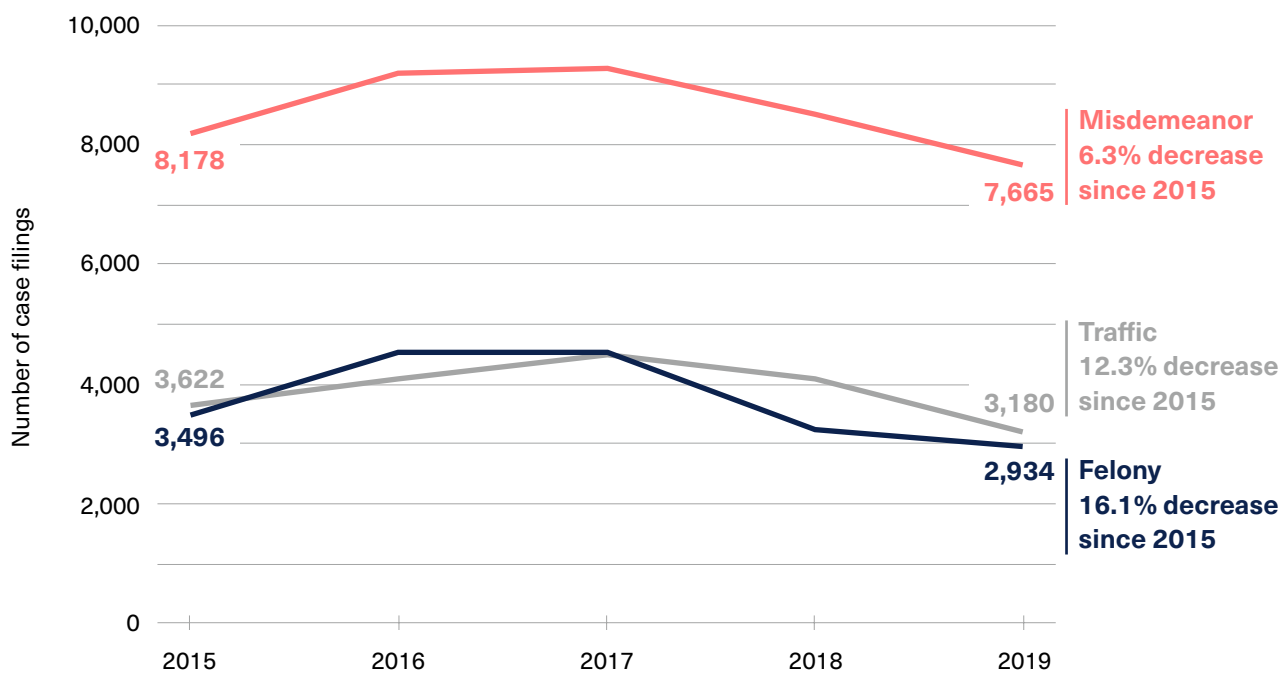
as instituting virtual court hearings, setting up community satellite locations, and shortening wait times before D.C. residents with felony convictions are eligible to serve on a jury.

CHALLENGES

Court Shutdowns and Case Delays during COVID-19.

Following the onset of the pandemic in early 2020, D.C. courts drastically altered their operations. In March 2020, the courts implemented policies to reduce the spread of COVID-19 that shut down most of the courts' regular operations, suspended many proceedings for several months, and postponed civil and criminal jury trials indefinitely.⁴³ In May 2020, D.C. Superior Court reinstated many remote proceedings. As of the end of 2020, D.C. Superior Court was still not conducting jury or bench trials in criminal cases.⁴⁴

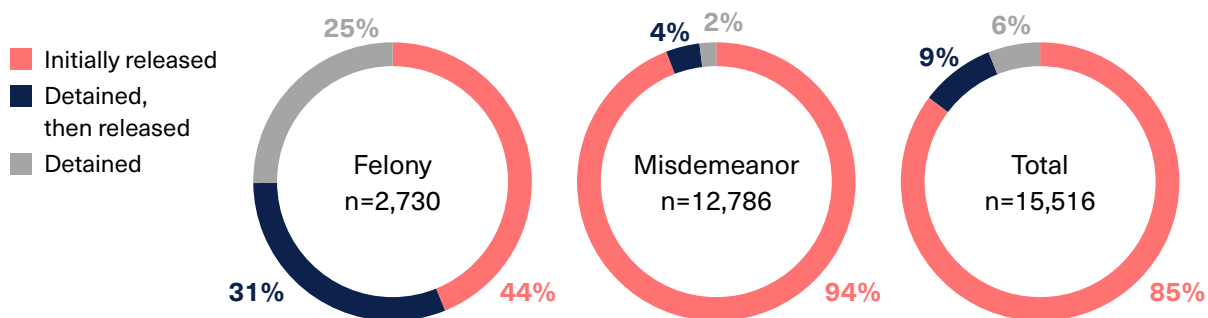
New criminal cases filed at D.C. Superior Court.¹⁴⁹



These operational changes had a significant impact on criminal case processing in 2020. Lawyers reported a sharp drop in the overall number of new criminal cases filed in 2020 in D.C. Superior Court. However, lawyers also noted major delays in deciding the cases that were already filed. Most trials were stalled because jury trials were completely suspended. Additionally, plea agreement and bench trial rates were both down. These delays were most concerning when the person charged was detained pretrial. Because the courts continue to face significant case backlogs and jury trials cannot yet safely resume, lawyers have raised constitutional challenges to prolonged pretrial incarcerations. Typically, people charged with a crime must be indicted within 90 days of their detention and tried within 100 days; however that rule was suspended in March 2020 due to the public health emergency.⁴⁵ Although there were efforts to release people who do not need to be held pretrial, an increasing number of people were still held pretrial at the D.C. Department of Corrections (DOC) during the second half of 2020.

The District is also grappling with how to ensure defendants' constitutional right to counsel amid the challenges of the pandemic and social distancing. DOC allows lawyers to conduct confidential video visits with their clients.⁴⁶ The Council for Court Excellence interviewed a criminal defense attorney who said some lawyers report liking the video option because it saves time, but also noted the impacts of increased isolation on their attorney-client relationship. Video also presents challenges to helping clients review and understand important documents via screen-sharing.

Rates of pretrial detention for people charged with D.C. Code offenses in FY 2019.¹⁵⁰



Disproportionate Impacts of Firearm Prosecutions.

In order to pursue harsher federal sentences, in 2019, Mayor Bowser, MPD, and USAO-DC collaborated to begin prosecuting all local “felon in possession” of guns cases in U.S. District Court, instead of D.C. Superior Court.⁴⁷ This policy came under renewed criticism in 2020, when advocates, including the American Civil Liberties Union of the District of Columbia (ACLU-DC), found that it was disproportionately enforced in three predominantly Black wards of D.C., despite being initially touted as a District-wide initiative.⁴⁸ USAO-DC argued that its efforts were strategically focused in wards with the highest rates of homicides, violent crime, and gun recoveries. Several D.C. government officials, including Councilmember Charles Allen and Attorney General Karl Racine, voiced opposition to the program and its racially disparate impacts.⁴⁹

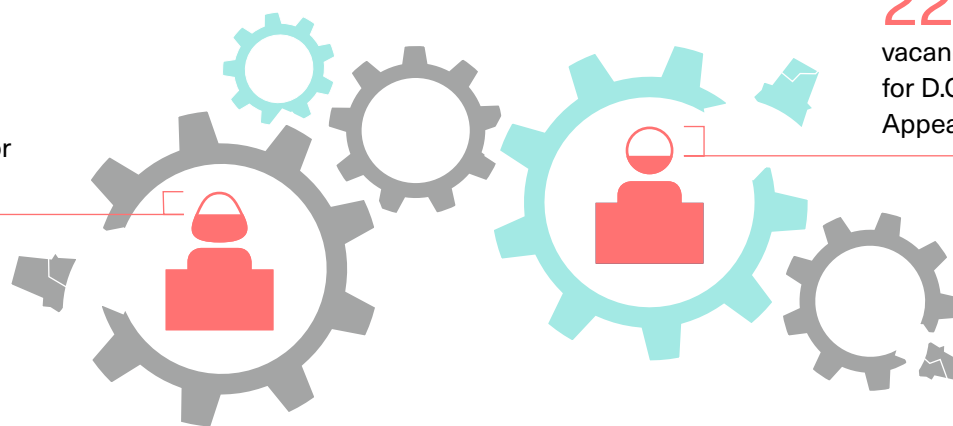
Judicial Vacancies.

The presidential nomination and U.S. Senate confirmation of D.C. Superior Court and Court of Appeals (D.C. Courts) judges is one of many unique elements of D.C.’s justice system. For several years, the D.C. Courts have operated with a high rate of judicial vacancies, despite nominations pending before the U.S. Senate. Many nominations ultimately expired because the Senate never

Judicial vacancies in D.C. Courts in 2020.¹⁵¹

18%

vacancy rate
for D.C. Superior
Court judges



22%

vacancy rate
for D.C. Court of
Appeals judges

scheduled a hearing. This impedes D.C.'s ability to handle the existing caseloads of busy local trial and appellate courts. Although a few new D.C. Superior Court judges have been confirmed since 2019, several other judges have retired, leaving the vacancy rate virtually stagnant. As of December 23, 2020, D.C. Courts had 12 vacancies out of 71 total judicial seats. This includes ten vacant seats at the D.C. Superior Court, reflecting an 18% reduction in trial court capacity, and two vacancies at the Court of Appeals, reflecting a 22% reduction in appellate court capacity.⁵⁰

Audit of D.C. Department of Forensic Sciences.

Prosecutors at USAO-DC identified ballistic analysis mistakes made by the D.C. Department of Forensic Sciences (DFS) lab in January 2020, that falsely linked two 2015 homicides, calling into question the lab's accuracy on evidence in other cases.⁵¹ Prosecutors first informed DFS of the error in January 2020; however, it was not until several months later that DFS acknowledged the error.⁵² In the spring, USAO-DC launched an independent audit of DFS to ensure that no other mistakes were made. In June 2020, the Public Defender Service for the District of Columbia (PDS) sent a letter to USAO-DC expressing doubt about the audit's independence. Nevertheless, preliminary findings revealed discrepancies in the forensic evidence in 12 out of 60 reviewed D.C. Superior Court cases.⁵³

This is not the first time DFS and USAO-DC have been at odds; in July 2019, USAO-DC accused DFS in U.S. District Court of not sending a forensics analysis in a timely manner, leading to the dismissal of a drug and gun case. The accusation was later found to be false.⁵⁴

DEVELOPMENTS & RESPONSES

Courts Begin Conducting Virtual Hearings.

To adapt to the public health emergency and ensure the administration of justice, D.C.'s trial court began conducting hearings virtually by the summer.⁵⁵

In most hearings, defendants can decide between using videoconference or audio only. Any criminal case hearings or trials where witnesses are testifying, however, must be conducted over video to show the witnesses' demeanor. The person charged in a criminal case can also decide to participate in a virtual hearing or wait for an in-person hearing once COVID-19 subsides.⁵⁶ Other challenges included ensuring a client's ability to speak confidentially with their lawyer during a virtual proceeding and protecting the public's right to access. For example, in a physical courthouse, the courtroom is open to media to report on cases, and to family and friends who want to see their loved one's hearing and to the victims, if any. This open access is limited during virtual hearings when the public may not have the necessary technology or internet access to observe hearings.

In September 2020, D.C. Superior Court announced it was opening five locations with Wi-Fi and computer access to ensure that all parties can participate in remote hearings.⁵⁷ These satellite sites are intended to improve equitable access to videoconference hearings in all four quadrants of the city. In addition, the public can observe most D.C. Superior Court and U.S. District Court hearings via WebEx or phone, and all filings and clerk's office operations are now electronic.⁵⁸ As of August 27, 2020, the D.C. Court of Appeals also began conducting oral arguments via videoconference or phone and livestreaming them on YouTube.⁵⁹

Group of Black Prosecutors Call for Reform.

In the summer of 2020, a group of 32 Black USAO-DC prosecutors sent a memo to Acting U.S. Attorney Michael Sherwin, calling for changes that would make the D.C. justice system more equitable. Among a range of recommendations, they proposed implicit bias training for all USAO-DC prosecutors and the termination of initiatives, like moving "felon in possession" prosecutions to federal court, that disproportionately affect Black residents. Additionally, these prosecutors called for a new focus on alternatives to incarceration, as well as hiring, retaining, and promoting Black prosecutors. Only 10% of the USAO-DC prosecutors are Black, despite 47% of the District's population being Black. In the wake of the memo, the USAO-DC formed several working committees to address the concerns raised.⁶⁰

Historic Leadership for D.C. Courts.

For the first time in history, both Chief Judges of the local D.C. Courts are women. Also notably, both are Black. In October 2020, the Honorable Anita Josey-Herring became the Chief Judge of D.C. Superior Court, the first woman to hold this position. Before becoming a judge, she worked at PDS for 23 years.⁶¹ The Chief Judge of the D.C. Court of Appeals is the Honorable Anna Blackburne-Rigsby, who has held the position since 2017.

Jury Service Eligibility for Returning Citizens.

In June 2020, D.C. Superior Court announced it would begin allowing D.C. residents who have a felony conviction to serve on trial juries in criminal and civil cases one year after they have completed their sentences.⁶² D.C. Superior Court previously required residents with felony convictions to wait ten years after they completed their sentence to serve on a jury. This change will increase the number of people who can be called for service and make the pool of prospective jurors more racially representative of the District's population.⁶³

Every adult citizen in D.C. now has the right to vote, regardless of any conviction or imprisonment. The new law particularly re-enfranchises Black D.C. residents, who make up more than 95% of the people incarcerated on felony sentences under the D.C. Code.





Paige Perkins, *Reimagined Monument*, 2020

~~I~~ncarceration

In the spring of 2020, it quickly became clear that COVID-19 would have a severe and disproportionate impact on people who are incarcerated at or work inside the D.C. Department of Corrections (DOC) – including both the Central Detention Facility (CDF or D.C. Jail) or the Correctional Treatment Facility (CTF) – and federal Bureau of Prisons (BOP) facilities. People in DOC custody are almost exclusively Black and male; in October 2020, people incarcerated at the DOC were 90.4% Black and 96.2% male. While only 3.8% of DOC residents are women, of those women the overwhelming majority (78.4%) are Black.⁶⁴ Great effort was devoted to freeing the most vulnerable people from jails and prisons and creating safer, healthier conditions for those who remained. The District saw several other notable developments inside its

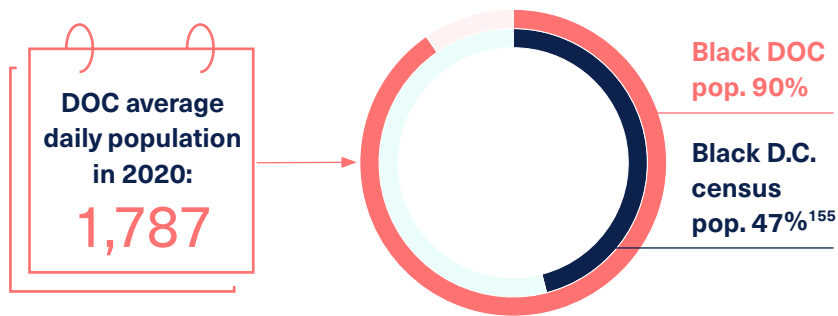
correctional facilities, including improvements with programming for young adults and expanded contracts for health and substance use disorder care in the jails.

Cost of incarcerating an adult at DOC.¹⁵³

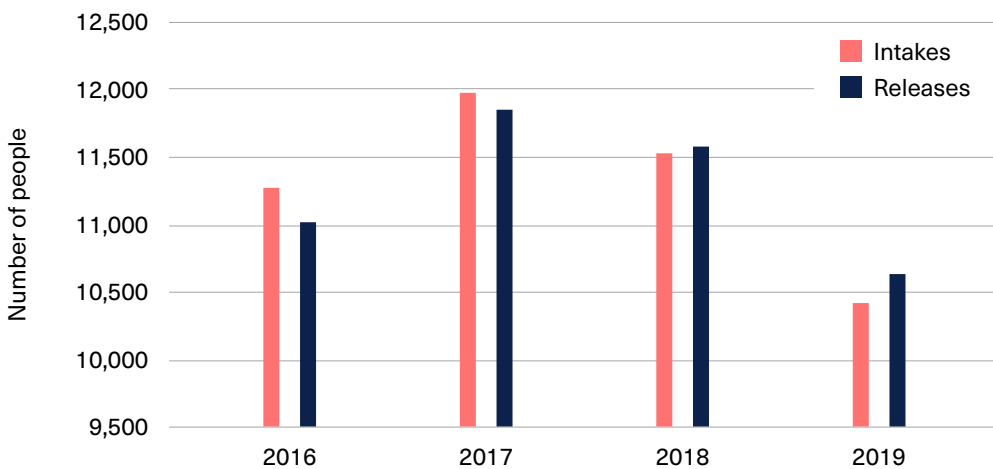
In FY18, it costs
\$88,105



DOC average daily population in 2020.¹⁵⁴



DOC annual intakes and releases.¹⁵²



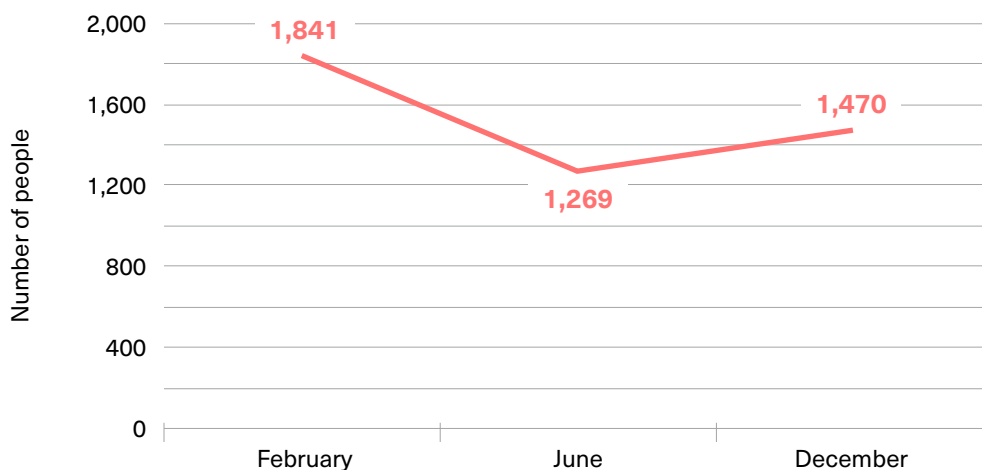
CHALLENGES

COVID-19 in DOC Facilities.

In May 2020, the COVID-19 infection rate in DOC's jails was 13 times greater than the rate of infection for D.C.'s population as a whole.⁶⁵ Hundreds of people at DOC tested positive, and one staff person and one resident died of COVID-19 in 2020.⁶⁶ The DOC initially reduced its average daily population by almost a third, from 1,841 residents in February 2020 to 1,269 residents in June; however, the population began growing again in June due to increased admissions of people detained pretrial on felony and misdemeanor charges and increased admissions of people detained for alleged parole violations.⁶⁷ By December, there were 1,470 residents in D.C.'s jails.⁶⁸ On December 31, 148 DOC personnel and 227 residents had tested positive.⁶⁹

On March 30, 2020 the American Civil Liberties Union of the District of Columbia (ACLU-DC) and the Public Defender Service for the District of Columbia (PDS) filed a class action lawsuit against DOC,⁷⁰ asserting that DOC denied testing and treatment to those showing symptoms of COVID-19, failed

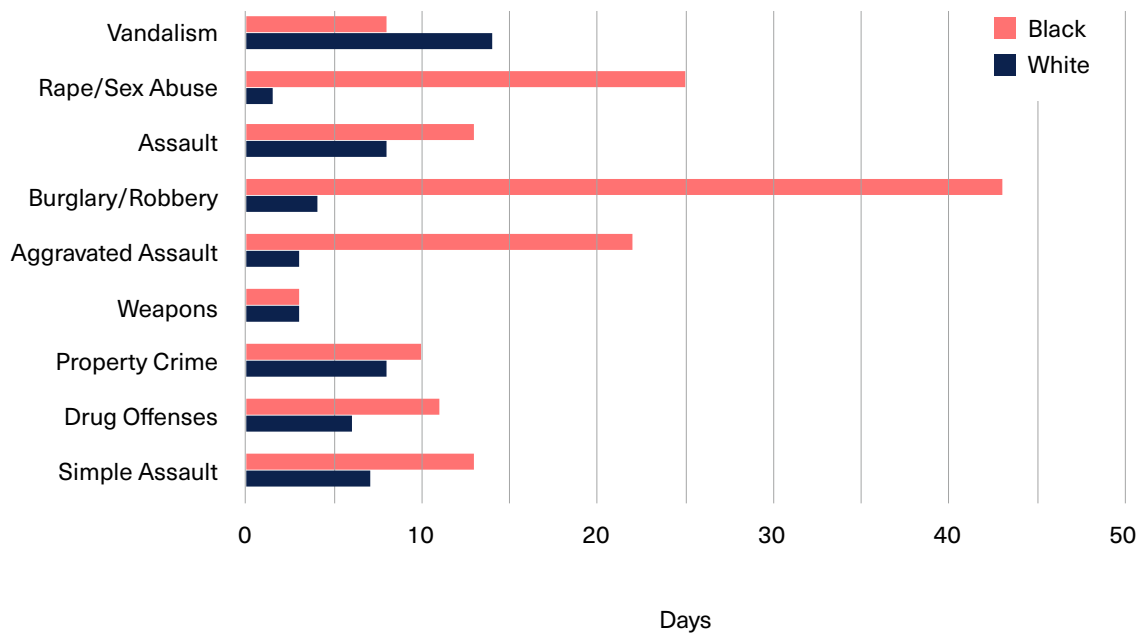
DOC average daily population 2020.¹⁵⁶



to screen new jail residents for the virus, and did not follow social distancing guidelines.⁷¹ The court required DOC to provide residents with medical care within 24 hours, enforce Center for Disease Control and Prevention policies on social distancing, ensure access to confidential legal calls, and provide residents with the necessary materials to clean their cells.⁷² The court continues to monitor DOC's compliance.⁷³

Outside of the courts, advocates have banded together to demand the District change policy and practice to reduce the number of arrests made by MPD, change law and policy to reduce incarceration rates, and create safer transitions for people released from a jail, prison, or halfway house back to D.C. The Thrive Under 25 coalition wrote to the Mayor and D.C. Council in March, and again in May, demanding that more be done to release people from incarceration and ensure those inside are safe and healthy during the pandemic.⁷⁴ Some of Thrive Under 25's recommendations were subsequently adopted and are discussed in more detail below.

DOC median unsentenced length of stay, by top charge category and race, in 2018.¹⁵⁷

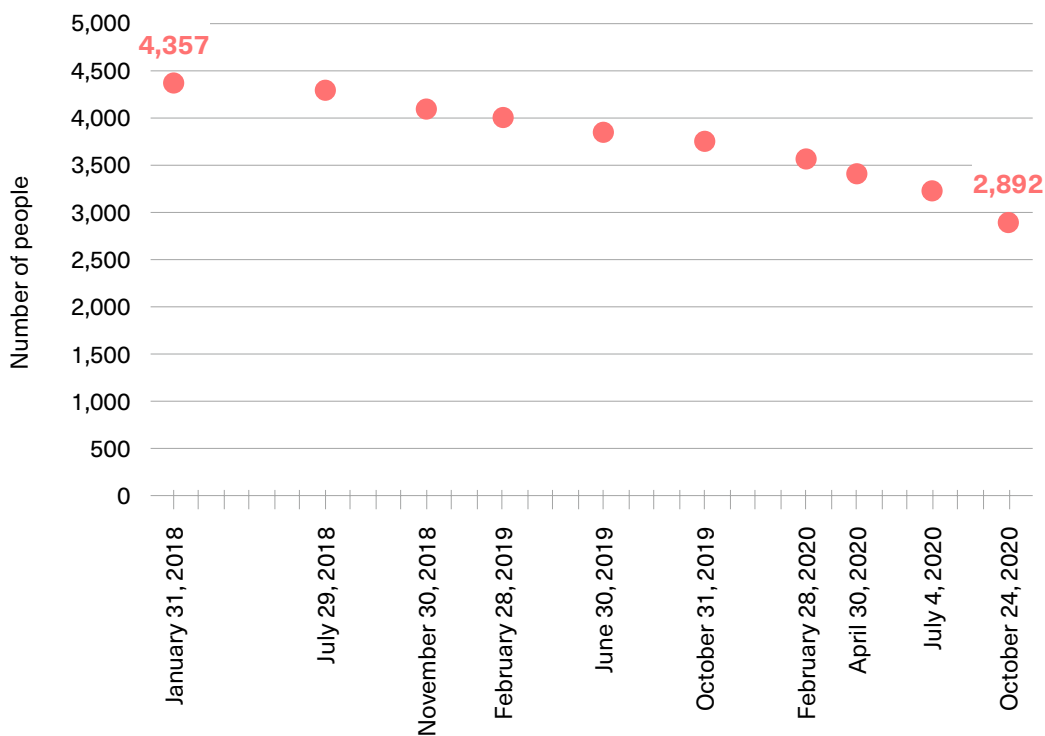


People Serving Local Sentences in Federal Prisons.

Since 2001, all people convicted of D.C. Code offenses and sentenced to a year or more of incarceration have served those sentences in one of the 122 federal BOP prisons across the country.

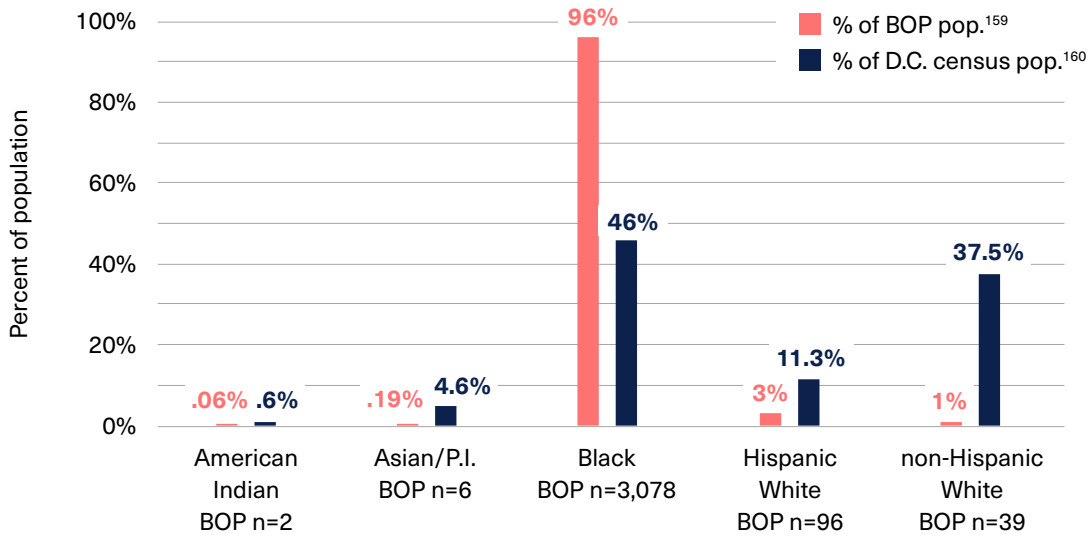
Like DOC, the BOP also began instituting population reduction measures and other changes to policy and practice in March 2020 due to COVID-19. The BOP saw nearly a 20% population reduction among people serving sentences under the D.C. Code in 2020, from 3,559⁷⁵ people in February, to 2,892⁷⁶ people in October. The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law by the President in March 2020 and allowed the BOP to begin releasing persons in their custody to home confinement. Between March 27 and June 3, the BOP had placed 59 people serving D.C. Code sentences on home confinement.⁷⁷

One-day counts of people serving local D.C. Code sentences in the BOP.¹⁵⁸

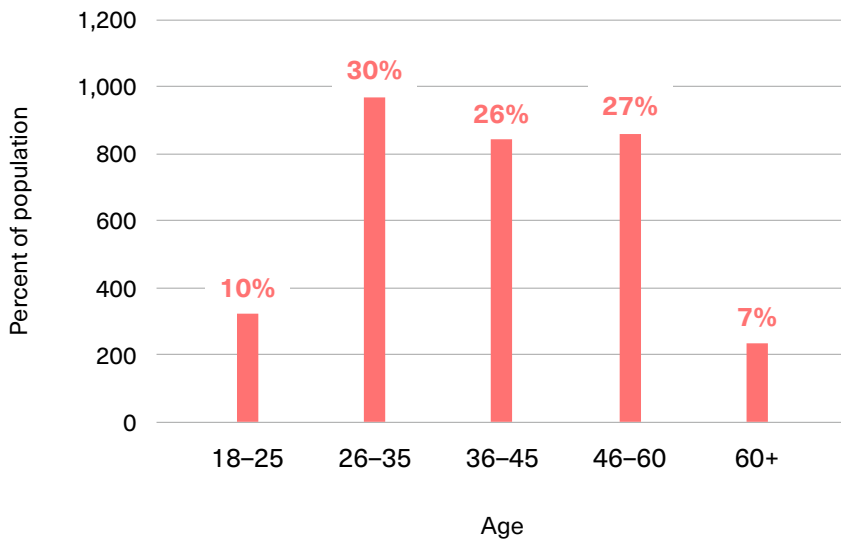


As of January 19, 2021, 200 BOP residents and three BOP staff have died of COVID-19, and more than 6,000 people living and working in BOP facilities have tested positive.⁷⁸ BOP has not confirmed whether any of the resident deaths were people serving sentences under the D.C. Code.

People serving local D.C. Code sentences in the BOP, by race, on July, 4 2020.



People serving local D.C. Code sentences in the BOP, by age, on July, 4 2020.¹⁶¹



DEVELOPMENTS & RESPONSES

All Adult D.C. Citizens Gain the Right to Vote.

On July 23, 2020 over 3,000 incarcerated D.C. residents serving felony sentences regained the right to vote.⁷⁹ Passed initially as temporary legislation in time for the summer primaries, the Restore the Vote Amendment Act of 2019 became permanent law on November 16, 2020.⁸⁰ The District now joins Maine and Vermont as the only jurisdictions in the United States that allow people serving felony sentences to vote while incarcerated. This means that every adult D.C. citizen now has the right to vote, regardless of any conviction or imprisonment. The new law particularly re-enfranchises Black D.C. residents, who make up more than 95% of the people incarcerated on felony sentences under the D.C. Code and had been disproportionately disenfranchised by the prior law.

Substance Use Disorder Services in D.C.'s Jails.

An estimated 40% of people detained in D.C.'s jails have a substance use disorder (SUD).⁸¹ An audit released in August 2020 revealed that people who received SUD treatment while in DOC custody were almost twice as likely

Prevalence of substance use disorders among people incarcerated at DOC vs. D.C.

DOC residents are identified by DOC as having a SUD¹⁶²

9%



DOC residents estimated as having a SUD¹⁶³

40%



D.C. residents aged 18 or older identified as having a SUD in 2018¹⁶⁴

12%



to connect to treatment in the community upon release.⁸² Since April 2019, DOC has expanded the existing use of medication-assisted treatment, a best practice in the treatment of SUDs.⁸³ DOC also plans to open new therapeutic residential treatment units in 2021, offering comprehensive trauma-informed SUD programming and services.⁸⁴

Expanding the Incarceration Reduction Amendment Act.

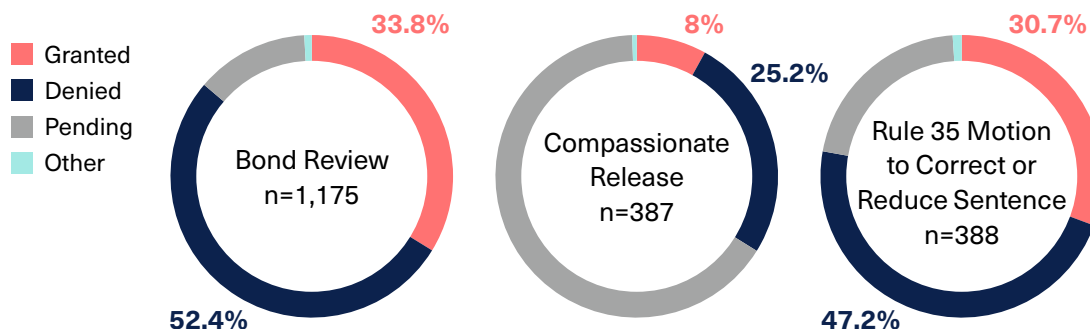
Introduced in 2016 and passed in 2017, the District's original Incarceration Reduction Amendment Act (IRAA) allowed a person serving a sentence under D.C. law to petition D.C. Superior Court to reduce their sentence for an offense committed before their 18th birthday if they had already served 20 years.⁸⁵ In 2019, so-called "IRAA 2.0" amended the law to decrease the required years served from 20 years to 15 years.⁸⁶

Soon thereafter, the Second Look Amendment Act of 2019, or "IRAA 3.0," was introduced before D.C. Council.⁸⁷ The newest version raises the age eligibility to allow people convicted for an offense committed before the age of 25 to request resentencing.⁸⁸ The IRAA 3.0 proposal sparked public debate across the District, including between governmental leaders. In August 2019, the United States Attorney's Office for the District of Columbia (USAO-DC) announced its opposition to IRAA 3.0,⁸⁹ and the *Washington Post* Editorial Board criticized it.⁹⁰ Soon thereafter, D.C. Attorney General Karl Racine and Councilmember Charles Allen wrote an op-ed response supporting IRAA 3.0, arguing that "the District's resentencing efforts are based on smart public-safety policy and fairness, rooted in data, research, and science."⁹¹ In December 2020, D.C. Council passed IRAA 3.0 unanimously.⁹² According to the Justice Policy Institute, which has advocated for IRAA, of the 61 people released in the District under IRAA to date, only one has had a new criminal charge.

Compassionate Release & Good Time Reforms.

Following community advocacy, provisions temporarily broadening eligibility for compassionate release among individuals serving time under the D.C. Code were included in the District's second COVID-19 emergency response bill.⁹³ The legislation, passed in April 2020, also expanded eligibility for earning

Release motions filed at D.C. Superior Court from March 18 to September 25, 2020.¹⁶⁵



good time credits to all people serving sentences under the D.C. Code.⁹⁴ Legislation making these expansions permanent was passed by D.C. Council in December.⁹⁵

The D.C. Compassionate Release Clearinghouse, a collaborative effort from the Washington Lawyers’ Committee for Civil Rights and Urban Affairs, Families Against Mandatory Minimums, the National Association of Criminal Defense Lawyers, and others, has received more than 700 requests from incarcerated D.C. residents for legal assistance with compassionate release petitions.⁹⁶ Hundreds more filed their petitions in the D.C. Superior Court without an attorney. As of November 16, 2020, of 215 petitions considered, 69 people have been released under the compassionate release statute. Data has not yet been published about the good time credit releases from BOP, however advocates have reported some releases of their clients in the weeks following the law’s enactment. After seeing the support for and impact of the new compassionate release and good time provisions, D.C. Council made the temporary legislation permanent in December 2020.⁹⁷

Young Men Emerging Unit.

In the District, young adults ages 18 through 25 account for 10% of D.C.’s overall population but 24% of arrests, 26% of the daily DOC population,⁹⁸ and 10% of the D.C. population in BOP facilities.⁹⁹ DOC’s innovative Young Men Emerging (YME) unit at CTF pairs older mentors serving felony sentences with younger

mentees who are detained pretrial or beginning to serve sentences. It uses non-punitive measures and fosters the growth of the young men in the unit. Since its establishment at CTF in FY 2018, 168 residents have participated in the YME program.¹⁰⁰

YME has undergone several changes since its inception in 2018 to continue improving participant satisfaction and program outcomes. All mentors live in the unit full-time, helping them to develop deeper relationships with their mentees and to identify additional ways to improve the unit. For example, the mentors, along with DOC staff, developed internal YME unit policies that differ from those enforced in the rest of the DOC, including using person-first language and wearing non-jail uniforms.¹⁰¹ In light of the program's popularity, DOC opened a second YME unit at CDF that served 39 residents before the unit had to close temporarily due to COVID-19.¹⁰²

District Task Force on Jails & Justice.

The District Task Force on Jails & Justice is an independent advisory body dedicated to redefining the District's approach to incarceration by building city-wide engagement, centering the voices of those with lived experiences; understanding community priorities; and exploring the use and design of secure detention and community-based solutions.

Published in November 2019, the Task Force's Phase I report lays out a framework of recommendations for change, pointing to an increasing demand for alternatives to the District's overreliance on its criminal justice system.¹⁰³ It is a culmination of nine months of deep community engagement with 2,000 D.C. residents, correctional data analysis, research into best practices, and deliberation by Task Force Members. The Task Force will complete Phase II of its work, a detailed implementation plan to actualize these recommendations, in 2021.

Reentry

The closure of the District's only halfway house for men during the pandemic and the influx of D.C. residents released from jails and prisons to curb the spread of COVID-19 have led to substantial challenges in 2020 for returning citizens. With these challenges has come a swell of support for some of the District's most vulnerable residents.



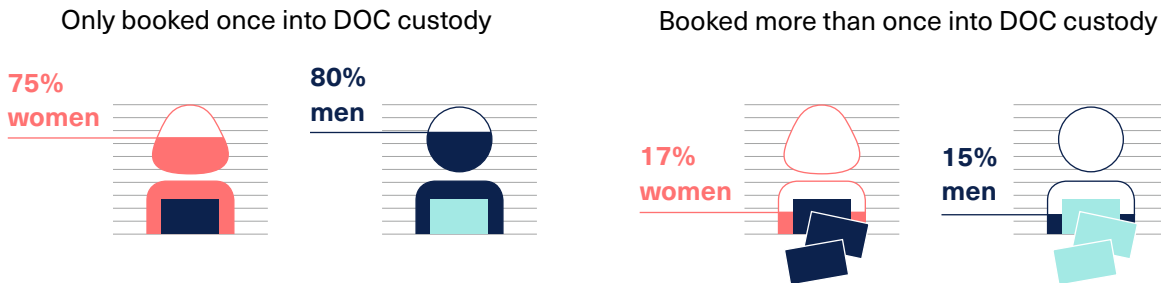
Kandice Johnson, *Black Trans Lives*, 2020

CHALLENGES

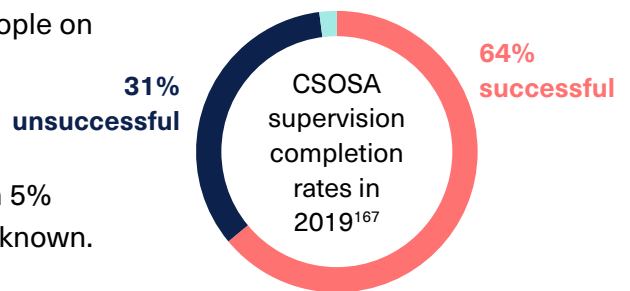
Changes in Reentry Population Over Time.

New data from the Court Services and Offender Supervision Agency (CSOSA), which supervises clients released on probation, parole, and community supervision, shows that there were few meaningful changes in D.C.'s supervised population from 2017 to 2019. The most notable difference was a reduction in the number of clients under CSOSA supervision from 16,407 individuals in 2017 to 14,830 individuals in 2019.

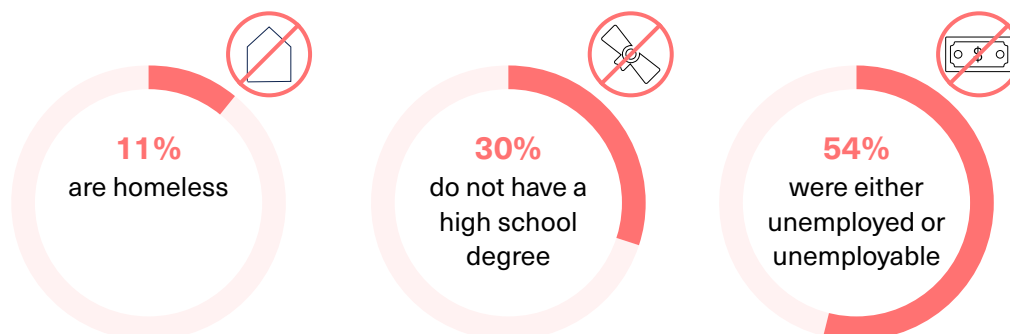
Re-incarceration rates at DOC in 2019.¹⁶⁶



Although CSOSA is supervising fewer people overall, their demographic characteristics remained largely unchanged. There was a modest decrease in the number of individuals who have less than a high school education, from 32% in 2017 to 30% in 2019. Additionally, there were small increases in the number of CSOSA clients with housing instability from 2017 to 2019, an increase from 7% to 8% among those on probation and from 15% to 17% among those on supervised release. The most significant change identified was that the rate of housing instability for people on parole increased from 11% to 19% between 2017 and 2019. Finally, CSOSA had slightly less accurate data about employment in 2019 than it had in 2017, with 5% more clients' employment status listed as unknown.



Rates of homelessness, education, and employment for people under CSOSA supervision in 2019.¹⁶⁸



Men's Halfway House.

D.C. has been without any halfway house facility for men since April 2020, and has been without a high-quality facility for many more years. Because of D.C.'s unique legal system, the Federal Bureau of Prisons (BOP) has custody of all people incarcerated for felony offenses under the D.C. Code, including people residing at halfway houses. The District's only men's halfway house, Hope Village, lost its long-term BOP contract in 2018. In 2020, the BOP finalized its contract with a new provider, CORE DC, to open a new men's halfway house.¹⁰⁴ The new facility will have a maximum of 300 beds, plus 150 home confinement placements.¹⁰⁵

However, after many months of contract disputes, Hope Village was still operating under short-term contract extensions when the first wave of the COVID-19 pandemic reached the District in March 2020. Then, with only three weeks' notice, Hope Village suddenly closed on April 30, 2020, after being sued because of the health and safety conditions at the facility.¹⁰⁶ Many of the remaining residents were transferred to halfway houses in Maryland, Delaware, and southern Virginia, and others were moved to home confinement.

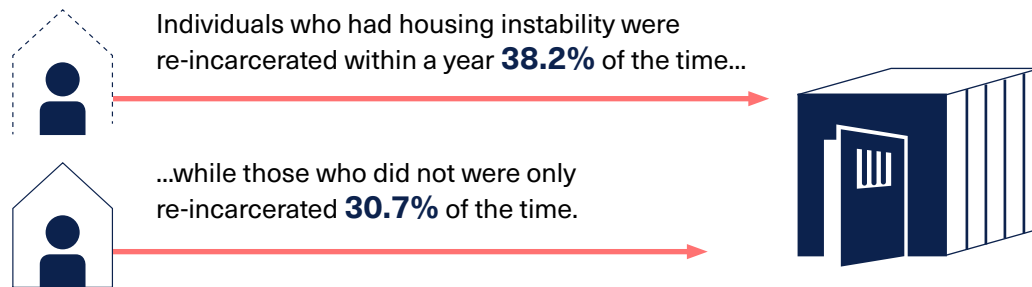
CORE DC's new halfway house was scheduled to open in October 2020 on Benning Road NE,¹⁰⁷ but construction was delayed by the local Advisory Neighborhood Commission's application for historic designation of the building currently on the site.¹⁰⁸ In December, the D.C. Historic Preservation Board voted

against the application, allowing CORE DC to begin construction on a new men’s halfway house in early 2021.

Returning Citizen Homelessness.

Housing continues to be a barrier to successful reintegration for returning citizens. In February 2020, the DC Fiscal Policy Institute published *Coming Home to Homelessness*.¹⁰⁹ The report found that in 2019, nearly three in five D.C. individuals experiencing homelessness – or 57% – had been incarcerated previously. Additionally, 55% reported that incarceration caused their homelessness. The report makes housing and shelter recommendations, including “creating a new program to connect returning citizens with family or friends and offering financial assistance and services to support these living arrangements,” among others.¹¹⁰

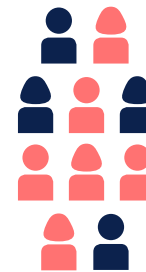
The relationship between homelessness and re-incarceration at DOC.¹⁶⁹



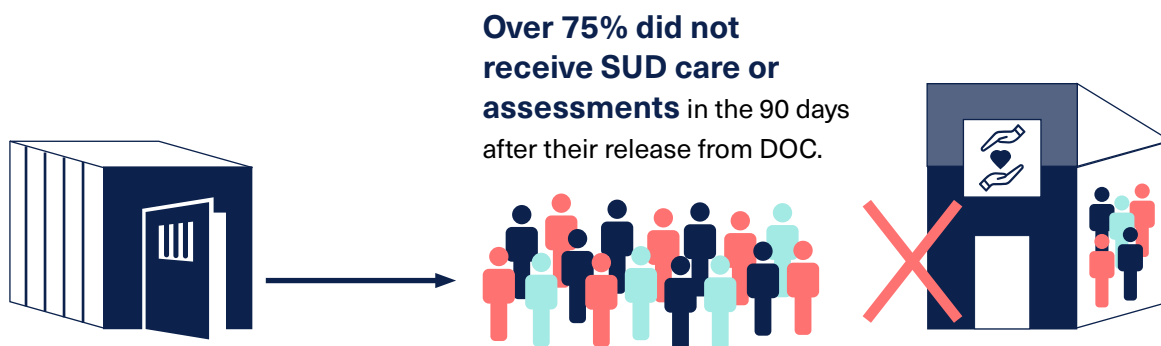
Connecting to SUD Treatment during Reentry.

Nationally, 7.6% of Americans have a substance use disorder (SUD). However, 11.5% of all D.C. residents have a SUD and, in the District’s jails, up to 40% of people incarcerated have a SUD. Released in August 2020, *Everything is Scattered: The Intersection of Substance Use Disorders*

4 in 10 people leaving DOC expect that they’ll struggle with substance use during reentry.¹⁷⁰



Connections to SUD care after leaving DOC custody.¹⁷¹



and Justice-Involvement in the District, an audit by the Council for Court Excellence for the Office of the District of Columbia Auditor, found that the D.C. Department of Corrections (DOC) failed to identify all individuals with SUDs who may have benefited from connection to SUD treatment during reentry. The audit recommends better screening and increased reentry planning at the DOC, and increased communication and data sharing between the DOC and the D.C. Department of Behavioral Health (DBH) to ensure continuums of care for justice-involved residents with SUDs after incarceration.¹¹¹

DEVELOPMENTS & RESPONSES

The READY Center.

In February 2019, the District opened the READY (Resources to Empower and Develop You) Center. Initially, the READY Center only assisted D.C. residents leaving DOC custody in obtaining vital documents, and connecting them to health care, reentry services, and programs that help returning citizens find housing and employment, among other things. However, in April 2019, the READY Center expanded its services to D.C. returning citizens coming home from the BOP.¹¹²

The READY Center works collaboratively with community-based organizations, the Department of Human Services, Department of Employment Services, Department of Motor Vehicles, Department of Behavioral Health, and the Mayor's Office on Returning Citizen Affairs.¹¹³ These agencies have designated staff at the READY Center and community-based reentry organizations can reserve space at the READY Center to connect with new clients.¹¹⁴ The READY Center served 842 clients between its opening in February and December 2019. Of those 842 people, 726 were released from the DOC and 116 from the BOP.¹¹⁵

DC Reentry Action Network.

Founded in 2016, the DC Reentry Action Network (RAN) – a coalition of 26 community-based reentry service providers – has continued to grow as a unified voice for increasing support for reentry service providers and improving outcomes for D.C.'s returning citizens.¹¹⁶ In the last two years, RAN has held a variety of trainings for its member organizations and their returning citizen clients and advocated for policy changes. In response to COVID-19, RAN held community outreach events in Wards 1, 7, and 8, and organized a supply drive for D.C. residents transferred to out-of-state halfway houses after the closure of Hope Village. RAN also mobilized to advocate for increases in District government reentry funding. In 2019, RAN's advocacy led to a nearly \$1 million increase in reentry funding. In 2020, RAN secured an additional \$300,000 increase in reentry funding and \$1 million for a three-year housing pilot for returning citizen men.

Clemency Board.

Since 1997, only one person convicted of a D.C. Code offense has received clemency. This is a consequence of the current process that puts local clemency power in the hands of the U.S. President, who receives recommendations from the federal Department of Justice. However, in 2018, the District passed legislation creating a local Clemency Board to consider applications for commutations and pardons from people convicted under D.C. law, and make recommendations to the President. The inaugural members of the D.C. Clemency Board first met in July 2020 and aim to begin accepting applications by July 2021.

Local Control of Parole and Supervised Release.

For more than 20 years, the United States Parole Commission (USPC) has been the parole decision maker for the District of Columbia, but its authority will expire on October 31, 2022.¹¹⁷ In January 2020, the Justice Policy Institute published, *Restoring Local Control of Parole to the District of Columbia*, which proposed three options and recommended significant community engagement before selecting a new authority.¹¹⁸ Some local advocates, including the ReThink Justice DC Coalition, recommend creating a new D.C. Board of Parole.¹¹⁹ Others, including the Public Defender Service for the District of Columbia (PDS), support transferring all parole powers to the D.C. Superior Court. To date, the District government has not taken a position on the issue, nor acted to establish any new local paroling authority.

Organizers and advocates for reform in the District won the cancellation of a controversial D.C. public schools policing contract, ended the handcuffing of young children by police, and expanded the discussion about the impacts of justice-involvement on young adults.

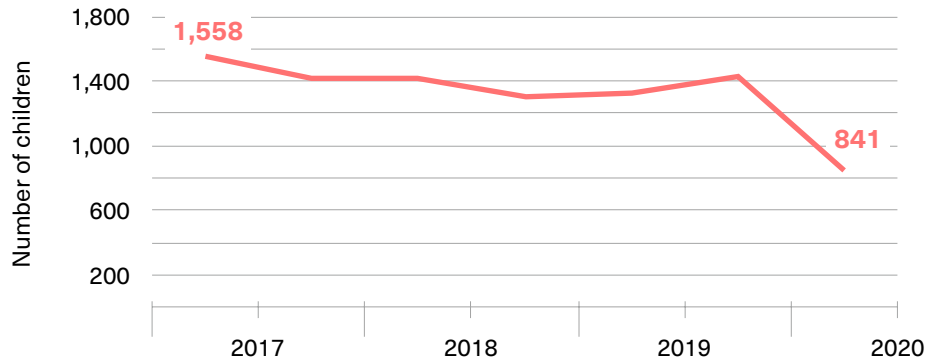


Liam Ethan Dance, *King of Love*, 2020

~~Y~~outh Justice

Just as with every aspect of the justice system described in this report, the twin pandemics of racial oppression and COVID-19 altered the landscape of youth justice in the District. As the pandemic began, markedly fewer youth were arrested in the first half of 2020 than in recent years, although the exact impacts on the number of children convicted or in secure detention remain unclear. Amid the nationwide calls for change to law enforcement, organizers and advocates for reform in the District won the cancellation of a controversial D.C. public schools policing contract, ended the handcuffing of young children by police, and expanded the discussion about the impacts of justice-involvement on young adults.

Arrests of children under 18 in D.C.¹⁷²

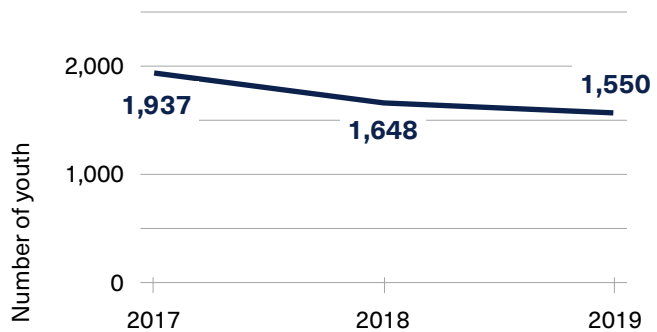


CHALLENGES

Children Committed or Detained by Department of Youth Rehabilitative Services.

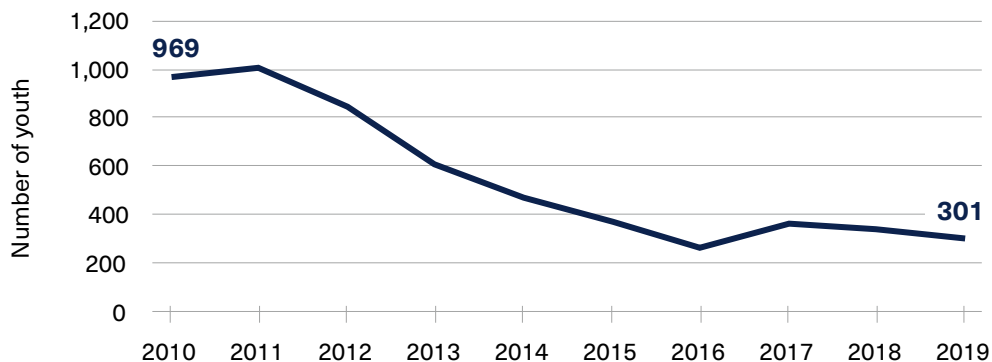
The Department of Youth Rehabilitative Services (DYRS) is responsible for the supervision, custody, and care of justice-involved young people in the District, who are ordered by a D.C. family court judge to either be “detained” in a DYRS facility while awaiting adjudication, or “committed” to DYRS custody following adjudication. Youth who are committed can be held in secure facilities or can reside within the community, including in their own family homes, local community-based residential facilities, and foster care. Of the 96 new youth commitments in FY 2019, more than 60% were for offenses categorized as violent, 20% for property crimes, and 10% for weapons charges.

Youth served by DYRS.¹⁷³

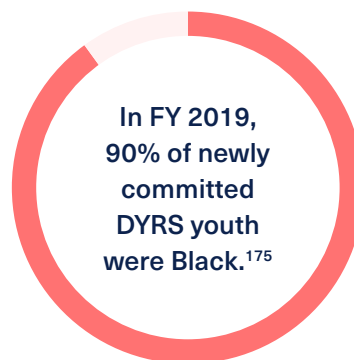


This includes youth committed, detained, in shelter homes, previously committed, and other justice involved youth.

Youth committed to DYRS.¹⁷⁴



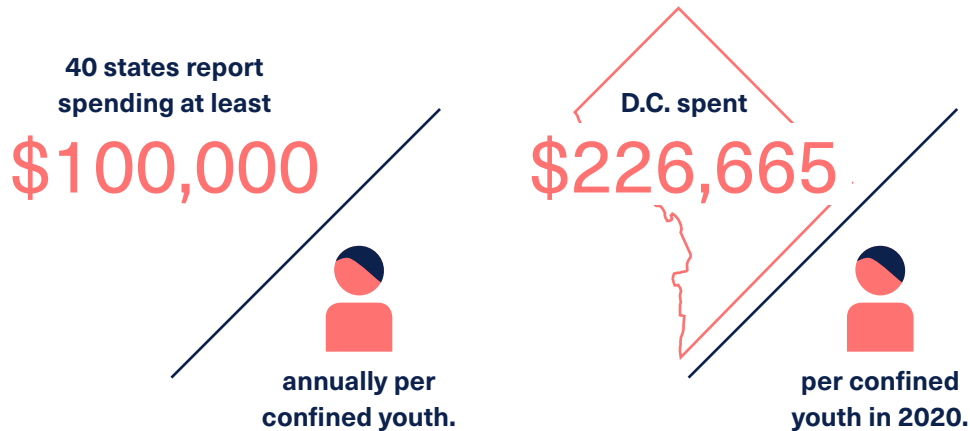
In FY 2019, DYRS served a total of 1,550 unique youth, with an average daily population (ADP) of 196 youth. During that year, nearly 40% of committed youth remained in their family homes, and another 20% were placed in other community-based settings. One-third of youth were placed in secure settings, including DYRS facilities, residential treatment centers, or in the D.C. Department of Corrections (DOC) jail facilities.



The Youth Services Center (YSC) is an 88-bed DYRS facility that primarily houses youth ordered detained by a family court judge while awaiting adjudication or disposition of delinquency charges. YSC housed 1,339 youth in FY 2019, with an average daily population of just over 40 youth. 68% of those children were male and 92% were Black. The average length of stay at YSC was just over 19 days.¹²⁰ This reflects a slight decrease from FY 2018 where the average daily population at YSC was 43 youth.¹²¹

The New Beginnings Youth Development Center (NBYDC) is a 60-bed facility that houses youth committed to DYRS after their cases have been decided and detention was determined appropriate by a judge. NBYDC housed 136 youth in FY 2019, with an average daily population of almost 36 youth. 97% of those

Cost of detaining youth at New Beginnings Youth Development Center.¹⁷⁶



children were male and 94% were Black. The average length of stay was about four months.¹²² Unlike YSC, the average daily population at NBYDC increased from FY 2018, when it housed about 26 youth per day.¹²³

On an average day in FY 2019, DYRS also tracked 14% of committed youth through electronic monitoring technology. DYRS's use of this technology had declined every year since 2014, when it tracked a daily average of 29% of committed youth, until FY 2018 when it hit a low of 10%, before rising again in FY 2019.¹²⁴

Charging Children as Adults.

The D.C. Office of the Attorney General (OAG) prosecutes all of the children charged with crimes as juveniles in D.C. Superior Court's family court. However, there are two ways in which youth who are at least 16 and charged with certain serious offenses can be charged and prosecuted as adults by the U.S. Attorney's Office for the District of Columbia (USAO-DC). The first is a transfer motion through which the District, via the Office of the Attorney General, asks the judge to move a child's delinquency charges from the family court docket to the adult criminal court docket. The second is "direct file," where USAO-DC can file charges against 16 or 17-year-olds directly in adult criminal court for certain serious offenses.¹²⁵ There is no mechanism for judicial review or any way to

challenge direct filing. Once a youth has been convicted in criminal court, any subsequent charges in D.C. will always be handled by the adult criminal court.¹²⁶ D.C. is one of only four jurisdictions in the United States that does not have a “reverse waiver” review process that would allow for the youth to be removed from the adult criminal legal system and returned back to family court.¹²⁷

Between 2015 and 2019, 175 children were sentenced as adults; 159 (91%) of those youth were Black. According to More than Our Crimes, an advocacy group formed in 2020, direct file rates in D.C. were more than three times the national average in 2019.¹²⁸ When D.C. children are sentenced to a period of incarceration in adult court, they are transferred out of a DYRS facility and are sent to adult federal prisons upon turning 18. Not only are they farther from family, but they also typically have less access to education and community resources in the federal Bureau of Prisons, and research shows that young adults are more likely to experience permanent trauma because of the harsh environment of the adult system.¹²⁹

DEVELOPMENTS AND RESPONSES

Handcuffing Youth.

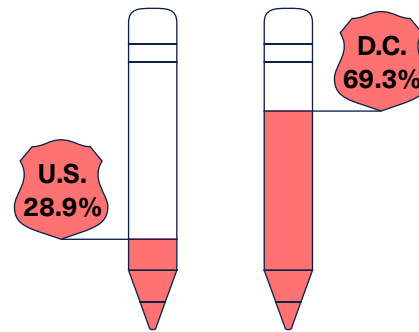
In March 2019, a Metropolitan Police Department (MPD) officer was videoed handcuffing a 10-year-old boy and placing him in a patrol car. Amid public criticism from D.C. residents calling the use of handcuffs inappropriate for a child that young, another child, just 9-years-old, was handcuffed by MPD officers for “talking back” to an officer only three weeks later.¹³⁰ In response to community concerns, MPD instituted a policy prohibiting the handcuffing of youth under the age of 12, unless the child is a danger to themselves or others. The policy also calls upon officers to use discretion when deciding whether to handcuff youth aged 13 to 17.¹³¹ Prior to the change in policy, officers had complete discretion over the use of handcuffs on children. To further guide MPD officers, D.C.’s OAG established a 24/7 hotline that connects to lawyers in its Juvenile Section and is available for officers to call if they need advice on how to interact with youth.¹³²

D.C. Public Schools Security Contract.

Black Swan Academy, a D.C. nonprofit organization focused on empowering Black youth, established the #PoliceFreeSchools campaign and led a coalition calling for shifting the policing budget to instead meet students' behavioral health needs. They and other advocates point out that police in schools result in disproportionate arrests and stops among Black students.¹³³ According to the most recently-available data, just over 90% of arrests and referrals in D.C.'s schools were of Black students, while school enrollment was only 72.6% Black during the same period.¹³⁴ During the 2013-2014 school year, around 69% of D.C. schools had police, in contrast to 29% nationally.¹³⁵

In July 2020, the D.C. Council removed MPD's security contract with D.C. Public Schools (DCPS), allowing DCPS to directly vet and contract with security officers for the first time since 2004. The amended law also requires DCPS to embrace a training philosophy that emphasizes a "positive youth development philosophy."¹³⁶

Percentage of schools with police in 2013.¹⁷⁷



D.C. Public Schools' law enforcement and security personnel by school year.¹⁷⁸

School Year	DCPS Special Police Officers	Guard I (Contract Security Officers)	Guard II (Contract Special Police Officers)	MPD School Resource Officers	Ratio of students to school law enforcement and security personnel ¹⁷⁹
2016–2017	28	277	36	111	1:107
2017–2018	28	277	54	111	1:100
2018–2019	26	272	51	122	1:102
2019–2020	19	277	51	98	1:112

According to DCPS, Special Police officers have legal authority to restrain suspects engaged in crimes on school grounds. Security officers are also licensed, but they do not have the authority to restrain. Neither level of officers (Guard I or Guard II) are permitted to carry firearms on school grounds.

Access to Paid Counsel for Detained and Supervised Youth.

In February 2020, the D.C. Court of Appeals issued a decision that expanded the right of youth in the District’s juvenile justice system to access an attorney throughout their supervision by DYRS. In the decision, the court held that, under the Criminal Justice Act, youth have a right to paid representation in hearings before D.C. Superior Court and certain DYRS proceedings.¹³⁷ Prior to the ruling, DYRS could decide whether to incarcerate children who were under their custody and control, send them to out-of-state facilities, place them on GPS monitoring, or remove them from their family, without the youth having assured access to legal representation. A group of local youth justice organizations, led by Open City Advocates, a nonprofit that represents children sentenced by D.C. Superior Court, continue to develop policy recommendations to implement the decision and help establish a specialized panel of attorneys to represent youth committed to DYRS.

Delinquency Reforms Proposed.

Persons in Need of Supervision (PINS) are youth who encounter the justice system because of behaviors like truancy, breaking curfew, or running away from home. In 2017, the Comprehensive Youth Justice Amendment Act prohibited law enforcement in D.C. from taking youth into custody for PINS offenses.¹³⁸ In February 2020, the Juvenile Justice Advisory Group (JJAG), a body that advises the Mayor on matters related to juvenile justice and delinquency prevention, issued recommendations regarding additional PINS reforms. JJAG identified six changes that would move PINS cases toward a more supportive rather than punitive framework. These include responding to PINS behaviors in the community; providing culturally and linguistically relevant resources; ensuring “no wrong door” access points to community-based services; creating a non-law enforcement mechanism for the safe transport of youth who are not suspected of a crime; enhancing training for District employees on cultural humility, trauma-responsive care, and positive youth development; and creating mechanisms for community engagement in the reform and accountability process.¹³⁹

Credible Messenger Initiative.

The Credible Messenger Initiative is a mentoring and restorative justice-focused program for youth committed to the DYRS. Mentors are community

members who were formerly involved with the justice system and now use their experiences and knowledge to support and guide families and youth with similar experiences. The Credible Messenger program had relatively stable participation between 2018 and 2019, participants decreased from 327 youth in 2018 to 320 in 2019.¹⁴⁰ In FY 2019, the Credible Messenger program began a partnership with the D.C. Public Library in Shaw that continued in 2020, and hosted trainings in the Young Men Emerging Unit at the Department of Corrections to strengthen the quality of services it provides to the youth that are mentored in the program.¹⁴¹

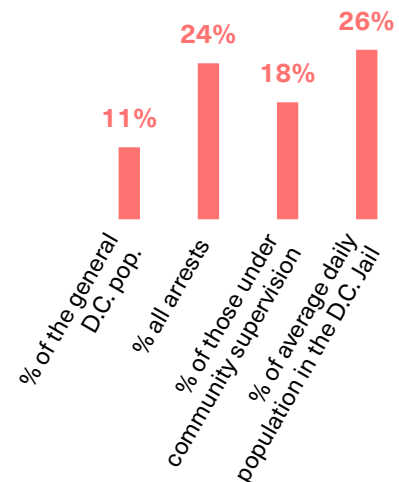
Growing Focus on Emerging Adults.

There is a growing recognition nationally—and in the District—that people between the ages of 18 and 24, often referred to as “emerging adults,” are similar to youth when comparing their likelihood of engaging in risky behavior and ongoing cognitive development and should be considered as youth when interacting with the justice system. In D.C., DYRS retains jurisdiction for emerging adults up to the age of 21 if they were committed to the agency for offenses occurring before age 18. In recent years, about 15% of the DYRS daily committed population were emerging adults.¹⁴²

In D.C., a variety of initiatives are underway to address emerging adults' disproportionate representation at all stages of the justice system and build tailored supports. For example, at the beginning of FY 2019, the District stopped housing any people younger than 18 years old in DOC facilities, even if they are charged as adults by USAO-DC. All detained youth charged as adults are now housed at NBYDC until they turn 18 years old.

The Young Men Emerging Unit at DOC and reforms to the Incarceration Reduction Amendment Act (IRAA), both discussed earlier in this report, also reflect the District's growing focus on the unique needs of emerging adults. Some local advocates are calling for D.C. to expand DYRS's jurisdiction to include all emerging adults, including those in their early 20s, or to raise the age of juvenile jurisdiction to 21.¹⁴³

Emerging adults in the District make up...¹⁸⁰





Art Brown, *Closed wings dont get fed*, 2021

Conclusion

We hope that this 2020 Overview provided valuable information about the state of justice in the District of Columbia, and showed that progress is possible, even during an extraordinarily difficult year. While 2020 presented never-before-seen obstacles, we hope that the developments described in this report inspire optimism as we continue to grapple with the traumatic killings and disproportionate criminalization of Black people and the ongoing impacts of the COVID-19 pandemic. Throughout the course of the last year we have seen D.C. government officials and community members seek to confront the ways in which the criminal legal system perpetuates cycles of harm and struggles to ensure community safety. Despite these challenges, leaders have nevertheless sought to make progress and enact change.

The sense of urgency felt by many in the summer of 2020 will likely carry over into 2021. Community members, advocates, governmental leaders, and charitable foundations like Public Welfare Foundation will also surely continue their work to ensure that our justice system is one that serves every D.C. resident fairly and with dignity, supports a safe community, and can overcome the ongoing challenges created by the COVID-19 pandemic.

The next edition of this report, *D.C.'s Justice System Overview 2021*, will be published in early 2022 and will detail the developments of 2021 and the newly-available data about 2020 and 2021. Specifically, we expect to describe progress sparked by the recommendations of the District Task Force on Jails & Justice, the D.C. Police Reform Commission, and the D.C. Criminal Code Reform Commission; to detail the opening of a new halfway house for men; to preview the future of local control of the District's systems; and to analyze new systems data from a year so drastically changed by the pandemic. As members of this community, we hope that in the coming year there continues to be meaningful progress towards justice and equity in our criminal legal system.

ACRONYMS

ACLU-DC: American Civil Liberties Union of the District of Columbia

BOP: Federal Bureau of Prisons

CARES Act: Coronavirus Aid, Relief, and Economic Security Act

CDF: Central Detention Facility

CTF: Correctional Treatment Facility

CTS: Cure The Streets

CSOSA: Court Services and Offender Supervision Agency

DBH: D.C. Department of Behavioral Health

DFS: D.C. Department of Forensic Sciences

DOC: D.C. Department of Corrections

DYRS: D.C. Department of Youth Rehabilitation Services

FY: Fiscal Year

IRAA: Incarceration Reduction Amendment Act

MPD: Metropolitan Police Department

NBYDC: New Beginnings Youth Development Center

OAG: Office of the Attorney General for the District of Columbia

ONSE: Office of Neighborhood Safety and Engagement

OPC: Office of Police Complaints

PINS: Persons in Need of Supervision

PDS: Public Defender Service for the District of Columbia

PRC: Police Reform Commission

RAN: DC Reentry Action Network

SUD: Substance Use Disorder

USAO-DC: U.S. Attorney's Office for the District of Columbia

USPC: United States Parole Commission

YME: Young Men Emerging Unit

YSC: Youth Services Center

Community members, advocates, governmental leaders, and charitable foundations like the Public Welfare Foundation will also surely continue their work to ensure that our justice system is one that serves every D.C. resident fairly and with dignity, supports a safe community, and can overcome the ongoing challenges created by the COVID-19 pandemic.



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