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# Statement of the Council for Court Excellence Before the Committee on Public Safety and the Judiciary of the Council of the District of Columbia

## Budget Oversight Hearing for the Office of the Attorney General

*March 24, 2022*

Good morning, Chairman Allen, and other distinguished members of the committee. My name is Jennifer Ubiera, and I am a Senior Policy Council for the Council for Court Excellence (CCE). CCE is a nonpartisan, nonprofit organization with the mission to enhance justice in the District of Columbia. For nearly 40 years, CCE has worked to improve the administration of justice in the courts and related agencies in D.C. through research and policy analysis, facilitating collaboration and convening diverse stakeholders, and creating educational resources for the public. Per our policy, no judicial member of CCE participated in the preparation of today's testimony.

I am here to today, first, to thank the Committee for their unprecedented investment in the Office of the Attorney General (OAG). Last year's budget provided funding that allowed for the full staffing of OAG's Restorative Justice and Cure the Streets programs. As a result, 1) restorative Justice is now planned to be available as an option in misdemeanor **and** serious offense juvenile cases; 2) the office is developing a restorative justice referral program for young adults prosecuted by the U.S. Attorney's Office; and 3) the OAG will expand its offerings to victims and families of victims, to participate in restorative justice processes during the resentencing of eligible defendants under the Incarceration

Reduction Amendment Act. As a result of the Cure the Streets funding, the program [redacted] These innovative investments in public safety have served, and we believe, will continue to serve the residents of D.C. by employing evidence-based public health approaches to issues of public safety. Maintaining these programs is critical to the development of a city-wide youth justice strategy. The expansion of these high-quality programs is a good thing for all of D.C., but like many sectors in the District, there is a shortage of workers available to fill all of our necessary public health and behavioral health positions.

### **Restorative Justice**

Restorative Justice (RJ) is an alternative approach to the traditional delinquency court in which the victim and offender are brought together in facilitated conferences to discuss the conflict in hopes that it will be resolved, help repair any harm caused, and will help the victim heal and be restored from any mental or emotional harm caused to them. RJ is only possible when the victim is willing to go through the process and elects this route instead of participating in the prosecution of the offender in delinquency court. There is also a cognitive behavioral therapy (CBT) component in serious cases to help the youth involved. According to the Network for Victim Recovery of D.C. (NVRDC), 95% of participants are thrilled with the results.

RJ also helps reduce recidivism rates by encouraging restoration rather than incarceration and punishment, which is especially important when youth in the justice system are the most at risk for long term consequences of recidivism. According to NPR, preliminary analysis of the program showed that there was a 15% reduction in recidivism rates for youth who opted for RJ<sup>1</sup>.

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<sup>1</sup> <https://www.npr.org/local/305/2020/05/11/853912376/d-c-s-restorative-justice-program-focuses-on-conflict-resolution-is-it-working>

NPR noted that since the program was started in 2016, 118 conferences have been successfully conducted through OAG<sup>2</sup>.

OAG is currently commissioning an external study of RJ to determine its effectiveness and recidivism rates through a review of the program's qualitative and quantitative data with complete results of the study expected to be available within the next two years. In the FY22 Performance Oversight response, the OAG reported that based on recent surveys conducted six months after participating in RJ, 94% of victims indicate they were satisfied and 96% indicated they felt that they could express their feelings about being victimized making them a main participant instead of just a witness to the incident<sup>3</sup>. While this program has heralded important successes as the nation's first restorative justice program within a prosecutor's office, long term success will rely on a continued commitment to this non-punitive, diversionary approach as part of a comprehensive strategy that this Committee has taken thus far.

### **Alternatives to the Court Experience**

Working in tandem with the Department of Human Services and other government agencies, the Alternatives to the Court Experience (ACE) Diversion Program aims to divert court-involved youth away from prosecution by instead placing them in community support services to address underlying issues<sup>4</sup>. The program identifies potential causes of the behaviors that led to an arrest and assesses the needs of the youth to help address the issues and keep them from exhibiting the same behaviors again. This program not only provides intensive treatment services, and keeps participating youth out of the delinquency system. Data shows that within the

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<sup>2</sup> Id.

<sup>3</sup> FY22 Office of the Attorney General Performance Oversight Responses to D.C. Council

<sup>4</sup> <https://dhs.dc.gov/page/alternatives-court-experience-ace-diversion-program>

first three years of the program, more than 1,500 youth were referred to the program and 81% of the youth involved had not been rearrested as of 2017<sup>5</sup>.

Data shows that diversion is more effective in reducing recidivism than conventional judicial interventions. When youth assessed as low risk are diverted, they are 45% less likely to reoffend than comparable youth facing formal court processing<sup>6</sup>. We ask that the Committee continue to ensure these programs are funded as a matter of good public policy and to decrease the harmful impacts of system involvement like decreased graduation rates, homelessness, increased mental health issues and deeper system involvement<sup>7</sup>.

### **Cure the Streets**

Cure the Streets (CTS) is a pilot public safety program aimed at reducing gun violence. It operates in discrete high violence neighborhoods using a data-driven, public-health approach to gun violence by treating it as a disease that can be interrupted, treated, and stopped from spreading. Violence Interrupters perform critical work and face danger in their day-to-day responsibilities. The Council has recognized this crucial work by making an unprecedented investment in the program's expansion<sup>8</sup>. However, while there has been thoughtful consideration and action to ensure the long-term sustainability of the program, the long-term careers of the specialized outreach workers and violence interrupters leading the programs should be considered for investment.

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<sup>5</sup> <https://www.streetsensemedia.org/article/diversion-program-youth-homeslessness/#.YjvzJJrMJQK>

<sup>6</sup> <https://www.aecf.org/blog/what-is-juvenile-diversion#:~:text=Does%20juvenile%20diversion%20work%3F,youth%20facing%20formal%20court%20processing>

<sup>7</sup> <https://www.aecf.org/blog/kids-deserve-better-why-juvenile-detention-reform-matters>

<sup>8</sup> <https://oag.dc.gov/release/ag-racine-announces-expansion-cure-streets>

Creating a pathway to post-secondary education and additional employment opportunities is a means to invest and build upon the skills CTS workers have brought to their roles, as well as improving their resume marketability. Violence interrupters rely on a variety of transferable skillsets to effectively perform their jobs – skills that would translate professionally in the traditional areas of public health, education, social work, communications, advocacy, amongst others. While prevalence of gun violence is 10 times more likely to occur in the U.S. than in any other high-income democratic country in the world,<sup>9</sup> the unique skill set, knowledge and background of violence interrupters, which is essential to this approach, cannot be taught. Therefore, supporting the professional development of violence interrupters is not only a useful benefit for workers, but will can help the city address its shortage of workers needed for comprehensive violence prevention and intervention, namely public safety and behavioral health workers.

### **Building a Pipeline of Public Health Professionals**

The second reason I am testifying today is to propose a workforce development model to help D.C. train professionals to fill its growing public health needs.

One way to accomplish this is to create a public health corps similar to the MPD Cadet Corps program. Currently, the MPD Cadet Corps is open to D.C. residents, ages 17-24, who are either currently enrolled in a D.C. high school, received a high school diploma from a D.C. high school or received a GED issued by the District of Columbia. Members of the corps work as part-time civilian employees of MPD earning a salary of \$35,637 while receiving a scholarship

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<sup>9</sup> ,<https://www.thenationshealth.org/content/50/10/1.3>

to earn up to 60 credits at UDC Community College, the equivalent of an Associate's Degree.

The corps members are set on a track to become an MPD officer.

This workforce development program can be molded to public health-related roles in other agencies with relevant changes to qualifications. Other than the age restrictions, the background and experience that makes violence interrupters uniquely qualified and effective in their current role, excludes them from a number of professional opportunities where their skillset can be useful.

Another complementary program to support the professional development of Cure the Streets workers could be fashioned after the City University of New York Human Services Career Advancement Scholarship<sup>10</sup> in New York City. There, human services workers pursuing an undergraduate degree become eligible for up to 50% scholarships if they have at least one year of experience in the human services sector and have the support of their current human services organization's executive leadership to pursue the degree. There is a 100% scholarship for those pursuing social work licensure that will cover test prep class, prep materials, exams, and licensing fees. Human services workers were selected for the investment because of the critical role they play in the city's service provision. According to research conducted by the city, it was determined that currently employees earning an undergraduate and/or graduate degree was key to their advancement in the sector.

There are a number of workforce development programs in D.C. that sponsor certificate programs,<sup>11</sup> college credits, trade school, and entrepreneurship programs. However, advancement programs catered to attract and sustain Cure the Street employee candidates given their unique

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<sup>10</sup> <https://www.cuny.edu/about/administration/offices/workforce/human-services-career-advancement-scholarship/#1596651260993-b5427ec8-203f>

<sup>11</sup> <https://www.udc.edu/cc/workforce-development/>

challenges have yet to be invested in. A new program serving violence interrupters could also open eligibility to Peer Support Specialists and people pursuing behavioral health licensing to provide a pipeline for other types of public health workers, like 911 diversion behavioral health responders.

It is clear that the Council is serious about pursuing a public health approach to reducing violence in D.C. but we will need many more people and working investments to help accomplish that goal. As we change our funding model, we also need to improve our recruiting and retention development practices. We must be intentional about curating a workforce that attracts and sustains violence interrupters, peer specialists and staffing roles that take the public health. We cannot cross our fingers and hope that the public health professionals somehow find their way into our neighborhoods. We must invest in developing healers the same way that we have previously invested in law enforcement as the chief sole and public safety strategy.

Thank you for the opportunity to testify today. I am available to answer questions.