

FEBRUARY 2021

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# Jails & Justice: Our Transformation Starts Today

Phase II Findings and Implementation Plan



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*This report was produced by the Council for Court Excellence under FY21-CFSE-03, awarded by the Office of Victim Services and Justice Grants, Executive Office of the Mayor, District of Columbia. The opinions, findings, and conclusions or recommendations expressed in this report are those of the contributors and do not necessarily represent the official position or policies of the Executive Office of the Mayor.*

# Note from the Chair

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In April 2019, the District Task Force on Jails & Justice, an independent body of 26 members, launched a major effort to ensure that any jail in D.C. is only one part of a just and equitable system. The Task Force committed to a process of deep engagement with justice-involved people – individuals, families, and communities most directly impacted by incarceration whose voices are so often left out of policymaking. Guided and inspired by residents across the District and informed by the expertise of our Members, the Task Force developed a mission and vision reflecting the values and priorities of our city. During the course of the Task Force's first year, we made 17 recommendations published in *Jails & Justice: A Framework for Change*.

Phase II of our work began in late 2019, and quickly took on even more urgency in light of both the COVID-19 crisis and the 2020 racial justice reckoning. Soon after the start of the pandemic, one staff person and one resident died of COVID-19 in D.C.'s jails. There were two suspected fatal cases at Hope Village, the D.C. halfway house for men, before it permanently closed its doors in April. Federal prisons have reported 155 resident deaths and two staff deaths. And many hundreds more people who live and work in these facilities have become ill with the coronavirus in 2020. Knowing that the burden of justice involvement had an even more devastating impact in 2020 than ever before galvanized the Task Force and its committees.

Concerns about the significant pace of viral transmission in crowded spaces pushed the District to reduce its incarcerated population rapidly, using measures like compassionate release and increased good time credits to release people back to the community. In 2020, the District also changed its arrest policies to reduce jail populations by releasing people on citations following arrest who previously were detained post-arrest for minor offenses. Local courts suspended jury trials, also decreasing the rate of people entering the jail or transferring to a prison. D.C.'s average daily jail population dropped from 1,841 residents in February 2020 to 1,269 residents in June – a 31% reduction. The number of people serving a felony sentence under the D.C. Code was reduced by 19%.

Although the impetus for reducing the District's incarcerated population was to prevent the spread of COVID-19, this rapid decarceration has transformed the perception – even within the Task Force – of our capacity to change how D.C.'s justice system operates. We can all now more clearly envision a future with drastically fewer incarcerated people. Within this new landscape, the Task Force and its committees continued to work: asking questions, learning from the hundreds of D.C. residents we engaged during Phase II, conducting additional research, and debating these vital topics about how our criminal justice system should work to best serve and support our community.

I want to give heartfelt thanks to each of my 25 fellow Task Force Members and to the more than two dozen Advisors who worked tirelessly over the last year to craft the 80 thoughtful and concrete recommendations in this report which are designed to change the failed systems currently in place. Thank you also to the Council for Court Excellence and its hardworking partners at The National Reentry Network for Returning Citizens for providing such valuable substantive support.

In this report, the District Task Force on Jails & Justice offers a plan that can begin shaping D.C.'s budget and policies *now* and, if implemented, will result in a transformative system overhaul within ten years. The time for real change is here and the need is urgent. I know that the Members of the Task Force are committed to seeing these changes enacted and will continue to champion these findings with D.C. policymakers. I, for one, will continue to fight to make sure that they make good on promises to realize a more fair and equitable criminal justice system going forward. We can do this!

Very truly yours,

A handwritten signature in black ink that reads "Shelley Broderick". The signature is fluid and cursive, with the first name "Shelley" being more prominent than the last name "Broderick".

Shelley Broderick, Chair  
District Task Force on Jails & Justice  
February 2021

# Members of the District Task Force on Jails & Justice

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## CHAIR

**Shelley Broderick**, Dean Emerita & Joseph L. Rauh, Jr. Chair of Social Justice, University of the District of Columbia David A. Clarke School of Law

## MEMBERS

**Hon. Charles Allen**, D.C. Council Member, Chair of Committee on the Judiciary & Public Safety, *Co-Chair, Committee on Facilities and Services*

**Will Avila**, Founder, Clean Decisions and Changing Perceptions

**David Bailey**, Returning Citizen Advocate

**Quincy L. Booth**, Director, D.C. Department of Corrections

**Avis E. Buchanan**, Director, Public Defender Service for the District of Columbia

**Marcus Bullock**, CEO, Flikshop

**Leslie C. Cooper**, Director, Pretrial Services Agency

**Rev. Graylan Scott Hagler**, Senior Minister, Plymouth Congregational United Church of Christ

**Tyrone Hall**, Returning Citizen Advocate

**Indira Henard**, Executive Director, DC Rape Crisis Center

**Tyrell Holcomb**, Chairman, Advisory Neighborhood Commission 7F, *Chair, Committee on Community Investments & Alternatives to the Criminal Justice System*

**Dr. Marc Howard**, Professor, Georgetown University

**Cpl. Arnold E. Hudson, Sr.**, Vice-Chairman, FOP D.C. Department of Corrections

**Dr. Roger Mitchell**, Interim Deputy Mayor for Public Safety and Justice

**Dr. Bahiyah Muhammad**, Assistant Professor, Howard University

**Hon. Karl A. Racine**, Attorney General of the District of Columbia, *Co-Chair, Committee on Local Control*

**Bruce Reid**, Coordinator for Mental Health Services and Substance Abuse Liaison, Unity Health Care

**Christy Respress**, Executive Director, Pathways to Housing DC

**Marc Schindler**, Executive Director, Justice Policy Institute

**Tammy Seltzer**, Director, DC Jail and Prison Advocacy Project, Disability Rights DC at University Legal Services

**Michael Sherwin**, Acting United States Attorney for the District of Columbia

**Jonathan Smith**, Executive Director, Washington Lawyers' Committee for Civil Rights and Urban Affairs

**Courtney Stewart**, Chairman, National Reentry Network for Returning Citizens

**Patrice Sulton**, Director, DC Justice Lab, Chair, Committee on Decarceration

**Paula Thompson**, Founder & Co-Chair, DC Reentry Action Network; Executive Director, Voices for a Second Chance

## ADVISORS

**Jon Bouker**, Partner, Arent Fox LLP, *Co-Chair, Committee on Local Control*

**Carol Elder Bruce**, Shareholder, Murphy & McGonigle PC

**Mannone A. Butler**, Executive Director, Criminal Justice Coordinating Council

**Brian Campbell**, Senior Policy Advisor, D.C. Department of Human Services

**Lamont Carey**, Director, D.C. Mayor's Office of Returning Citizens Affairs

**Sarah Comeau**, Director of Programs & Co-Founder, School Justice Project

**Caroline Cragin**, Executive Director, Community Mediation DC

**Doni Crawford**, Policy Analyst, DC Fiscal Policy Institute

**Samantha Paige Davis**, Executive Director, Black Swan Academy

**Rashida Edmonson**, Acting Chief, Parole Division, Public Defender Service for the District of Columbia

**Dr. David Freeman**, Chief Clinical Officer, Community Connections

**Michelle M. Garcia**, Director, D.C. Office of Victim Services and Justice Grants

**Aliyah Graves-Brown**, Program Coordinator, Prisons and Justice Initiative, Georgetown University

**Emily Gunston**, Senior Counsel to the Attorney General, Office of the Attorney General for the District of Columbia

**Anthony Hall**, LICSW, Director, Community Response Team, D.C. Department of Behavioral Health

**Linda Harllee Harper**, Senior Deputy Director, D.C. Department of Youth Rehabilitation Services, *Co-Chair, Committee on Facilities and Services*

**Cedric R. Hendricks**, Associate Director, Office of Legislative, Intergovernmental & Public Affairs, Court Services and Offender Supervision Agency

**Monica Hopkins**, Executive Director, ACLU of the District of Columbia

**Donald L. Isaac, Sr.**, Executive Director, D.C. Corrections Information Council

**Hon. Peter Krauthamer**, Associate Judge, Superior Court of the District of Columbia

**Isa Mirza**, Co-Chair, DC Reentry Task Force

**Olinda Moyd**, Adjunct Instructor, Reentry Clinic, Howard Law

**Kelly O'Meara**, Executive Director, Strategic Change Division, Metropolitan Police Department

**Chiquisha Robinson**, Prisoner & Reentry Legal Services Manager, Public Defender Service for the District of Columbia

**Penelope J. Spain**, CEO, Open City Advocates

**Tamika Spellman**, Policy & Advocacy Associate, HIPS

**John Stanard**, National Director, Social Betterment Programs & Policy, Church of Scientology National Affairs Office on behalf of the ReThink Justice DC Coalition

**Blaine Stum**, Legislative Policy Analyst, Office of D.C. Council Chair Phil Mendelson

**Bridgette Stumpf**, Executive Director, Network for Victim Recovery of DC

**John Sturc**, Civic Director, Council for Court Excellence

**Elana Suttnerberg**, Special Counsel to the U.S. Attorney for Legislative Affairs, United States Attorney's Office for the District of Columbia

**Chad Tillbrook**, Director, Forensic Services Division, D.C. Department of Behavioral Health

**Emily Voshell**, Counsel, KaiserDillon, PLLC

# Acknowledgements

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## D.C. OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

The mission of the Office of Victim Services and Justice Grants (OVSJG) is to develop, fund, and coordinate programs that improve public safety; enhance the administration of justice; and create systems of care for crime victims, youth, and their families in the District. Special thanks to **Melissa Milchman** and **Anissa Walker**, who managed this grant.

## COUNCIL FOR COURT EXCELLENCE

The Council for Court Excellence (CCE) is a nonprofit, nonpartisan civic organization. Its mission is to improve 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.

We extend our appreciation to the CCE staff who worked on this project: **Casey Anderson, Adam Bernbaum, Emily Tatro, and Misty Thomas**. Special thanks to CCE's interns who also contributed to this work: **Ciara Chow, Danielle Fong, Musa Kamara, Emily McElroy, Destiny Rose Murphy, Philip Oke-Thomas, Jay Patel, Karmen Perry, Kara Sherman, and Avery Warner**.

## NATIONAL REENTRY NETWORK FOR RETURNING CITIZENS

The mission of The National Reentry Network for Returning Citizens (The National Reentry Network) is to build a strong, national network comprised of individuals returning from incarceration who support each other's successful reintegration. The National Reentry Network uses a client-centered approach to identify basic needs and to create a continuum of care that can address barriers to reentry, promote restorative practices, and reduce recidivism. Their vision is to reinvest in safe and healthy communities, create more living wage jobs, permanent housing, and economic self-sufficiency for returning citizens. The National Reentry Network is a subgrantee partner of CCE. We are particularly grateful to **Bailey Gilmore, Courtney Stewart, and Myra Woods**, who led The National Reentry Network's efforts on this project.

# Task Force Vision, Mission, and Values

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The Task Force spent significant time developing and agreeing to a statement of vision, mission, and core values during Phase I. They have guided both the process and the outcomes of the Task Force's work.

## VISION

We envision a humane, equitable approach to criminal justice in Washington, D.C. that prioritizes prevention and care, and reimagines accountability through a rehabilitative lens, to create safe and thriving communities.

## MISSION

We are 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.

## CORE VALUES

**Urgency:** We are compelled to create change now, to re-envision and plan an innovative public health approach to community safety and incarceration.

**Accountability:** We believe that the District's criminal justice system should be transparent, guided by evidence-based practices, results-oriented, and accountable to the public. We promise to conduct the business of this Task Force using these same values of accountability.

**Equity:** We believe that justice should be administered fairly and with attention to acknowledging and addressing the harms of past policies and practices rooted in racism and other systems of oppression.

**Compassion:** We are motivated by love for every human being and recognize that the criminal justice system often draws false dichotomies between victims and offenders. We believe that no matter how a person comes into contact with the system, they should be treated with dignity, given the opportunity to engage in restorative practices, and offered trauma-informed, healing-centered care.

## A NOTE ON THE CORE VALUE OF EQUITY AND DEVELOPING ANTIRACIST RECOMMENDATIONS

In the wake of many tragic deaths and abuses of Black people at the hands of police, protests for racial justice erupted in D.C. and across the nation in 2020. In recognition that conversations about racism in the criminal justice system have long been silenced, the Task Force is explicitly naming that reality and committing to antiracism in its work.

As explained in the Task Force’s Phase I report, the District’s criminal justice system disproportionately arrests and incarcerates Black people—particularly Black men. In fact, Black people are increasingly overrepresented at each stage of the system: Black people compose 47% of D.C.’s population but 86% of the people we arrest,<sup>1</sup> 92% of the people we jail, and 95% of the people in prison serving D.C. Code sentences.<sup>2</sup> The Task Force found that unsentenced Black people in D.C. Department of Corrections (DOC) custody had a longer median length of stay than white people for nearly every charge category.<sup>3</sup>

In Phase I, the Task Force developed core values, including Equity: valuing the fair administration of justice “with attention to acknowledging and addressing the harms of past policies and practices rooted in racism and other systems of oppression.” Task Force Members believe that in order to ensure that racial equity is inextricably embedded in the administration of justice, we must educate ourselves, be willing to confront our own biases, and consciously use language that acknowledges the inherent value and humanity of each individual.

In Phase II, amid the disproportionate impacts of the coronavirus on people of color and protests in support of Black lives, Task Force Members deepened their understanding of equity, antiracism, and the influence of policy. Ibram X. Kendi defines racist and antiracist policy in his 2019 book, *How to Be an Antiracist*:

A racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups. By policy, I mean written and unwritten laws, rules, procedures, processes, regulations, and guidelines that govern people. There is no such thing as a nonracist or race-neutral policy. Every policy in every institution in every community in every nation is producing or sustaining either racial inequity or equity between racial groups.

The Task Force is committed to promoting antiracist policies. In keeping with our antiracist approach, every Phase II Implementation Plan recommendation is accompanied by a racial impact statement that describes, to the best of our understanding, the expected effects of the policy change on racial equity in D.C.

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1 *Racial Disparities in D.C. Policing: Descriptive Evidence from 2013 – 2017*, ACLU DC, <https://www.acludc.org/en/racial-disparities-dc-policing-descriptive-evidence-2013-2017>. (last visited Dec. 21, 2020).

2 Adam Bernbaum, Council for Court Excellence, Analysis of BOP Data Snapshot from July 4, 2020, 5 (Sept. 30, 2020), [http://www.courtexcellence.org/uploads/publications/Analysis\\_of\\_BOP\\_Data\\_Snapshot\\_from\\_7420.pdf](http://www.courtexcellence.org/uploads/publications/Analysis_of_BOP_Data_Snapshot_from_7420.pdf).

3 District Task Force on Jails & Justice, *Jails & Justice: A Framework for Change 22* (2019).

# Task Force Phase II Overview

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## PHASE I SUMMARY

The District Task Force on Jails & Justice (Task Force) was founded in April 2019 as an independent advisory body to address if and how D.C. should develop a new correctional facility, to solicit and consider feedback from members of the community, and to critically examine any correctional facility's purpose in our broader criminal justice and public health systems. Invitations to serve on the Task Force were extended to representatives from local and federal government agencies, elected officials, research and policy organizations, scholars, community-based organizations, the faith-based community, as well as people who have been directly impacted by incarceration. See page 3 for a full list of Members and their affiliations; their biographies are available at [www.courtexcellence.org/task-force](http://www.courtexcellence.org/task-force).

In light of the broad consensus that the current D.C. Jail does not serve the District's needs, the Task Force came together with the primary goal of understanding the needs and priorities of District residents, particularly those directly impacted by the criminal justice system. From there, the Task Force recognized that it must also reckon with several fundamental questions in order to make any recommendations about whether to build a new correctional facility: *What is the purpose of incarceration? What is a jail supposed to do? What responses to crime and crisis serve Washington, D.C.'s people and values best?* The answers to these questions must be at the heart of any vision for justice in this city, and the Task Force sought to address them as it developed its vision, values, and recommendations for the District.

During 2019's Phase I, the Task Force engaged nearly 2,000 community members, analyzed jail data, and studied other jurisdictions. After six months of research and deliberation, the Task Force published its Phase I report, *Jails & Justice: A Framework for Change*, in November 2019, available at [www.courtexcellence.org/task-force](http://www.courtexcellence.org/task-force) and linked in Appendix 3. Reflecting the priorities of District residents, the report contains the Task Force's findings and 17 recommendations identifying crucial community investments, creating guidelines for decarceration, setting goals for local control, and laying out the District's needs in a correctional facility.<sup>4</sup>

The Phase I recommendations set forth clear principals and goals to guide D.C.'s reforms to its justice system policies, correctional facilities, and community-based investments. They did not, however, serve as a roadmap for District leaders to implement specific changes to laws, policies, or investments, or explain how those changes would impact D.C.'s criminal justice system and jail population in concrete and measurable ways. Understanding the need to break down these recommendations and make them actionable, the Task Force embarked on "Phase II" of its work in 2020.

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<sup>4</sup> Id. at 43-46.

## PHASE II STRUCTURE AND PROCESS

The Task Force's goals in Phase II were to elicit additional D.C. resident and stakeholder feedback on the Phase I recommendations, review updated data about our incarcerated residents, and then identify discrete policy changes that would improve justice in the District and decrease our reliance on incarceration. The Task Force set out to produce a second report to serve as a detailed implementation guide with clear steps for District leaders that, if taken, would transform the District's justice system over the next ten years.

With support from the Council for Court Excellence (CCE), the Task Force's Phase II activities took place remotely between April and December 2020. Its work was imbued with an additional sense of urgency because of the COVID-19 pandemic's devastating impact on incarcerated people and the summer's racial justice uprisings in the District and throughout the nation.

In Phase II, the Task Force maintained the four Committees it used in Phase I: Community Investments & Alternatives to the Criminal Justice System, Decarceration, Local Control, and Facilities & Services. The Committees were comprised of both Task Force Members and Advisors, more than two dozen additional community leaders whose invaluable perspectives and expertise is reflected in the Committee reports. The four Committee reports served as resources for the Task Force's deliberations and the development of this report. For a full list of Task Force Advisors and their affiliations please see page 4; the composition of each Committee is available in Appendix 2.

Each Committee developed its own scope of work and met a minimum of four times during the year to build on the Phase I recommendations that fell within its subject area, conduct additional research, and develop detailed recommendations for consideration by the Task Force. Each Committee captured its work in a Committee Report that was submitted to the Task Force in October. The Committee Reports are available at [www.courtexcellence.org/task-force](http://www.courtexcellence.org/task-force) and linked in Appendix 3.

The full Task Force convened remotely eight times during Phase II: on April 20, July 29, September 3, November 5-6, and December 3-4-7, 2020. During these meetings, Task Force Members defined and carried out their project objectives; received regular updates on emerging themes from the community engagement initiatives; were briefed on correctional data and were afforded the opportunity to request additional analysis; heard reports from each of the Task Force's Committees; and debated, deliberated, crafted, and ultimately voted on recommendations.

Throughout Phase II, The National Reentry Network for Returning Citizens (The National Reentry Network) led crucial community engagement efforts that brought in the voices of more than 500 people to inform and guide the Task Force's decision-making through focus groups, educational sessions, an opportunity to submit testimony, and a survey of people serving D.C. Code sentences in federal Bureau of Prisons (BOP) facilities. Task Force Members received periodic updates from The National Reentry Network on emerging themes from this engagement work and were presented with the final findings in November and December. Highlights from these findings are included on page 17 and the community engagement full report is available at [www.courtexcellence.org/task-force](http://www.courtexcellence.org/task-force) and linked in Appendix 3.

The Task Force continued to rely upon the 2018 DOC population dataset acquired in Phase I as it developed its Implementation Plan. It also received a unique, detailed dataset on the 3,221 people serving sentences under the D.C. Code in BOP custody as of July 4, 2020. CCE analyzed this data on behalf of the Task Force and shared its findings in November 2020. Highlights from CCE's analysis of this data can be found on page 12 and a detailed analysis memo is linked in Appendix 3.

In December 2020, the Task Force approved the 80 final recommendations of this Implementation Plan. Each recommendation was put forward for a vote during a meeting at which a quorum of the Task Force, at least half of its Members, was present. For a recommendation to be approved, at least 70% of the present Members had to vote yes, not including any Members who abstained from voting. Some Members abstained from voting on some recommendations for a variety of reasons – for instance, some Members abstained when the organization they represented had not taken an official position on the recommendation or when a government agency deemed it inappropriate to take an official position.<sup>5</sup> The Task Force also voted to approve publication of this report and each of the supplemental reports listed in Appendix 3.

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5 Although the Office of the Attorney General participated in the Task Force to lend its perspective and expertise during the development of this report, OAG did not participate in voting on the recommendations.

# BOP Data Analysis

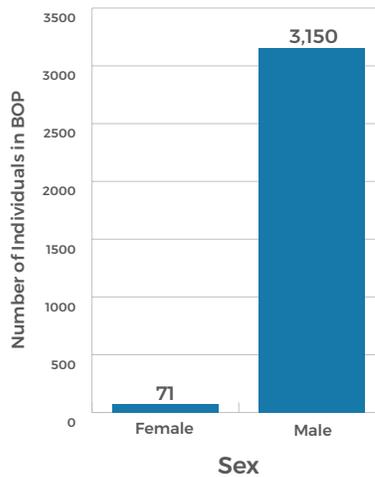
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In fall 2020, the Council for Court Excellence (CCE) analyzed point-in-time data acquired from the federal Bureau of Prisons (BOP) that describes the population of all people serving sentences for D.C. Code offenses (hereinafter referred to as “D.C. Code offenders” for simplicity) who were incarcerated at BOP facilities on July 4, 2020. The BOP shared a de-identified data file, with 24 variables for each D.C. Code offender.<sup>6</sup> It includes each individual who was in BOP custody, whether they were housed in a prison, at a halfway house, or on home confinement. For a complete analysis, see the supplemental memo linked in Appendix 3.

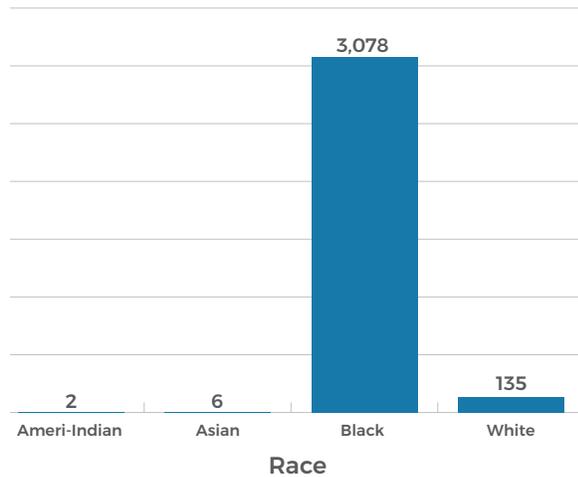
## BOP POPULATION OVERVIEW

The dataset included 3,221 D.C. Code offenders. Figures 1 and 2 show that D.C. Code offenders in BOP custody were overwhelmingly male and Black: 3,150 were male (98%) and 3,073 were Black (95%).

**FIGURE 1: D.C. CODE OFFENDERS BY SEX**



**FIGURE 2: D.C. CODE OFFENDERS BY RACE**

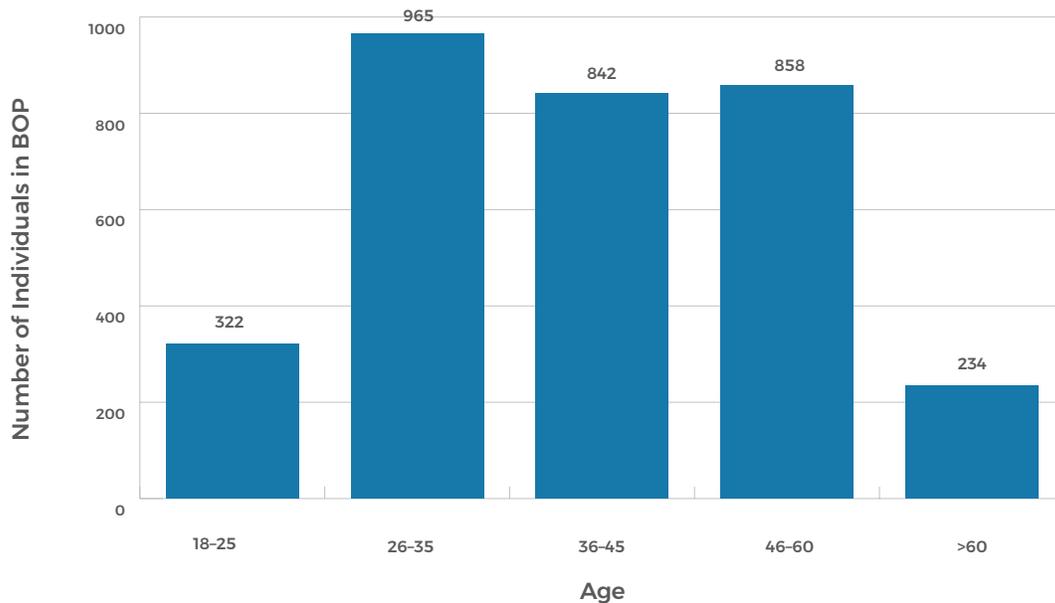


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<sup>6</sup> Variables in the dataset provided by the BOP include: age, race, ethnicity, sex, date of commitment to BOP, sentence in months, projected release date, top charge, security level, Mental Health Care Level, Physical Health Care Level, GED or equivalent, disability, Residential Drug Abuse Program (RDAP) completion, Non-residential Drug Abuse Program (NRDAP) completion, Drug Education program completion, Challenge Cognitive Behavioral Therapy (CBT) program completion, UNICOR employment, Adult Continuing Education (ACE) course completion, GED course completion, Parenting course completion, Technical Training course completion, Vocational Education course completion, and date of first BOP incarceration. Not all individuals in the dataset had observations for each variable.

As is shown in Figure 3, 83% of the individuals in the dataset were 26 to 60 years of age; 10% were young adults 18–25, and 7% were over 60.

**FIGURE 3: D.C. CODE OFFENDERS BY AGE**



### TOP CHARGE CATEGORIES AND LENGTH OF SENTENCE

The BOP categorizes all offenses under one of the eight labels shown below in Figure 4. Half of all people serving sentences for D.C. Code offenses in BOP custody have a top charge categorized as Homicide/Aggravated Assault. Robbery charges accounted for 13% of the population. The next most frequent categories each accounted for about 10% of the population: Sex Offenses, Violation of Supervision/Parole, and Weapons/Explosives. People serving sentences for Burglary/Larceny made up 5% of the population; people serving sentences for Drug charges accounted for just 1%.

**FIGURE 4: D.C. CODE OFFENDERS BY TOP CHARGE AND LENGTH OF SENTENCE IN MONTHS**

Charge	Count	%	Term (Months)
Homicide/Agg Assault	1,612	50%	329
Robbery	429	13%	154
Sex Offenses	324	10%	343
Violation of Spv/Parole	323	10%	72
Weapons/Explosives	290	9%	89
Burglary/Larceny	175	5%	177
Miscellaneous	35	1%	263
Drugs	33	1%	95

Figure 4 also shows the average length sentences for each charge category, excluding life sentences. As expected, Homicide/Aggravated Assaults and Sex Offenses have the two longest sentence terms, both of which averaged more than 25 years. Burglary/Larcenies and Robberies both averaged more than 12 years. Sentences for Drug charges averaged nearly eight years, while sentences for Weapons/Explosives charges averaged seven. Sentences for Violations of Supervision and Parole average six years, the fewest years of any category of top charges.

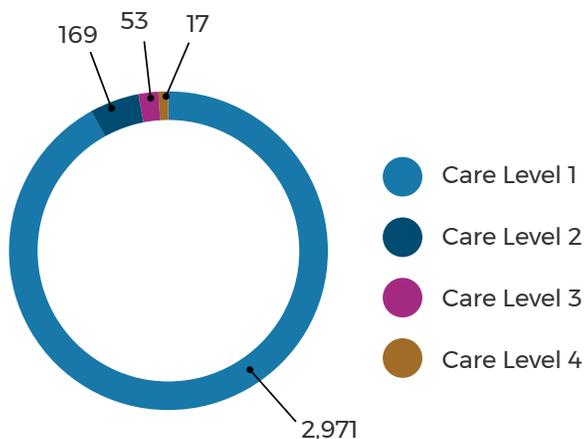
On July 4, 2020, 599 people were serving life sentences for D.C. Code offenses in the BOP. The vast majority (78%) have a top charge of Homicide/Aggravated Assault. Sex Offenses (11%) and Robbery (4%) were the next most common top charges among individuals who were serving life sentences. Ninety-seven percent of the people serving life sentences are Black, making Black people even more over-represented among those serving life sentences relative to their overall share of the population (95%).

### PHYSICAL AND MENTAL HEALTH

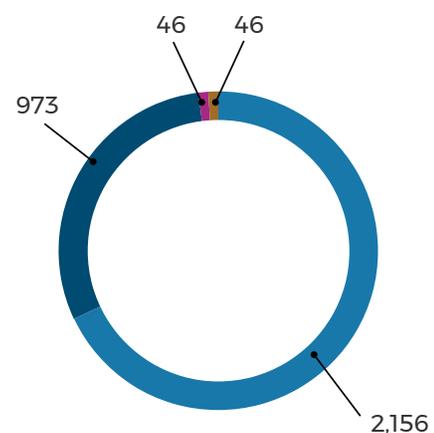
The BOP population data included two indicators of health: “Mental Health Care Level” and “Physical Health Care Level.” The levels range from 1 to 4, where 1 represents generally good health and 4 represents an individual who needs services that are only available at a BOP Medical Referral Center.<sup>7</sup>

The vast majority of people serving D.C. Code sentences in the BOP—2,971 of 3,221 individuals (92%)—had a Mental Health Care Level 1. Figure 5 shows the distribution of D.C. Code offenders by their Mental and Physical Health Care Level.

**FIGURE 5: D.C. CODE OFFENDER BY MENTAL HEALTH CARE LEVEL**



**FIGURE 6: D.C. CODE OFFENDER BY PHYSICAL HEALTH CARE LEVEL**



<sup>7</sup> Fed. Bureau of Prisons, Care Level Classification for Medical and Mental Health Conditions or Disabilities 1-3 (2019), [https://www.bop.gov/resources/pdfs/care\\_level\\_classification\\_guide.pdf](https://www.bop.gov/resources/pdfs/care_level_classification_guide.pdf).

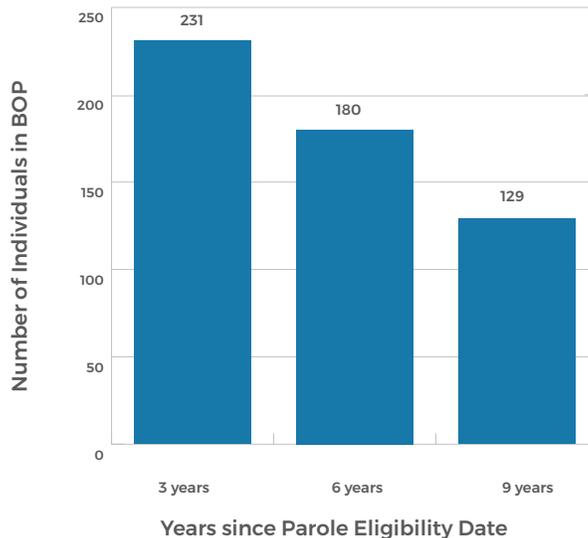
Thirty percent of the individuals were assigned a Physical Health Care Level 2 whereas only 5% had a Mental Health Care Level 2. As was the case for the Mental Health Care Levels, the prevalence of more serious Physical Health Care Levels was relatively low: just over 2% of individuals had a Physical Health Care Level of 3 or 4, roughly the same prevalence of individuals who had a Mental Health Care Level of 3 or 4.

## INDETERMINATE SENTENCES & PAROLE ELIGIBILITY

D.C. has not used indeterminate sentences – sentences that are eligible for parole – since 2000. Twenty years later, however, there are still 661 people serving these types of D.C. Code sentences in BOP custody. Of these, 522 people have life sentences. Among the remaining 139 individuals in this group, the average length of sentence was more than 62 years.

About half of people with indeterminate sentences (345) have passed their parole eligibility date, meaning they have been able to go before the parole board to seek release at least once. Figure 7 shows a count of D.C. Code offenders by the amount of time that has passed since they became eligible for parole. About two-thirds of people are parole eligible but were denied parole and have been incarcerated for at least three years beyond their parole eligibility date; about half have been incarcerated at least six years beyond their parole eligibility date; and more than a third of parole eligible people have had their incarceration extended at least nine years beyond their parole eligibility date.

**FIGURE 7: D.C. CODE OFFENDERS BY YEARS PASSED SINCE PAROLE ELIGIBILITY DATE**



## PEOPLE NEARING RELEASE

Of the 3,221 people in the dataset, 542 individuals were scheduled to be released from incarceration within six months, 750 individuals had release dates within 12 months, and 1,069 individuals had release dates within two years.<sup>8</sup>

Despite a BOP policy that prioritizes people within two years of release to participate in programming, very few people nearing release on sentences for D.C. Code offenses in the BOP have participated in any kind of program. The most common programming was a Drug Education class, which one-third of people within two years of release have taken. The more intensive behavioral health program participation is much more limited – 10% of people within two years of release have participated in the BOP’s Non-Residential Drug Abuse Program, and only 2% have participated in either the Residential Drug Abuse Program or the BOP’s cognitive behavioral therapy program called “Challenge”. Only seven people among the 1,024 individuals returning home from the BOP in the next two years completed at least one parenting, technology, or vocational education program.

## CONCLUSION

While the conclusions we can draw from a one-day snapshot are limited, this rare glimpse at detailed data on people serving sentences for D.C. Code offenses in BOP custody sheds some light on who the District incarcerates, for how long, what treatment opportunities are available to them, and who is and could be returning home to the District. This analysis informed the work of the Task Force and each of its Committees and helped them to develop Phase II recommendations.

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8 557 individuals had missing values for their predicted release date. Individuals in the 0-6 month range are included in the counts for those in the 0-12 month range, similarly, individuals in the 0-6 and 0-12 month ranges are included in the 0-24 month range.

# Phase II Community Engagement Analysis

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The National Reentry Network for Returning Citizens (The National Reentry Network), with assistance from the Council for Court Excellence (CCE), developed a four-part community engagement strategy in Phase II that addressed key stakeholder groups. The strategy produced quantitative and qualitative data for consideration by the Task Force as well as opportunities to receive feedback to improve the Task Force's engagement strategies. The National Reentry Network led the implementation of this engagement and the analysis of the results. Below is a summary of what the Task Force learned from the more than 500 community members it engaged during Phase II. For a full description of community engagement methodology and more detailed analyses, see the full supplemental report linked in Appendix 3.

The goals for community engagement were to compile D.C. residents' feedback on the Task Force's Phase I recommendations; understand residents' priorities for Phase II; and address important changes and events that have occurred in the city since the Phase I report was published, with particular attention to the effects of COVID-19. Furthermore, the Task Force sought to continue community engagement in response to residents' requests for more information sharing and direct access to decision makers.

## METHODOLOGY OVERVIEW

The Task Force's community engagement strategy consisted of: a series of events to receive feedback on Phase I; four community meetings to discuss the ongoing work in Phase II; the collection of testimony on the specific issue of the future of parole in the District; and a survey of people currently incarcerated in the BOP for D.C. Code offenses. The COVID-19 pandemic caused the community engagement approach to shift to virtual platforms. Virtual meeting technology made events more accessible for some, but was a barrier to participation for others with limited technological capability.

Initially, The National Reentry Network used in-person events and electronic surveys to gather feedback from community members on the Phase I recommendations in November and December 2019. The events enabled the Task Force to share its work with residents, answer questions, and assess how closely the published Phase I recommendations reflected the actual priorities of residents. The feedback sessions began with a presentation before proceeding to an open-ended format to ensure that participants had the freedom to indicate their goals and share their honest opinions. Participants filled out questionnaires at the end of the session to give feedback on the community engagement process. Although response rates were low in comparison to the total number of individuals engaged during Phase I, the feedback indicated a continuing deep interest in the work of the Task Force by residents of the District.

Next, the National Reentry Network facilitated four virtual community meetings in September 2020 with over 50 participants. Participants were given the opportunity to ask about changing policies in D.C., the impacts of COVID-19, and express their reactions to the Task Force's ongoing work. At the conclusion of the meetings, participants received a take-home worksheet as a way to prompt reflection and account for the less personal nature of online meetings and the seriousness of current events.

In the fall of 2020, as the Task Force considered what body should have the authority to grant parole and make release revocation decisions in the future, it sought additional input directly from the community. In particular, the Task Force was interested in hearing from people who have appeared before the U.S. Parole Commission, the federal agency that currently makes decisions for D.C. parole grants and release revocations. The opportunity to provide written or recorded video testimony to the Task Force was advertised electronically in October 2020. The Task Force received eight submissions, which are summarized in the Committee on Local Control's report, linked in Appendix 3.

Finally, The National Reentry Network surveyed people convicted of D.C. Code offenses currently incarcerated at BOP facilities about their desired outcomes for the future of D.C.'s correctional facilities and their anticipated reentry needs. The National Reentry Network distributed the survey through the BOP's electronic communication system in November 2020 and received 452 responses. The information gathered from this survey was presented to the Task Force and served as a valuable resource for evaluating recommendations.

## **FINDINGS**

### **Phase I Feedback**

Community feedback on the Phase I recommendations reflected deep interest in transforming the District's criminal justice system as well as mixed views on the feasibility of certain priorities. One major theme was the issue of ensuring sufficient budget investments for each recommendation. Some suggested a plan for divestment in policing and adopting decarceration policies to fund the changes; others advocated for the total abolition of incarceration.

Participants were especially concerned about the magnitude of change required and the cost to achieve local control of D.C.'s criminal justice system functions, many of which are now operated and paid for by the federal government. Several people emphasized the need to reexamine the structure of the system and agencies rather than merely adopting federal agencies wholesale at the local level. Respondents clearly favored prioritization of the Phase I community investment recommendations (Recommendations 1, 2, 3, 4, and 5), as well as the system examination described in Recommendation 7, "with the goals of reducing harm, racial disparities, and incarceration, and increasing safety and accountability." Participants wanted to know what is possible in the short term, how the changes will be funded, and who will champion them to fruition.

A second major concern about the Phase I recommendations was the issue of government and law enforcement buy-in. Participants noted the absence of policing recommendations in Phase

I, and the lack of participation in the process by law enforcement. Some participants wanted the recommendations to include a call for abolition of police and prisons, expressing a belief that the system is too broken and entrenched to fix.

Participants also provided largely positive feedback on the Task Force's community engagement structure. Participants appreciated the opportunity to engage, the open-ended nature of the discussion, the presentation of information and data, and the chance to hear from others. One critique was that data could be presented in a more accessible format. Participants also requested the presence of Task Force Members and agency representatives at meetings for more direct engagement. Participants thought that small scale events were most effective and suggested relying on surveys for broad participation. Another suggestion was to develop a strategy to share the Phase I report more widely among the general public. Finally, there was a recognition that many local organizations had recently released complementary reports on system reform, and that there was potential to harness that information and energy toward mutual goals.

## Phase II Community Meetings

The National Reentry Network brought interested community members together virtually to learn about the Phase II efforts and guide Task Force Members as they developed recommendations. During the meetings, participants asked questions that demonstrated the variety of ways that their lives intersect with these issues and the importance of these events for sharing information. Many questions concerned current policies and operations in the city, such as:

*“What is being done to address issues with parole over the next two years before D.C. regains control?”*

*“How can D.C. assist those released under COVID measures to make sure they are supported for success?”*

*“How do we account for the increase in public health needs that will accompany decarceration and reentry? What is working there?”*

Another major theme was uncertainty over the implementation process. Participants expressed concern about the feasibility of implementing the Phase II recommendations and the extent to which these changes could resolve underlying issues:

*“How can we expect any meaningful change while white supremacy still exists?”*

*“Money for a new jail is an investment in failure.”*

*“What can be done to make sure supervision is not serving as a replacement for incarceration?”*

Participants also referenced and inquired about solutions being explored in other jurisdictions. They submitted a number of ideas for consideration by the Task Force, including issuing bonds to fund investments in Black communities; removing old detainers to make more people eligible for early release and programming; recruiting crisis responders to serve the neighborhoods in which

they live or were raised; and creating opportunities for justice-involved individuals to give back to their community in the arena of public safety.

Participants expressed appreciation for the Task Force's efforts to share information. The meetings also served as a platform for new connections among participants and Task Force representatives. Engagement with community stakeholders continued to provide mutual benefit to the Task Force and participants.

### **Testimony on D.C.'s Future Paroling Authority**

The Task Force requested public comment via written and recorded video testimonies regarding Recommendation 8 in the Phase I report, that "Congress should abolish the U.S. Parole Commission's authority over people convicted of D.C. Code offenses with the Revitalization Act's 2020 sunset provision, and the District should plan now to localize parole and supervised release decision-making." Specifically, the Task Force wanted to learn about the community's ideas for the development of a new paroling authority in the District. Of the eight total submissions, four recommended that the new paroling authority be accountable to D.C. residents via officials directly elected by D.C. residents; one recommended that paroling authority be transferred to the D.C. Superior Court; and three made no specific recommendation on what body should have parole authority and instead focused on the desired qualities of any future paroling authority.

Supporters of a local parole board stressed that it is the only option that would guarantee local residents a voice in parole decisions since the District does not control Superior Court judge nominations or funding. By contrast, a supporter of placing parole authority within the D.C. Superior Court indicated that judges are accountable to D.C. because they "are appointed only after vetting by the local D.C. Judicial Nomination Commission (JNC) and must live in DC" and argued that parole boards are failed institutions and that only judges can fulfill the due process obligations of a parole authority.

Five major themes were identified in these testimonies: transparency and accessibility of the paroling authority and its processes; representation of local community and experts; the ease and feasibility of assuming paroling authority within two years; due process and other protections for people going before the parole authority; and a focus by the new paroling authority on community-based alternatives to incarceration.

### **Survey of People Currently Incarcerated at BOP Facilities**

The survey distributed by The National Reentry Network received responses from 16% of the total target population, providing a robust set of feedback and data. Survey respondents largely support building a facility in the District where people serving felony sentences under the D.C. Code would be incarcerated. Just 14% of respondents do not support building a new D.C. prison and 21% would not want to transfer there.

**FIGURE 8: DO YOU SUPPORT BUILDING A PRISON IN D.C.?**



**FIGURE 9: WOULD YOU PREFER TO SERVE YOUR SENTENCE IN A D.C. PRISON?**



Even more respondents (77%) said they would like to serve the last six months of their sentence in a jail facility in D.C. However, about two-thirds of those people would only want to do so if they were guaranteed placement at the Correctional Treatment Facility (CTF).

**FIGURE 10: WOULD YOU WANT TO SERVE THE LAST SIX MONTHS OF YOUR SENTENCE AT A D.C. JAIL FACILITY?**



Survey respondents' top three concerns about reentry were getting health care, finding a job, and getting community trust and support. Over 70% of respondents indicated "some" or "a lot" of worry about these issues. Individuals with five years or fewer remaining on their sentences reported more worry over most topics. Nearly half of those who will be released within five years are worried about getting mental health treatment "some" or "a lot" and one-third are worried about getting substance use treatment "some" or "a lot."

When asked about their personal history, two-thirds of survey respondents indicated that they had been the victim of a crime and 71% said that they had a family member who had been incarcerated.

## CONCLUSION

This multi-medium approach to community engagement allowed the Task Force to elicit feedback from a wide variety of stakeholders. As the Task Force sought to reflect community priorities in its report, it focused on key high-level findings, including:

- Community members want more access to data, especially policing and corrections data, in digestible formats in order to increase transparency and hold the criminal justice system accountable;
- There is concern regarding challenges to implementation, such as government buy-in, police buy-in, lack of funding, and systemic barriers like white supremacy;
- COVID-19 has impacted criminal justice system operations and requires urgent responses to ensure that returning citizens and incarcerated people are supported; and
- There remains support for continued engagement and requests to interact with Task Force Members and agencies directly.

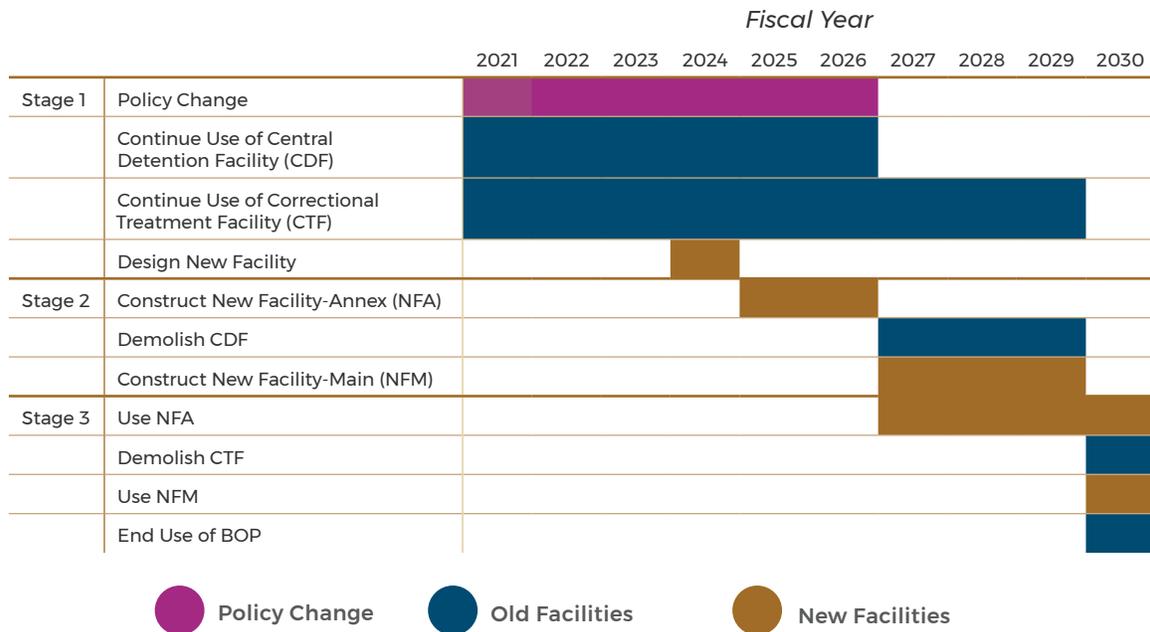
Similar to feedback received in Phase I's community engagement efforts, participants expressed gratitude for the opportunity to stay informed and voice their opinion. This pattern reflects the serious interest and deep value in working with residents to develop their priorities. Future engagement initiatives should provide opportunities for direct interaction between government service providers, Task Force Members, and residents; seek creative ways to make data presentations more accessible; improve the quality and accessibility of virtual meetings; solicit input from underrepresented groups such as Latinx people, youth under 18, and families of currently incarcerated people; and provide periodic and continued updates on the implementation process following the Phase II report's publication.

# Phase II Implementation Plan

After significant deliberation, editing, and discussion, the District Task Force on Jails & Justice adopted the following Implementation Plan in December 2020. Each of the 80 recommendations builds upon the Task Force’s Phase I findings, and reflects community feedback, insights from correctional data analyses, and extensive research at the Committee level. Along with each recommended action, this Implementation Plan tries to identify the likely impacts of each policy change, including the number of people affected, the racial impact, the effect on any identified special populations, the cost of or savings from the change, and the policy levers for creating the change. The Task Force also took care to ensure that their recommendations contained in the Phase II Implementation Plan are explicitly antiracist and remain in line with their Vision, Mission, and Core Values. All data in this Implementation Plan is sourced from and cited within the Phase II Committee Reports.

Taken together, these 80 recommendations constitute a detailed ten-year Implementation Plan for overhauling the District’s jails and justice system in three stages, including many changes that can and should be made immediately.

**FIGURE 11: DISTRICT TASK FORCE ON JAILS & JUSTICE’S 10-YEAR PLAN**



The Task Force recognizes that these are not small decisions; many lives will be significantly impacted by the choices D.C. makes regarding incarceration. The reach of our criminal legal system includes not only the thousands of people in our jail or in federal prisons – it touches every person who is harmed by criminal acts or incarceration, their loved ones, their neighborhoods, those who work in our jails and the rest of our system, and the taxpayers who pay for it all.

For these reasons, the Task Force’s recommended plan spans a full decade, despite the desire for immediate transformation. The District will need both time and funding to establish more community supports that prevent justice system involvement, to expand our capacity to respond to crises with a public health focus and without involving the justice system whenever possible, and to fulfill the needs of returning citizens so that they are equipped to thrive. The District also needs time – albeit less time if these are treated as priorities – to pass, fund, and implement changes to law and policy that will result in incarcerating fewer people for shorter periods. Finally, creating an innovative facility for a significantly reduced pretrial and sentenced population will require investment of District capital resources.

Although it is widely recognized that our current jail is deteriorating and that a new facility is urgently needed, the economic distress wrought by the COVID-19 public health emergency is unavoidable. Revenue estimates from September 2020 predict a recovery to the District’s FY19 revenue levels by the end of FY22.<sup>9</sup> The Task Force developed a ten-year timeline for the creation of a new correctional facility in response to these factors. The three-stage plan provides for aggressive and measurable progress in continuing to shrink the incarcerated population in the short term, which will allow D.C. to begin transitioning facilities, and ultimately will result in the recommended new non-traditional facility and a markedly different justice system.

The Task Force intends for the District to use this Implementation Plan as a guide to improving community investments, overhauling criminal justice system policy, and designing and constructing a new, non-traditional facility for those individuals who remain in custody after incarceration reforms. Just as our community engagement work was designed to include all varieties of stakeholders, our Implementation Plan is designed to encompass the full community. Where we call on “the District” to act, we are not limiting the recommendation to the government, but broadly calling for all those invested in the life of our communities to make change, including, for example, individuals, nonprofit organizations, philanthropists, businesses, and other stakeholders. In other places, the Implementation Plan identifies the specific actors needed to trigger or implement each recommended change. Please also note that the Implementation Plan recommendations are not listed in order of priority and are not ranked in any way. Instead, the sections are ordered by criminal justice system intercept and the recommendations are numbered solely for ease of reference.

Finally, Members of the District Task Force on Jails & Justice are committed to ensuring that the Task Force’s recommendations are implemented. To that end, Task Force Members will serve as ambassadors for their proposed plan, educating the community and serving as a resource to policymakers. The Task Force plans to present its findings and recommendations to community members who have been engaged with its work over the past two years, brief government and civic leaders on the Implementation Plan, advocate for their adoption by the District, assist in drafting statutes, regulations, and proposed agency policies to carry out the recommendations, and offer other technical assistance as is helpful.

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9 Jeffrey S. Dewitt, Government of the District of Columbia, September 2020 Revenue Estimates (2020), <https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/Revenue%20Estimate%20Letter%20093020.pdf>.

# 1 Community Investments to Prevent Law Enforcement Contact

## 1. Divest from D.C. Metropolitan Police Department (MPD), specifically targeting cuts to budgets for crowd control supplies, military style equipment, eliminating the School Safety Division, and reducing the number of patrol officers by 25%, and invest those funds into initiatives that prevent violence and harm, respond to crises without relying on law enforcement, and support the successful reentry of people returning home from incarceration.

### a. **Outcome:**

- i. **Type:** Reduce the District's reliance on law enforcement and eliminate the over-policing of Black residents and criminalization of Black children, while also increasing support for D.C.'s at-risk and justice-involved residents.
- ii. **Size:** In the District, 2,759 people under 18 were arrested in 2019, though arrests on school property are not tracked. D.C. Public Schools (DCPS) terminating its contract with MPD creates \$22,745,879 for reinvestment. There are 2,367 police officers assigned to patrol, so a 25% reduction could lead to \$117,267,750 in savings for reinvestment (excluding civil staff salaries). Reducing MPD's purchase of crowd control supplies could lead to \$439,000 in savings for reinvestment, not including the cost of military style equipment.
- iii. **Racial Impact:** Law enforcement in the District disproportionately impacts Black D.C. residents. Between 2013 and 2017, Black people composed 47% of D.C.'s population but 86% of its arrestees. During this same period, Black people were arrested at 10 times the rate of white people in D.C. In DCPS, Black students are 15.2 times more likely to be disciplined than white students.
- iv. **Special Population Impact:** Youth and young adults.

### b. **Measurement:** 25% fewer officers; significantly reduced crowd control supply budget; eliminating funding for military style equipment; decrease in overtime pay; decrease in all arrests, especially youth under 18 and youth on school property; \$140 million per year reinvested from MPD and DCPS budgets to fund community investment priorities.

### c. **Steps:**

- i. The D.C. Council should institute budget reductions up to \$120 million per year over the next five Fiscal Years (FY22 - FY26) to gradually reduce MPD's patrol officers by 25%, reduce crowd control supply funding, and eliminate funding for military style equipment.
- ii. In FY22, D.C. Council should eliminate DCPS's funding for its MPD contract, saving \$20 million annually.
- iii. By the end of 2021, D.C. Council should amend D.C. Code §5-101.04(f) to eliminate the requirement for 3,800 MPD officers.
- iv. By the end of FY21, MPD should revise General Order 310.08 to disband its School Safety Division.
- v. By the end of FY21, DCPS should terminate its school security contract with MPD.

### d. **Cost:** There is no cost associated with making these changes. Instead, the District will divest funds from MPD and DCPS and reinvest that funding into the community-based programming identified in other recommendations. Total amount reinvested between FY22-FY26 is estimated at \$140,452,629, which includes the 25% reduction in patrol

officers (\$117,267,750, though this number does include civil staff), \$439,000 in crowd control supplies, and the \$22,745,879 contract DCPS has with MPD. This estimate does not include costs saved by eliminating the purchase of military style equipment.

## 2. Engage residents of public housing in a consultative process to design interventions to increase public safety through non-law enforcement strategies.

- a. **Outcome:**
  - i. **Type:** Changing the tactics used by D.C. Housing Authority (DCHA)'s Public Safety Division will reduce the overcriminalization of low-income D.C. residents who live in public housing, namely Black residents, while also shrinking the out-sized law enforcement presence in the District.
  - ii. **Size:** 12,636 people live in D.C.'s public housing.
  - iii. **Racial Impact:** 98% of residents in D.C.'s public housing are Black. DCHA's response to property crime and safety conditions has reflected a "tough on crime" approach including arrests for possession of, public consumption of, and intent to distribute marijuana, crimes with which Black people in D.C. are disproportionately charged.
  - iv. **Special Population Impact:** Seniors - 37% of DCHA head of households are older than 62.
- b. **Measurement:** Planning and execution of consultative process; changes made based on the recommendations formed during that process; fewer arrests on DCHA property; decreased crime on DCHA property; increased resident feelings of safety on DCHA property.
- c. **Steps:**
  - i. In FY22, DCHA should plan and execute a community engagement process to design non-law enforcement safety interventions in public housing.
- d. **Cost:** Funding for the consultative process should be drawn from DCHA's Public Safety Division budget, which was \$4,322,160 in FY20. The changes recommended through the process should be funded by divesting from DCHA's Public Safety Division budget for law enforcement officers and reinvesting in non-law enforcement alternatives.

## 3. Reduce the number of correctional officers employed by the D.C. Department of Corrections (DOC), as fewer people are incarcerated and DOC uses the direct supervision model more with the closure of the Central Detention Facility (CDF). Reinvest those funds into initiatives that prevent violence and harm, respond to crises without relying on law enforcement, and support the successful reentry of people returning home from incarceration.

- a. **Outcome:**
  - i. **Type:** Reducing the District's incarcerated population and shifting to a direct supervision model will allow for reductions in correctional officers employed by DOC, while also reducing the disproportionate impact of incarceration on D.C.'s Black residents.
  - ii. **Size:** Prior to COVID-19, the DOC population was around 1,800 residents a day, but emergency legislation aimed at reducing the jails' population and the spread of the

virus has decreased DOC's population considerably. In FY20, DOC employed around 1,110 correctional officers, accounting for 82% of its full time employees.

- iii. **Racial Impact:** The Task Force's Phase I report found that in 2018, 92% of DOC's average daily population was Black, despite comprising slightly less than half of the District's population.
  - iv. **Special Population Impact:** Young adults, "short stayers," people who are not charged with a crime against another person, people who pose no risk of violence to the community.
- b. **Measurement:** Reduction in number of correctional officers employed by DOC, reduction in percent of DOC's full time employees who are correctional officers; reduction in DOC's average daily population; percent of correctional officers trained on direct supervision model; percent of residents housed in units using direct supervision model.
  - c. **Steps:**
    - i. In FY22-26, as DOC's average daily population decreases, D.C. Council should shrink the budget accordingly for correctional officers and DOC should shrink its correctional officer staff. The correctional officer budget should be revisited in FY27 and FY30 with the opening of the new buildings.
    - ii. In FY26, DOC should begin training all correctional officers on the direct supervision model, to be completed by FY30.
    - iii. In FY27, with the opening of the New Facility Annex (NFA), DOC should begin using the direct supervision model in housing units.
    - iv. In FY30, with the opening of the New Facility Main (NFM), DOC should exclusively use the direct supervision model in housing units where appropriate.
  - d. **Cost:** There is no cost associated with this recommendation. Instead, funds divested from DOC can be used to retrain correctional officers and fund initiatives that prevent violence and harm, respond to crises without relying on law enforcement, and support the successful reentry of people returning home from incarceration as identified in other recommendations elsewhere by this Task Force.

#### 4. Create additional affordable housing, workforce housing, and home ownership opportunities in the District.

- a. **Outcome:**
  - i. **Type:** Investing in a variety of housing opportunities in the District will positively impact D.C.'s low-income residents and potentially slow the process of gentrification in the District.
  - ii. **Size:** The number of individuals served by these additional housing and ownership opportunities depends on the size of investment the District makes into providing these opportunities.
  - iii. **Racial Impact:** In 2018, the Black median household income in D.C. was less than a third of the white median household income. Additionally, returning citizens, who are overwhelmingly Black, should be targeted as beneficiaries of these programs.

- iv. **Special Population Impact:** Depending on the model chosen, all special populations could be impacted.
- b. **Measurement:** Number of affordable housing units built; workforce housing units built; overall number of affordable, mix use, or workforce housing buildings opened; rate of occupancy in affordable and workforce housing units; successful participation in ownership opportunities; number of complaints from applicants to private housing regarding Ban the Box violations; the percentage of complaints adjudicated in favor of the applicant in a timely manner.
- c. **Steps:**
  - i. From FY22 on, the D.C. Council should allocate additional, recurring funding to D.C. agencies to operate or contract with community-based organizations to administer and sustain a housing pilot for special returning citizen populations, with particular consideration to Incarceration Reeducation Amendment Act (IRAA) recipients and emerging adults.
  - ii. From FY22 on, the D.C. Council should allocate additional, recurring funding to the Housing Production Trust Fund, the Community Land Trust, or an outside developer to build, purchase, or renovate an affordable housing or mixed population housing complex.
  - iii. From FY22 on, the D.C. Council should allocate additional, recurring funding for locally-funded housing vouchers and allocate both locally-funded and federally-funded housing vouchers for development projects.
  - iv. The D.C. Office of Human rights should prioritize the enforcement of existing Ban the Box laws, resulting in faster response and adjudication times by the end of 2022 and beginning proactive enforcement in 2023.
- d. **Cost:** A four-year reentry housing pilot, based on previous pilots, would cost roughly \$5 million dollars; a 1% reduction in MPD's budget would make \$5.2 million dollars available in D.C.'s budget to be reinvested into this pilot. For workforce or affordable housing, the price per unit (assuming each unit is 650 square feet) ranges from \$180,000 - \$310,000, with the cost of land for the building estimated at \$50,000 per unit. Older complexes in D.C. (the majority of which are East of the River) could be acquired for roughly \$100,000 plus the costs of renovation. Accepting vouchers may also help reduce the costs associated with these complexes. The Task Force does not have cost estimates for increasing home ownership.

## 5. Remove law enforcement officers and special police from regular contact with schools.

- a. **Outcome:**
  - i. **Type:** DCPS should terminate its contract with MPD and special police to minimize law enforcement contact with students and increase the use of non-law enforcement alternatives for building and maintaining safe schools.
  - ii. **Size:** In 2019, 2,759 people under 18 were arrested by MPD, though we don't know how many on DCPS property specifically.
  - iii. **Racial Impact:** In DCPS schools, Black students are 15.2 times more likely to be disciplined than white students.
  - iv. **Special Population Impact:** Youth.

- b. **Measurement:** MPD and special police presence on DCPS campuses; decreased arrests of youth under 18; decreased arrests on school campuses; increase in use of non-punitive approaches to violence and conflict resolution.
- c. **Steps:**
  - i. By the end of FY21, DCPS terminates its contract with MPD and SPOs.
  - ii. Beginning in FY22, DCPS reallocates funding from those contracts to non-punitive public health approaches to school safety.
- d. **Cost:** There is no cost associated with this recommendation. Instead, by eliminating DCPS's contract with MPD, D.C will have \$22,745,879 to reinvest into community-based alternatives to policing, violence interruption, conflict resolution, or school-based behavioral health professionals and programs.

## 6. Invest in additional school-based behavioral health professionals and programs to build and maintain school safety.

- a. **Outcome:**
  - i. **Type:** Increased behavioral health support for DCPS students.
  - ii. **Size:** Every student attending a DCPS school will, in some way, benefit from additional school-based behavioral health professionals and programs aimed at building and maintaining school safety. There were 51,060 students enrolled at DCPS in School Year 2019-2020.
  - iii. **Racial Impact:** Black DCPS students are 15.2 times more likely to be disciplined than their white peers.
  - iv. **Special Population Impact:** About 46% of DCPS students are considered at-risk; students with Individualized Education Plans (IEPs) are disproportionately disciplined; Black students with IEPs are disciplined at even higher rates than their white peers with IEPs and their Black peers.
- b. **Measurement:** Increased number of behavioral health professionals at DCPS schools until the National Association of Social Workers ratio of one behavioral health professional for 50 students is reached; increased number of DCPS students engaged with behavioral health services; increased positive behavioral health outcomes for students; decreased incidents of violence in DCPS schools; decrease in disciplinary infractions at every tier; decrease in suspensions and expulsions; decrease in disproportionate discipline of Black students; trauma-informed training for all school-based staff.
- c. **Steps:**
  - i. D.C. Council should increase in DCPS' budget to hire school-based behavioral health professionals and non-law enforcement school safety specialists each year between FY22 and FY24.
  - ii. Beginning in FY22, DCPS should build stable, recurring contract partnerships with community-based organizations that facilitate programs that build and maintain school safety, including transformative and restorative justice, violence interruption, or mentorship.
- d. **Cost:** The costs associated with implementing this recommendation include salary and fringe benefits for additional school-based behavioral health professionals, as well as funding for community-based organizations who contract with DCPS. Local community organizations have called for a \$6 million expansion of school-based mental health programs.

## 7. Continue training D.C.'s educators on social-emotional learning and transformative justice approaches to safety and accountability in schools.

- a. **Outcome:**
- i. **Type:** By receiving continued and additional training on social-emotional learning and transformative justice approaches to safety and accountability, educators will be better equipped to meet and understand the complex, unique needs of their students, and reduce the use of punitive methods of behavioral or conflict resolution.
  - ii. **Size:** Every student attending a DCPS school will, in some way, benefit from additional school-based behavioral health professionals and programs aimed at building and maintaining school safety. There were 51,060 students enrolled at DCPS in School Year 2019-2020.
  - iii. **Racial Impact:** Black DCPS students are 15.2 times more likely to be disciplined than their white peers. Additionally, about 46% of DCPS students are considered at-risk and with more intensive needs.
  - iv. **Special Population Impact:** Youth.
- b. **Measurement:** Increased number of social-emotional learning and transformative justice training offerings for educators and staff; increased percentage of educators and staff trained; increased implementation of social-emotional learning and transformative justice practices in classrooms and schools; decreased incidents of violence in DCPS schools; decrease in disciplinary infractions at every tier; decrease in suspensions and expulsions; decrease in disproportionate discipline of Black students.
- c. **Steps:**
- i. Beginning in FY22, the D.C. Council should approve recurring funding in the DCPS' budget for social-emotional learning, trauma-informed approaches, and transformative justice training opportunities for educators.
  - ii. Beginning in FY22, DCPS should build stable, recurring contract partnerships with community-based organizations that facilitate programs that build and maintain school safety, including transformative and restorative justice, violence interruption, or mentorship.
- d. **Cost:** Costs associated with this recommendation include registration fees for trainings or conferences or direct payment to training facilitators. Additional costs may include space rental if the trainings are not conducted at DCPS buildings; ongoing, personalized mentoring; and monitoring and evaluation costs of training and programs to ensure that outcomes are satisfied.

## 8. Increase use of the Community Response Team (CRT) in response to incidents in which a person is likely to want or need a behavioral health intervention.

- a. **Outcome:**
- i. **Type:** Improve CRT's ability to respond to incidents that involve a behavioral health intervention without the involvement of MPD, thereby reducing individuals with substance use disorders (SUD) or serious mental illnesses (SMI) contact with the criminal justice system. MPD should only lead response to calls that include a dangerous weapon or where there is another active risk for violence.

- ii. **Size:** Between 2015 and 2019, almost 48% of people in DOC custody had a documented SUD while 32% had a documented SMI.
  - iii. **Racial Impact:** 86% of people arrested by MPD are Black.
  - iv. **Special Population Impact:** People with physical health issues, people with serious mental illness and/or substance use disorders, people with intellectual disabilities.
- b. **Measurement:** The successful implementation of an advanced screening system that allows the CRT to reduce MPD's involvement in their responses; sufficient staffing to enable a CRT response time that is consistently equal to or shorter than MPD; the number of calls CRT responds to independent of MPD or Fire and Emergency Medical Services (FEMS); the number of calls CRT responds to in partnership with MPD or Emergency Medical Services; successful connections to care; the health and justice system outcomes for people CRT assists; community-based service provider involvement in CRT calls; the successful inclusion of peers on CRT teams; the number of people with SMIs and SUDs who are arrested by MPD or incarcerated at DOC.
- c. **Steps:**
- i. The D.C. Council should allocate funds to the Office of Unified Communications (OUC) in FY22 to develop and test a more advanced screening system for calls for service to 911, 311, and D.C. Department of Behavioral Health (DBH)'s hotline.
  - ii. The D.C. Council should allocate funds, beginning in FY23, for DBH to grow CRT to meet emergency response and pre-arrest diversion needs.
  - iii. In FY22, OUC should develop and test a screening system to dispatch CRT directly to calls for service, independently or in conjunction with FEMS or MPD, depending on need.
  - iv. Beginning in FY23, DBH should contract with community-based organizations to help fulfill the demand for CRT services and include more peers on response teams.
- d. **Cost:** Funding is needed to create a more advanced system of screening calls for service and train emergency dispatchers on the new screening protocols. In time, these changes should ultimately result in cost savings for the District due to decreased arrests and incarcerations and better connection to healthcare.

## 9. Establish a second “clubhouse” community center to provide individuals with behavioral health needs the opportunity to engage with long-term support to obtain housing, employment, and other services.

- a. **Outcome:**
- i. **Type:** Creating a second “clubhouse” in addition to the one in downtown D.C. will improve the housing and employment outcomes for individuals with behavioral health needs, reducing their contact with law enforcement and improving public safety.
  - ii. **Size:** Between 2015 and 2019, almost 48% of people in DOC custody had a documented SUD while 32% had a documented SMI.
  - iii. **Racial Impact:** 86% of people arrested by MPD are Black.
  - iv. **Special Population Impact:** People with physical health issues; people with serious mental illness and/or substance use disorders; people with intellectual disabilities; and people who pose no risk of violence to the community.

- b. **Measurement:** The successful creation of a second “clubhouse;” partnerships with community-based organizations; number of returning citizens served; number of individuals with SMIs and SUDs served; connection of “clubhouse” participants to requested services; adherence to the Clubhouse International standards for successful rehabilitation.
- c. **Steps:**
  - i. By FY23, the District should pursue a public-private partnership to fund building and operating a second “clubhouse” without solely relying on Medicaid funding.
  - ii. The District should open the new “clubhouse” in FY24.
  - iii. One year after opening, the new “clubhouse” should publish a report on how it is meeting the Clubhouse International standards for successful rehabilitation and other metrics listed above.
- d. **Cost:** The construction, purchase, and/or renovation of the “clubhouse,” staff and/or administrator costs, and ongoing utilities and maintenance expenses.

## 10. Invest in community-led restorative and transformative justice work, including a restorative justice community center to provide space for these initiatives.

- a. **Outcome:**
  - i. **Type:** Increase community participation in public safety measures and programs and reduce the use of traditional criminal legal systems actors in resolving conflict or violence.
  - ii. **Size:** Depending on the size of investment, this has the potential to impact the entire District, with particular emphasis on the most overly-incarcerated neighborhoods in Wards 5, 7, and 8.
  - iii. **Racial Impact:** 86% of the people MPD arrests are Black and 95% of D.C.’s prison population is Black.
  - iv. **Special Population Impact:** Young adults; “shorter stayers;” people who pose no risk of violence to the community; people with disabilities; LGBTQ+ people.
- b. **Measurement:** The number of individuals served; the outcomes of programs’ engagements with residents; the ways in which investments have allowed programs to better serve their target populations; the utilization of physical space for programming.
- c. **Steps:**
  - i. In FY23, the D.C. Council should allocate funds to D.C. Office of Victim Services and Justice Grants (OVSJG) or D.C. Office of Neighborhood Safety and Engagement (ONSE) to build or renovate a restorative justice community center.
  - ii. In FY24, ONSE or a community-based grant recipient should open the restorative justice community center.
  - iii. In FY24, the D.C. Council should budget for grants programming based in the restorative justice community center.
- d. **Cost:** Recurring funding for investments in organizations and programs doing restorative and transformative justice work in the District, as well as costs associated with opening and staffing a restorative justice community center. A model center in Oakland, CA was developed from a \$1 million seed grant.

## 11. Expand the use of violence interrupters.

- a. **Outcome:**
  - i. **Type:** Expanding the use of violence interrupters will reduce violent crime in the District as well as the over-policing and criminalization of D.C.'s Black residents, and increase public safety.
  - ii. **Size:** This recommendation will largely benefit residents of Northeast and Southeast D.C. neighborhoods with the highest rates of gun violence.
  - iii. **Racial Impact:** Given that the majority of D.C. residents who are victims of homicides and those who are charged with homicide are Black, violence interrupters will help make D.C.'s Black communities more safe.
  - iv. **Special Population Impact:** Young adults.
- b. **Measurement:** Individuals served; volunteers recruited; conflicts responded to; violent crime rate; gun crime rate; residents connected to requested resources.
- c. **Steps:**
  - i. In FY22, D.C. Council should allocate additional recurring funding for the Office of the Attorney General's (OAG)'s Cure the Streets program and ONSE's Violence Intervention Initiative.
  - ii. By the end of 2021, each violence interruption program should publicly release its metrics for success and data showing their progress toward achieving them.
- d. **Cost:** \$15 million.

## 12. Expand access to and engagement with high-quality behavioral health services.

- a. **Outcome:**
  - i. **Type:** Decrease the criminalization, arrest, and incarceration of individuals with behavioral health needs.
  - ii. **Size:** Between 2015 and 2019, almost 48% of people in DOC custody had a documented SUD while 32% had a documented SMI. During that same time period, people who received SUD care after their release from DOC custody had a 36% lower chance of being rearrested or reincarcerated within 90 days.
  - iii. **Racial Impact:** 82% of consumers receiving services at DBH through mid-year FY20 were Black.
  - iv. **Special Population Impact:** People with serious mental illness and/or substance use disorders.
- b. **Measurement:** Average time between release from incarceration, assessment, and treatment; decreased consumer arrest and incarceration rates; increased consumer health outcomes; SUD and SMI identification and treatment rates in DOC; decrease in number of justice-involved super-utilizers; increased quality and quantity of evidence-based treatment.

- c. **Steps:**
  - i. In FY22, D.C. Council should increase recurring funding for DBH's adult behavioral health services.
  - ii. In 2021, DBH should begin requiring service providers to record and share data on their consumers' justice-involvement.
  - iii. In 2021, DBH and D.C. Department of Health Care Finance (DHCF) should provide DOC's medical provider limited access to behavioral health records and claims databases, through a Memorandum of Understanding, for the purposes of accessing the behavioral health histories of patients in DOC custody who provide informed consent.
- d. **Cost:** Additional funding for DBH to administer behavioral health services, costs associated with training on best practices for DBH behavioral health professionals, and funding for community-based organizations providing behavioral health services.

### 13. Use participatory budgeting to give residents direct control over a portion of the District's budget for community investments.

- a. **Outcome:**
  - i. **Type:** A participatory budgeting process will give D.C. residents a more direct say over a portion of the District's budget.
  - ii. **Size:** Depending on how D.C. sets up its participatory budgeting process, all D.C. residents may have the opportunity to participate.
  - iii. **Racial Impact:** Participatory budgeting sessions should be concentrated in Wards 5, 7, and 8, which are disproportionately impacted by the District's criminal justice system, and the Executive Office of the Mayor (EOM) should actively conduct outreach to involve Black communities.
  - iv. **Special Population Impact:** None.
- b. **Measurement:** Number of participatory budgeting engagement sessions; amount of funding allocated to participatory budgeting; successful use of allocated funds for priority issues identified by D.C. residents.
- c. **Steps:**
  - i. In FY22, EOM should assign community relations and budget staff to create and implement a participatory budgeting process in D.C.
  - ii. Beginning in FY23, EOM should set aside at least \$7 million of the District's local dollar funding to be allocated through the participatory budgeting process.
- d. **Cost:** The participatory budgeting process will have the expenses of facilitation and administration; the \$7 million allocated through the process is a set aside from the District's local dollar revenue, and does not necessarily have to be new funding.

## 2 Law Enforcement Contact

### 1. Limit traffic stops to circumstances in which there is a risk to public safety by transferring civil traffic enforcement from MPD to D.C. Department of Transportation (DDOT) and requiring the use of a mail summons for violations that do not pose immediate danger.

#### a. **Outcome:**

- i. **Type:** Reduce contact between law enforcement and the public.
- ii. **Size:** MPD conducted 31,386 “ticket stops” for moving violations in a little more than five months between July 22, 2019 and December 31, 2019, of which 996 (about 3%) resulted in an arrest. The five most common categories of arrest charges accounted for nearly 80% of these arrests: driving without a permit, driving under the influence, counterfeit tags, speed (30 MPH or more over the limit), and permit revoked.
- iii. **Racial Impact:** 61.8% of ticket stops in this time period involved a Black person.
- iv. **Special Population Impact:** None.

#### b. **Measurement:** 95% reduction in MPD traffic stops; 15% reduction in the proportion of Black people stopped for traffic violations.

#### c. **Steps:**

- i. D.C. Council should amend D.C. law to give DDOT enforcement authority over civil traffic violations by October 2022.
- ii. D.C. Council should transfer funding from MPD to DDOT to conduct civil traffic violation enforcement beginning in FY23.
- iii. D.C. Council should amend D.C. law to prohibit MPD from issuing tickets for traffic offenses that do not pose an immediate danger to public safety by October 2022.
- iv. D.C. Council should amend D.C. law to require anti-bias and de-escalation training for DDOT employees who will conduct routine traffic stops by October 2022.
- v. DDOT should change policies and practices to increase the use of automated policing, such as speed cameras, in place of discretionary policing while ensuring there is no systemic bias, such as biased camera placement; reducing stops and replacing them with mailed notices of infraction; and ensuring rigorous privacy protections, by October 2022.

#### d. **Cost:** This will represent a budget transfer from MPD to DDOT, not a new expense.

### 2. Increase pre-arrest diversions from MPD to Community Response Team (CRT).

#### a. **Outcome:**

- i. **Type:** Reduce the number of people with behavioral health needs who are arrested after coming into contact with a law enforcement officer.
- ii. **Size:** In 2018, 6,228 people, 62% of all bookings at DOC, had a recorded SMI, SUD, or both. In eight of the ten most common charge categories, it was more likely for a person to have a recorded behavioral health need than not. This includes charges that fall under current or recommended diversion eligibility criteria, like possession or distribution of a controlled substance, unlawful entry, second degree theft, and non-domestic violence simple assault.

- iii. **Racial Impact:** 86% of people arrested in D.C. are Black.
- iv. **Special Population Impact:** People with SMI and/or SUDs; “short stayers”; people not charged with a crime against a person; people who pose no risk of violence.
- b. **Measurement:** Increase Pre-Arrest Diversion (PAD) training rate from 2% to 20% of MPD officers; increase Crisis Intervention Officer (CIO) training rate from 21% to 50% of MPD officers; increase percentage of MPD officers making referrals to CRT from 1% to 20%; reduce MPD arrests for eligible offenses by 60%; increase the number of people served by PAD; participants’ positive health, justice-involvement, and housing outcomes.
- c. **Steps:**
  - i. MPD and DBH should ramp up CIO and PAD training offerings beginning in 2021.
  - ii. MPD and DBH should facilitate ongoing opportunities for officer feedback on CIO and PAD training, policies, procedures, and practices beginning in 2021.
  - iii. MPD should modify General Order 502.04 to expand the PAD eligibility criteria to allow more individuals to be diverted in 2021.
  - iv. DBH should ensure that external stakeholders directly advise the CRT, using a transparent process for receiving and responding to feedback, beginning in 2021.
  - v. DBH should begin contracting with non-uniformed, non-District employees from community-based organizations to make initial contact with individuals through CRT in FY22.
  - vi. DBH and MPD should collaborate with external stakeholders to establish and publish a clear set of programmatic goals for CRT, including measures of success for improved health outcomes, reduced justice involvement, and increased rates of housing in 2021.
  - vii. The Mayor and D.C. Council should triple CRT’s budget by FY25.
- d. **Cost:** CRT’s FY21 budget is \$5.4 million dollars, tripling it would require an additional \$10.8 million dollars per year by FY25.

### 3. Conduct a thorough review of the D.C. criminal code to decriminalize certain offenses, converting them to civil offenses where enforcement is still desired.

- a. **Outcome:**
  - i. **Type:** Reduced law enforcement contact, arrests, incarceration, and supervision.
  - ii. **Size:** Decriminalizing drug offenses, for example, would reduce bookings approximately 790 people (11%).
  - iii. **Racial Impact:** Racial disparities are especially prevalent in marijuana-related charges, with Black people continuing to make up almost 90% of people arrested.
  - iv. **Special Population Impact:** People not charged with a crime against a person, people who pose no risk of violence.
- b. **Measurement:** MPD, DOC, Pretrial Services Agency (PSA), Superior Court, and Court Services and Offender Supervision Agency (CSOSA) should track the number of people incarcerated, supervised, and revoked due to decriminalized offenses, and the number of people issued citations and fines for new civil offenses.

- c. **Steps:**
  - i. D.C.'s Criminal Code Reform Commission (CCRC) should make recommendations to the D.C. Council for decriminalizing offenses in 2021.
  - ii. In 2021 and 2022, researchers and policymakers should weigh in on CCRC's recommendations and develop proposals for converting some decriminalized offenses to civil offenses.
  - iii. By the end of 2022, D.C. Council should amend the criminal code to decriminalize certain offenses and convert others to civil offenses where enforcement is still desired.
- d. **Cost:** Decriminalizing offenses, and therefore arresting and incarcerating fewer people, should result in significant budgetary savings for MPD and DOC.

#### 4. Permanently codify the D.C. Council's Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020 with amendments to further limit consent searches.

- a. **Outcome:**
  - i. **Type:** Reducing stops and searches by MPD, and enforcing true informed consent for consent searches.
  - ii. **Size:** MPD conducted 1,717 consent searches during stops between July 22, 2019 and December 31, 2019, accounting for 28% of all searches during stops. Of these consent searches, 265 (15%) resulted in an arrest. 1,606 (94%) resulted in no objects being seized. The remaining 111 (6%) of searches resulted in the seizure of 19 guns (1% of consent searches resulted in the seizure of a gun).
  - iii. **Racial Impact:** 87% of MPD stops not resulting in a traffic ticket, and 72% of all stops, were of Black people.
  - iv. **Special Population Impact:** 4% of all stops were of people under 18 years old, 89% of whom were Black.
- b. **Measurement:** NEAR Act data collection and publication guidelines should continue to be followed. Measurement should also focus on reducing stops, consent searches, and increasing the percent of consent searches in which guns are seized.
- c. **Steps:**
  - i. By the end of 2020, D.C. Council should pass a permanent law codifying the emergency provisions and requiring MPD to obtain approval from a supervising officer before performing a consent search.
- d. **Cost:** Unknown.

#### 5. Limit "Terry Stops," and "protective pat down" or "frisk" searches in alignment with the restrictions set by the consent decree governing the Newark Police Department.

- a. **Outcome:**
  - i. **Type:** Reducing stops and searches by MPD, and eliminating pretext stops and stops based on bias.

- ii. **Size:** Of all stops that included a search, 40% of searches by MPD were protective pat downs. 5% of the time these protective pat downs resulted in the seizure of a gun.
  - iii. **Racial Impact:** Black people account for 91% of all searches conducted during stops that do not lead to a ticket, warning, or arrest.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** NEAR Act data collection and publication guidelines should continue to be followed. Measurement should focus on reducing stops, protective pat down searches, and increasing the percent of protective pat down searches in which guns are seized.
- c. **Steps:** By the end of 2021, MPD should modify its General Order 304.10, governing Field Contacts, Stops, and Protective Pat Downs, to adopt provisions from the Newark Police Department consent decree, prohibiting MPD officers from:
- 1. *Conducting “pretext” vehicle stops or detentions without prior approval of a supervisor;*
  - 2. *Using pro forma or conclusory language without supporting detail in documents or reports documenting investigatory stops or detentions;*
  - 3. *Using information known to be materially false or incorrect in effectuating an investigatory stop or detention;*
  - 4. *Using any demographic category as a factor, to any extent or degree, in establishing reasonable suspicion or probable cause during routine or spontaneous enforcement activities, except that officers may rely on a demographic category in a specific suspect description from a trustworthy source that is relevant to the locality or time;*
  - 5. *Using an individual’s geographic location, presence in a high crime area, or proximity to the scene of suspected or reported crimes without any other reliable indicator that an individual has or is engaged in criminal activity, as the basis for an investigatory stop or detention;*
  - 6. *Basing investigatory stops or detentions solely on an individual’s response to the presence of police officers, such as an individual’s attempt to avoid contact with an officer;*
  - 7. *Basing investigatory stops or detentions solely on information or evidence discovered after the stop was initiated (e.g., open warrants) or the fact that the individual was ultimately arrested; and*
  - 8. *Basing investigatory stops or detention solely on an individual’s presence in the company of others suspected of criminal activity.*
- d. **Cost:** Unknown.

## 6. Increase information recorded and analyzed by MPD about the type of encounters officers have with the public, without requiring identification be produced, consistent with the National Police Foundation’s recommendations.

- a. **Outcome:**
- i. **Type:** Better tracking and understanding of daily interactions between MPD and the public.
  - ii. **Size:** Based on the most recent data, MPD stops a person, on average, every 3 minutes and 45 seconds.

- iii. **Racial Impact:** Black people account for 72% of all recorded stops.
- iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Field contacts/interviews should be tracked in addition to stops, by approximate age range, race, ethnicity, and gender.
- c. **Steps:**
  - i. By the end of 2021, MPD should modify General Order 304.10 to increase information about the type of encounters officers have with the public, without requiring identification to be produced, consistent with the National Police Foundation's recommendations.
- d. **Cost:** Unknown.

## 7. Create a private right of action for inappropriate searches and seizures by making violations a matter of civil enforcement.

- a. **Outcome:**
  - i. **Type:** Create greater opportunity for people to enforce their rights regarding searches and seizures under District law.
  - ii. **Size:** The number of unlawful searches and seizures conducted by MPD is unknown.
  - iii. **Racial Impact:** Black people account for 72% of all recorded stops by MPD.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** The number of complaints filed using the new private right of action; the demographic characteristics of the plaintiffs; the disposition of those civil suits; the monetary damages paid by the District in response to those civil suits; and any other outcomes ordered by the court or agreed to during settlements.
- c. **Steps:** D.C. Council should pass legislation to create a private right of action for inappropriate searches and seizures by the end of 2022.
- d. **Cost:** There is no cost to changing the law, but there may be a fiscal impact due to increased negotiated settlements and awarded damages.

## 8. Make de-escalation by MPD officers mandatory, with documentation of de-escalation efforts required, and consequences if de-escalation is not appropriately used.

- a. **Outcome:**
  - i. **Type:** A reduction in use of force by MPD officers.
  - ii. **Size:** In 2019, there were 1,246 reported use of force incidents involving 2,471 reported uses of force by 1,220 MPD officers.
  - iii. **Racial Impact:** Black people made up 91% of the total subjects MPD reported using force on in 2019.
  - iv. **Special Population Impact:** Unknown.

- b. **Measurement:** Reduced use of force incidents; reduced number of officers using force; increase in documented de-escalation efforts; consequences for officer use of force prior to attempting de-escalation efforts.
- c. **Steps:**
  - i. By the end of 2021, MPD should amend General Order 901.07, Use of Force, to make de-escalation by officers mandatory in most situations, with documentation of de-escalation efforts, and disciplinary consequences if de-escalation is not appropriately used. Internal Affairs and the Office of Police Complaints should both have investigatory power.
  - ii. By the first quarter of 2022, MPD should re-train all officers in alignment with the new de-escalation policy.
  - iii. By the end of 2022, D.C.'s Office of Police Complaints should begin releasing annual public reports that include data on all the metrics listed above.
- d. **Cost:** Unknown.

**9. Review the District's "Cooperative Agreements" with 32 federal law enforcement agencies and modify the agreements to restrict the footprint of federal agencies to the greatest extent permitted by law and to protect First Amendment rights.**

- a. **Outcome:**
  - i. **Type:** Limit the activities of federal law enforcement agencies on non-federal District property.
  - ii. **Size:** Thirty-two (32) federal law enforcement agencies operate in D.C. We do not have data on how frequently or on what scale they operate outside of federal property.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Renegotiating and narrowing all 32 agreements; fewer arrests on non-federal District land; including Washington Metropolitan Area Transit Authority (WMATA) Police, U.S. Park Police, and U.S. Capitol Police.
- c. **Steps:**
  - i. MPD and the Deputy Mayor for Public Safety and Justice should renegotiate cooperative agreements with each agency by the end of 2022.
  - ii. The Deputy Mayor for Public Safety and Justice should conduct an annual analysis, beginning in 2023, of federal law enforcement activity on non-federal District property.
- d. **Cost:** Unknown.

**10. Continue to train MPD officers on interacting with people with disabilities, including mental illnesses, substance use disorders, autism, and intellectual and developmental disabilities; people who are deaf and/or hard of hearing; and people for whom English is not their first language.**

- a. **Outcome:**
  - i. **Type:** Safer and more clear interactions between MPD and the public.
  - ii. **Size:** D.C. has sizable populations of people who are deaf or hard hearing and who have limited capacity to speak, read, write, and understand English, but we do not have data on how frequently these people come into contact with MPD. We do not have data on the number of people with disabilities who come into contact with MPD, but we do know that 62% of all bookings at the DOC were of a person with a recorded SMI, SUD, or both.
  - iii. **Racial Impact:** No data on the race of people who are in these impacted groups with whom MPD interacts.
  - iv. **Special Population Impact:** People with SMI/SUDs, people with intellectual disabilities, people with language access needs.
- b. **Measurement:** Increasing percent of MPD officers trained; increased MPD calls for interpreters; decreased use of force on people in these impacted groups.
- c. **Steps:**
  - i. By the end of 2021, MPD should review and update its training curriculum.
  - ii. By the end of 2022, MPD should require training of all new law enforcement officers.
  - iii. By the end of 2023, MPD should re-train all existing law enforcement officers.
- d. **Cost:** Cost of updating the curriculum and running additional trainings.

**11. Maintain the COVID-19 responsive changes to MPD’s citation release and field arrest orders at least through the end of the public health emergency, then conduct a qualitative and quantitative evaluation of the outcomes of the changes within six months of the Mayor’s Order ending the public health emergency, and make further recommendations based upon what is learned.**

- a. **Outcome:**
  - i. **Type:** Reduce the number of people detained post-arrest by MPD.
  - ii. **Size:** An estimated 3,144 people booked into DOC custody in 2018 would have been eligible for non-custodial citation or arrest under MPD’s new citation release orders and emergency changes to the law governing field arrest. This accounts for about 80% of all people booked at DOC unsentenced on misdemeanor or felony charges, or 219 people in DOC’s average daily population. We do not yet have data on who has actually benefited from these changed policies since March 17, 2020.
  - iii. **Racial Impact:** 86% of people arrested in D.C. are Black.
  - iv. **Special Population Impact:** “Short stayers,” people not charged with a crime against a person, people who pose no risk of violence.

- b. **Measurement:** Increased use of citation release in lieu of custodial arrest; increased use of field arrest in lieu of custodial arrest; steady or decreased rates of recidivism.
- c. **Steps:**
  - i. MPD should maintain the COVID-19 responsive changes to its General Orders instituted by Executive Order 20-011, Coronavirus 2019 Modification to Citation Release Criteria, through the duration of the public health emergency.
  - ii. Within six months of the end of the public health emergency, MPD and the Deputy Mayor for Public Safety and Justice should conduct a qualitative and quantitative evaluation of the outcomes of the changes to MPD's citation release and field arrest orders.
  - iii. Within one year of the end of the public health emergency, MPD should permanently update its general orders, as needed based on the results of the evaluation.
  - iv. Within one year of the end of the public health emergency, D.C. Council amend D.C. Code § 23-584, as needed, based on the results of the evaluation.
- d. **Cost:** The District should realize significant cost savings by incarcerating fewer people. In 2018, DOC spent an average of \$14,253 per person incarcerated (dividing DOC's total operating budget by the number of intakes that year). In 2018, DOC spent an average of \$14,253 per person incarcerated (calculated by dividing DOC's total operating budget by the number of intakes that year). Looked at differently, DOC spent an average of \$88,105 to incarcerate a person for one year in 2018, or an average of \$241 per person incarcerated, per day (calculated by dividing DOC's total operating budget by DOC's average daily population).

## 12. The D.C. Code should be amended to require that any special police officer who has the authority to carry a weapon or make an arrest comply with all MPD regulations; receive pre-service and in-service training comparable to MPD; be subjected to MPD internal affairs and civilian oversight; and provide periodic public reporting on arrests, uses of force, stops, and searches.

- a. **Outcome:**
  - i. **Type:** Increase training levels, transparency, and accountability for special police officers (SPOs).
  - ii. **Size:** In D.C., more than 7,500 SPOs act as private security guards patrolling specific properties, such as public housing complexes and government buildings.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** 100% compliance with special police training requirements; number of complaints filed against SPOs; reduced use of force incidents; reduced uses of force; reduced number of SPOs using force.
- c. **Steps:**
  - i. By the end of 2022, D.C. Council should reintroduce and pass the Special Police Officer Oversight Amendment Act of 2019 to amend D.C. Code § 5-1101 et seq, and amend § 7-2502, § 7-2509, § 22-4505, and § 23-582 as recommended by the DC Justice Lab in its "Disarm Special Police" report.

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**SECTION 2: LAW ENFORCEMENT CONTACT**

- ii. By the end of 2023, the Mayor should propose conforming revisions to D.C. Mun. Regs. § 6A-11.
  - iii. Beginning in 2024, the Mayor should issue an annual report publishing data on special police arrests, uses of force, stops, and searches.
- d. **Cost:** Unknown.

# 3 Charging

## 1. Establish a 24/7 pre-arrest charging decision hotline within the U.S. Attorney's Office for the District of Columbia (USAO-DC) based on the Harris County model.

- a. **Outcome:**
  - i. **Type:** Fewer people booked and detained on charges that are later dropped.
  - ii. **Size:** USAO-DC declines to prosecute more than a quarter of all local felony charges and almost half of all local misdemeanor charges, though it is unclear what proportion are no-papers and which are diversions. In other jurisdictions that use this model, 10-20% of charges are dismissed by prosecutors prior to booking.
  - iii. **Racial Impact:** 86% of people arrested in D.C. are Black.
  - iv. **Special Population Impact:** "Short stayers."
- b. **Measurement:** Decrease in the rate of arrests for which charges are no-papered after booking; decrease in the number of days from arrest to no-papering; decrease in the number of people who are incarcerated at DOC pretrial then released before sentencing.
- c. **Steps:**
  - i. USAO-DC should establish policies and procedures for a new 24/7 pre-arrest charging decision hotline by September 2021.
  - ii. In FY22, Congress should allocate funding and USAO-DC should begin operating the new hotline.
  - iii. In October 2021, MPD should update general orders as needed to require officers to consult with USAO-DC before making a warrantless arrest.
  - iv. In FY22, MPD should re-train all officers to comply with the new orders.
- d. **Cost:** Most new costs of the program will be borne by USAO-DC. MPD will incur some cost for re-training officers, but the District as a whole will see savings due to lower bookings and fewer incarcerations.

## 2. Consider comprehensive amendments to the D.C. Code to narrow the definitions of "dangerous" crime and "crime of violence."

- a. **Outcome:**
  - i. **Type:** These categories of criminal offenses are embedded throughout D.C.'s criminal code and used to make determinations about diversion, detention, sentencing, and collateral consequences of convictions. Revising the categories would impact many pieces of the criminal code.
  - ii. **Size:** No estimate.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Fewer people charged with "dangerous" crimes and "crimes of violence."
- c. **Steps:**
  - i. D.C.'s Criminal Code Revision Commission (CCRC) should make a recommendation about redefining "dangerous" crime and "crime of violence" in the D.C. Code in 2021.

- ii. D.C. Council should consider the recommendations of CCRC and government and public testimony, then pass a bill to amend the definitions by the end of 2022.
- d. **Cost:** There is no cost to the legislative change, and the District will see incarceration cost savings if the new definitions reduce lengths of sentences.

### 3. Raise the age of juvenile jurisdiction to 21 and eliminate the waiver of youth into adult court.

- a. **Outcome:**
  - i. **Type:** Raising the age of juvenile jurisdiction will keep all youth between 18 and 21 out of adult jails and prisons and move jurisdiction to prosecute these cases from the U.S. Attorney's Office for the District of Columbia (USAO-DC) to the Office of the Attorney General for the District of Columbia (OAG).
  - ii. **Size:** On July 1, 2020, DOC housed no women who were under 21, but 7.2% of their male population was under 21.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Number of people incarcerated at DOC under 21 should drop to zero; number of people eligible for OAG diversion or restorative justice opportunities should increase.
- c. **Steps:**
  - i. By the end of 2022, D.C. Council should amend D.C. Code §16-2301 to define a child as a person under 21 years of age.
  - ii. Upon enactment of the new law, D.C. Department of Youth Rehabilitative Services (DYRS) should assume custody of all people detained or adjudicated delinquent and ordered to secure detention who are under the age of 21.
- d. **Cost:** USAO-DC should see cost savings from fewer prosecutions. The District will see increased expenses because of increasing cases handled by OAG. For incarcerated youth transferred from DOC to DYRS custody, the District will also see an increase in expenses. However, fewer people under 21 should be incarcerated overall if OAG continues to implement its successful diversion and restorative justice programs.

## 4 Pretrial Release

### 1. The Pretrial Services Agency for the District of Columbia (PSA) should continue to regularly revalidate its Risk Assessment Instrument, paying particular attention to racial biases, and publicly share the process and results.

#### a. **Outcome:**

- i. **Type:** Reduce racial bias in pretrial detention decisions.
- ii. **Size:** Of the 7,075 people released from DOC in 2018 who were not in custody on administrative holds, 41% were unsentenced at the time of their release.
- iii. **Racial Impact:** Black people incarcerated in DOC in 2018 had a longer median unsentenced length of stay than white people for nearly every charge category. However, analyzing and interpreting the longer median length of stay data for Black people in custody is complicated by the very small number of white people booked for some charge categories.
- iv. **Special Population Impact:** Unknown.

#### b. **Measurement:** Eliminate racial disparities in pretrial detention decisions and unsentenced lengths of stay.

#### c. **Steps:**

- i. PSA should revalidate its Risk Assessment Instrument, paying particular attention to racial bias, by the end of FY22.
- ii. PSA should share the revalidation process, results, and any changes made to the Risk Assessment Instrument with the public by the end of FY22.

#### d. **Cost:** No additional cost.

### 2. PSA should publicly share the results of its scheduled assessment of supervision protocols, including any changes made to the mode and frequency of reporting conditions to ensure use of the least restrictive conditions to supervise defendants.

#### a. **Outcome:**

- i. **Type:** Reduce the burden of supervision on people released pretrial, and to reduce the risk of revocation of pretrial supervision.
- ii. **Size:** In FY17, D.C. released 94% of defendants pretrial, 90% of whom made their court appointments, and 98% of whom were not rearrested for a violent crime pretrial.
- iii. **Racial Impact:** Demographics of people under PSA supervision are unknown at this time.
- iv. **Special Population Impact:** Unknown.

#### b. **Measurement:** Reduce the average number of conditions of release required of a defendant; increase use of virtual rather than in-person check-ins; reduce the average frequency of required reporting.

#### c. **Steps:**

- i. PSA should complete its assessment of supervision protocols, paying particular attention to lessons learned from the COVID-19 public health emergency, by the end of FY22.

- ii. PSA should share the assessment process, results, and any changes made to supervision protocols with the public by the end of FY22.
- d. **Cost:** No additional cost for study. PSA should see cost savings from reduced frequency and intensity of contact with supervisees.

**3. Codify PSA’s existing policy of prohibiting use of two-way live voice and audio recording capabilities on GPS monitors, unless the defendant explicitly consents to the use of the technology, and ban audio recordings from GPS monitors from being introduced as evidence in court.**

- a. **Outcome:**
  - i. **Type:** Prevent any future use of audio and video recording capabilities on GPS monitors.
  - ii. **Size:** All people on supervision or home confinement who are monitored using technology.
  - iii. **Racial Impact:** Demographics of people under PSA supervision are unknown at this time. In 2018, about 89% of people under CSOSA’s supervision were Black.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Zero use of audio or video recording from GPS monitors without informed consent.
- c. **Steps:**
  - i. By the end of 2022, D.C. Council should amend D.C. Code § 24-133(e) to prohibit use of audio recording capabilities and ban audio recordings from GPS monitors from being introduced as evidence in court.
- d. **Cost:** None.

**4. Consistently provide victims notice of pretrial release hearings, pursuant to the Crime Victims’ Bill of Rights, and the court should make reasonable efforts to hear from victims, if any, during the pretrial release assessment.**

- a. **Outcome:**
  - i. **Type:** Increase the number of victims who have the opportunity to be heard prior to a detention decision being made.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Superior Court should track the number of cases in which a victim is identified; when each victim notification is made; whether a victim is present or heard on the record at important hearings.
- c. **Steps:**
  - i. USAO-DC should make earlier and more consistent outreach efforts to victims, pursuant to D.C. Code §23-1901.

- ii. Once a baseline rate of victim participation is established, the U.S. Attorney's Office for the District of Columbia (USAO-DC) should work with victims' rights organizations to develop a targeted strategy to increase timeliness of notice and opportunity.
    - d. **Cost:** Unknown.
- 5. **Prohibit the drug testing of people who have been arrested while in lock-up, allowing initial testing only after charges have been filed and the defendant has had the opportunity to consult with counsel.**
  - a. **Outcome:**
    - i. **Type:** Reduce unnecessary and invasive drug testing.
    - ii. **Size:** All people in lock-up are currently drug tested.
    - iii. **Racial Impact:** 86% of people arrested by MPD are Black.
    - iv. **Special Population Impact:** People with serious mental illnesses and/or substance use disorders.
  - b. **Measurement:** Decreased number of lock-up drug tests; any drug tests at a later time in the process should not extend the amount of time a defendant is required to spend at court or PSA.
  - c. **Steps:**
    - i. PSA and Superior Court should amend internal policies by the end of 2021 to prohibit lock-up testing and allow drug testing only after charges have been filed and the defendant has had the opportunity to consult with counsel.
  - d. **Cost:** With fewer drug tests administered, cost savings should be seen by PSA.
- 6. **Require, by statute, that to impose any condition of pretrial release (including drug testing and GPS monitoring), a judge must find that the defendant's compliance with that condition will make them less likely to commit a new crime, less likely to violate a stay away order, or more likely to appear in court.**
  - a. **Outcome:**
    - i. **Type:** Eliminate unnecessarily restrictive conditions and increase a defendant's likelihood of success on pretrial release.
    - ii. **Size:** Unknown.
    - iii. **Racial Impact:** Unknown.
    - iv. **Special Population Impact:** People with serious mental illnesses and/or substance use disorders.
  - b. **Measurement:** A 20% reduction in the number of people for whom drug testing is a condition of pretrial release; a reduction in the average number of conditions imposed per defendant.
  - c. **Steps:**
    - i. By the end of 2022, D.C. Council should amend D.C. Code §23-1322(e) to require a finding that each condition imposed will make a defendant less likely to commit a new crime, less likely to violate a stay away order, or more likely to appear in court.

- d. **Cost:** PSA should see a reduction in costs with supervisees having fewer conditions for which PSA must track adherence.

## 7. Invest in community-based resources to support people released pretrial and train Superior Court judges, prosecutors, defense attorneys, and PSA on the effective use of these resources.

- a. **Outcome:**
  - i. **Type:** Reduce the number of people being detained pretrial by educating judges and other court actors on the availability of supportive community-based programs and their outcomes.
  - ii. **Size:** Highest impact will be among the 6% of defendants who are not currently released pretrial as well as defendants who are released pretrial but are alleged to have violated the conditions of their release.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** “Short stayers”; people not charged with a crime against another person; people who pose no risk of violence to the community.
- b. **Measurement:** Percent of defendants detained pretrial; average pretrial length of stay; percent of defendants who are revoked from pretrial release.
- c. **Steps:**
  - i. In 2021, Superior Court, USAO-DC, DC OAG, PDS, the Criminal Justice Act (CJA) panel attorneys, and PSA should all host trainings for their employees on the availability and effectiveness of community-based programs for people on pretrial release.
  - ii. Beginning in FY23, D.C. Council should budget grant funding to community-based organizations specifically to serve people on pretrial release.
- d. **Cost:** The District should see cost savings from reducing the number and length of pretrial incarcerations.

## 8. Amend D.C. law to require that judges expressly consider the potential adverse effect of detention on the defendant’s dependents; parental rights; employment; housing; mental health; physical health; public benefits; immigration status; and any other adverse impact of the person’s detention.

- a. **Outcome:**
  - i. **Type:** Reduce the number of people being detained pretrial and their lengths of stay by requiring holistic consideration of the impact of detention.
  - ii. **Size:** An average of 738 people per day were detained unsentenced at DOC in 2018.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** People with physical health issues (8,269 people detained unsentenced at DOC in 2018 had a recorded health issue); people with mental illnesses or SUDs (5,102 people detained unsentenced at DOC in 2018 had a behavioral health indicator in their record); people with custody of minor children (6,237 people detained unsentenced at DOC in 2018 had at least one dependent child.)

- b. **Measurement:** Percent of defendants detained pretrial; average pretrial length of stay; reductions in proportion of defendants detained pretrial who belong to an identified special population.
- c. **Steps:**
  - i. By the end of 2022, D.C. Council should amend D.C. Code §23-1322 to require express consideration of the holistic impacts of detention.
- d. **Cost:** The District should see cost savings from reducing the number and length of pre-trial incarcerations.

## 9. Repeal the rebuttable presumption of pretrial incarceration for certain people, instead requiring individual determinations in all cases.

- a. **Outcome:**
  - i. **Type:** Reduce the number of people being detained pretrial by removing all legal presumptions of pretrial incarceration.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Decrease percent of defendants detained pretrial when charged with offenses listed in D.C. Code §23-1322(c).
- c. **Steps:**
  - i. By the end of 2022, D.C. Council should amend D.C. Code §23-1322 to repeal the rebuttable presumption of incarceration in any case.
- d. **Cost:** The District should see cost savings from reducing the number of pretrial incarcerations.

## 10. Amend D.C. law to ensure that the pretrial detention of people who are believed to be “an addict” is used exclusively to facilitate bed-to-bed transfers from detention to substance use disorder (SUD) treatment.

- a. **Outcome:**
  - i. **Type:** Ensure that people are never detained solely because of their substance use, other than to facilitate transfers to treatment.
  - ii. **Size:** Of the 4,582 people who were detained unsentenced at DOC on felony charges in 2018 and had a recorded SUD, 98 were released or transferred to a SUD treatment facility, either pretrial or as a component of their sentence, and another 223 were awaiting placement.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** People with SUDs.
  - v. **Measurement:** Zero detention decisions made based on a persons substance use; increased transfers of people from DOC custody to residential SUD treatment.
- b. **Measurement:** Eliminate use of this statute for any purpose other than bed-to-bed transfers to SUD treatment programs (there are no known instances of its current use).

- c. **Steps:**
  - i. By the end of 2022, D.C. Council should amend D.C. Code §23-1322 to only cover bed-to-bed transfers for SUD treatment.
- d. **Cost:** Cost of increased use of inpatient rehabilitation should be offset by decreased use of pretrial detention.

## 11. Amend D.C. law to prohibit prosecution for contempt of court for a violation of a condition of pretrial release, except when that condition is a stay away or no contact order.

- a. **Outcome:**
  - i. **Type:** Eliminate the addition of new criminal charges for most technical violations of pretrial release. Revocation of release can still be ordered without charging and prosecuting for contempt.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Eliminate contempt charges for violations of pretrial release, except for violations of stay away or no contact order conditions.
- c. **Steps:** By the end of 2022, D.C. Council should amend D.C. Code §23-1329 to prohibit prosecution for contempt of court for violation of a condition of pretrial release, except when that condition is a stay away or no contact order connected to a person. There should be no exception for orders that pertain to a business or geographic area without connection to an individual.
- d. **Cost:** Superior Court and USAO-DC should see cost savings from eliminating new cases for violations of supervised release.

# 5 Case Processing

1. **Open eligibility to Superior Court problem solving dockets to all defendants facing misdemeanor and low-level felony charges. Individual determinations about participation should be retained by the judge, based on consideration of the defendant's current charge, history of substance use, mental health diagnosis, need for social service supports, criminal record, other active charges or supervised release; and age.**
  - a. **Outcome:**
    - i. **Type:** Increase the number of defendants eligible for problem solving dockets.
    - ii. **Size:** Unknown.
    - iii. **Racial Impact:** Unknown.
    - iv. **Special Population Impact:** People with "serious mental illnesses (SMI) and/or substance use disorders (SUD); young adults.
  - b. **Measurement:** Number of plea agreements that include transfer to problem solving docket; number of plea agreements approved; number of plea agreements denied and reason for denial.
  - c. **Steps:**
    - i. By the end of 2021, Superior Court should issue an administrative order setting new eligibility criteria and factors for making determination about participation.
  - d. **Cost:** Unknown.
2. **Transfers to a Superior Court problem solving docket should be made by deferred prosecution agreement (DPA), with limited exceptions, in which case a deferred sentencing agreement (DSA) or amended sentencing agreement (ASA) may be used.**
  - a. **Outcome:**
    - i. **Type:** Increase the number of defendants who do not have a criminal charge on their record after successfully completing a problem solving court program.
    - ii. **Size:** Unknown.
    - iii. **Racial Impact:** Unknown.
    - iv. **Special Population Impact:** Unknown.
  - b. **Measurement:** Increase number of defendants transferred to a problem solving docket via DPA; decrease the number of defendants transferred to a problem solving docket via DSA or ASA.
  - c. **Steps:** By the end of 2021, Superior Court should issue an administrative order requiring DPAs in most cases, with enumerated exceptions, such as domestic violence cases.
  - d. **Cost:** Unknown.

**3. Create a Young Adult problem solving docket for people up to age 25, including those charged with felonies, to participate in community-based programming as an alternative to incarceration.**

- a. **Outcome:**
  - i. **Type:** Reducing the number of young adults incarcerated.
  - ii. **Size:** In 2018, 2,378 people or 24% of all DOC bookings were for young adults ages 16–25, and young adults accounted for 26% of DOC’s average daily population (please note, as of October 2018, no one under 18 is in the custody of DOC).
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Young adults; people not charged with a crime against another person.
- b. **Measurement:** Number of motions for transfer to the Young Adult problem solving docket; transfer motions granted; transfer motions rejected and justification.
- c. **Steps:**
  - i. By September 2022, Superior Court should issue an administrative order creating a Young Adult problem solving docket based upon the San Francisco model.
  - ii. Congress should fund new staff positions for the Young Adult docket at Superior Court beginning in FY23.
- d. **Cost:** San Francisco used a \$1.05 million federal Byrne JAG grant to fund six partner organizations to expand their capacity and coordination efforts to connect participants to mental health, housing, and employment services.

**4. Revise Superior Court rules to institute a standard *Brady* colloquy, in which judges question prosecutors on the record about disclosure obligations.**

- a. **Outcome:**
  - i. **Type:** Increase full and timely compliance with *Brady v. Maryland* disclosure obligations.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Decreased number of motions filed requested the court order *Brady* disclosures.
- c. **Steps:** By the end of 2021, Superior Court should revise its rules of criminal procedure to require judges to issue a standard *Brady* colloquy during pretrial hearings, and before a defendant enters a guilty plea, enforcing D.C. Professional Rules of Conduct, Rule 3.8, that “any evidence or information that the prosecutor knows or reasonably should know tends to negate the guilt of the accused or to mitigate the offense, or in connection with sentencing, intentionally fail to disclose to the defense upon request any unprivileged mitigating information known to the prosecutor and not reasonably available to the defense.”
- d. **Cost:** No known cost.

## 5. Allow defendants to waive their right to appear in certain misdemeanor court proceedings letting an attorney appear in the defendant's place.

- a. **Outcome:**
  - i. **Type:** Reduce both the issuance of bench warrants and the burden appearing in court can impose on employment and other obligations.
  - ii. **Size:** In FY17 there were 10,606 misdemeanor cases filed at Superior Court.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** People with physical health issues; people with SMIs or SUD; people with intellectual disabilities; single parents with custody of minor children; elders; people not charged with a crime against another person; people who pose no risk of violence to the community.
- b. **Measurement:** Number of waivers granted; number of bench warrants issued in waiver-eligible cases; disposition of charges for which defendants do not personally appear versus charges for which they do.
- c. **Steps:**
  - i. By the end of 2022, D.C. Council should amend D.C. Code, modeled on California's law, to allow defendants to waive their right to appear in misdemeanor court proceedings, with limited exceptions for some hearings on charges of domestic violence or driving under the influence.
- d. **Cost:** The District should see cost savings from fewer arrests and incarcerations due to bench warrants.

## 6. Redesign the summons ticket to focus on the defendant's court date and location, and the consequence for not appearing.

- a. **Outcome:**
  - i. **Type:** Reduce missed court appearances and the subsequent issuance of bench warrants, arrests, and incarcerations.
  - ii. **Size:** In FY18, Failure to Appear was the most serious charge for 3.3% of men and 12.4% of women booked at DOC.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Women.
- b. **Measurement:** Reduce Bail Reform Act Failure to Appear charges by 20%; reduce DOC population on Failure to Appear top charges by 20%.
- c. **Steps:** By the end of 2021, MPD and Superior Court should redesign their summonses based upon the New York City study.
- d. **Cost:** The District should recognize cost savings from the execution of fewer warrants and incarcerations based on Failure to Appear charges.

## 7. Create a text notification system to send automated court date reminders to defendants.

- a. **Outcome:**
  - i. **Type:** Reduce missed court appearances and the subsequent issuance of bench warrants, arrests, and incarcerations.
  - ii. **Size:** In FY18, Failure to Appear was the most serious charge for 3.3% of men and 12.4% of women booked at DOC.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Reduce Bail Reform Act failure to appear charges by 20%; reduce DOC population on Failure to Appear top charges by 20%.
- c. **Steps:**
  - i. Beginning in FY22, Congress should fund an expansion of Superior Court's jury duty text notification system to include hearing text notifications for all defendants.
  - ii. Beginning in 2022, Superior Court should be operating an automated system in addition to paper notifications sent to people under Pretrial Services Agency for the District of Columbia (PSA) supervision.
- d. **Cost:** Superior Court will incur the cost of expanding its jury text notification system. The District should recognize cost savings from the execution of fewer warrants and incarcerations based on Failure to Appear charges.

## 8. Superior Court should organize Safe Surrender days at least twice a year.

- a. **Outcome:**
  - i. **Type:** Reduce incarcerations based on outstanding bench warrants.
  - ii. **Size:** Previous Safe Surrender days have seen more than 1,000 participants.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** "Short stayers;" people not charged with a crime against another person; people who pose no risk of violence to the community.
- b. **Measurement:** 300 people surrender on bench warrants each Safe Surrender Day; Of which, 98% of bench warrants are resolved without detention.
- c. **Steps:** Superior Court should schedule and execute two safe surrender days in 2021 and every year thereafter.
- d. **Cost:** Unknown.

# 6 Disposition and Sentencing

## 1. Repeal all statutory and mandatory minimums.

- a. **Outcome:**
  - i. **Type:** Reduce the length of sentences and incarcerations.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Eliminate all statutory requirements that a minimum sentence be imposed, but allow the court to suspend execution of that sentence while the person completes a period of supervised or unsupervised probation; eliminate all statutory requirements that a minimum sentence be imposed and served, without suspension; eliminate the provision in D.C.'s carjacking statute that requires that a minimum sentence be imposed and served, without suspension, "notwithstanding any other provision of law;" reduce average lengths of sentence for charges that previously had statutory or mandatory minimums.
- c. **Steps:**
  - i. By the end of 2021, D.C.'s Criminal Code Revision Commission (CCRC) should identify all statutory and mandatory minimums and deliver its recommendation for repeal to the D.C. Council.
  - ii. By the end of 2022, D.C. Council should repeal all statutory and mandatory minimums in the D.C. Code.
  - iii. By the end of 2022, D.C.'s Sentencing Commission should update its guidelines for charges that previously had statutory or mandatory minimums.
- d. **Cost:** The District should realize cost savings from shorter terms of incarceration.

## 2. Amend laws regarding drug free zones to shrink the zone to 30 feet and reduce the sentencing enhancement.

- a. **Outcome:**
  - i. **Type:** Reduce the length of sentences and incarcerations.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Reduction in number of drug free zone penalty enhancements sought.
- c. **Steps:** By the end of 2022, D.C. Council should amend D.C. Code § 48-904.07 to shrink the drug free zone and change the sentencing enhancement.
- d. **Cost:** The District should realize cost savings from shorter terms of incarceration.

**3. Amend laws regarding gun free zones to shrink the zone to 30 feet and reduce the sentencing enhancement.**

- a. **Outcome:**
  - i. **Type:** Reduce the length of sentences and incarcerations.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Reduction in number of gun free zone penalty enhancements sought.
- c. **Steps:** By the end of 2022, D.C. Council should amend D.C. Code § 22-4502.01 to shrink the gun free zone and change the sentencing enhancement.
- d. **Cost:** The District should realize cost savings from shorter terms of incarceration.

**4. Pass the Racial Equity Receives Real Change (REACH) Act with an amendment requiring D.C. Council to conduct a racial impact analysis on any future bill impacting arrests, pretrial detention, criminal procedure, sentencing, corrections, and all forms of supervision.**

- a. **Outcome:**
  - i. **Type:** Decrease racially disparate impacts of D.C.'s criminal justice system.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** 86% of people arrested, more than 90% of people jailed, and more than 96% of people imprisoned under D.C. law are Black.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Every bill moved out of committee at D.C. Council that impacts the criminal legal system must have a racial impact analysis.
- c. **Steps:**
  - i. By September 2022, D.C. Council should amend the Racial Equity Achieves Results (REACH) Amendment Act of 2020.
  - ii. D.C. Council should allocate funds beginning in the FY23 budget to contract with an independent research agency or university to conduct the racial impact analyses.
- d. **Cost:** Florida contracted with Florida State University to conduct similar work at the cost of \$197,564 for the first year. This covered all start-up activities including data collection and state population, arrests, and criminal justice processing numbers and trends for ten years prior and projected forecasts for the next five years. These numbers, trends, and forecasts were then employed in the subsequent individual forecasts of the racial/ethnic impact of pending criminal justice bills to be heard by the Florida Senate Criminal Justice Committee.

# 7 Facilities

## 1. Reduce D.C.'s total pre-COVID-19 incarcerated population of approximately 5,800 people by one-third to one-half by FY30.

- a. **Outcome:**
  - i. **Type:** Reduction of incarcerated population.
  - ii. **Size:** Using a pre-COVID-19 average daily population estimate of 5,800 incarcerated people (1,800 residents at DOC and 4,000 residents at BOP) a one-third to one-half reduction in population would require the reduction of 2,000 to 2,900 people per day by FY30.
  - iii. **Racial Impact:** D.C.'s incarcerated population is currently more than 90% Black.
  - iv. **Special Population Impact:** People with physical health issues; people with SMI/SUD; people with intellectual disabilities; people who seek compassionate release due to genetic risks of auto-immune disease, familial leukemia, breast cancer, sickle cell anemia, stroke, and heart disease where symptoms of disease onset is present; young adults; single parents with custody of minor children; elders; "short stayers;" people not charged with a crime against another person; people who pose no risk of violence to the community.
- b. **Measurement:** The total population must be reduced to between 2,900-3,800 total incarcerated people by FY30. This can be achieved by 5% reductions in FY21 and FY22, 8% reductions in FY23, FY24, and FY25, and 3.2% reductions in FY26, FY27, FY28, FY29, and FY30.
- c. **Steps:**
  - i. Between FY21 and FY25, the District should implement all of the Task Force's community investment and population reduction measures, each of which is detailed in this Implementation Plan.
  - ii. The Office of the Deputy Mayor for Public Safety and Justice should publicly release quarterly reports on progress toward decarceration in each DOC and BOP population category.
- d. **Cost:** The District will save an average of \$241 per day, or \$88,105 per year, for each person not incarcerated at DOC. However, by FY30 the District's new non-traditional facilities will house both the reduced DOC population and the reduced BOP population. At FY18 rates, it would cost DOC \$255,504,500 - \$334,799,000 to house 2,900-3,800 people, the projected total District incarcerated population in FY30. This would be a 35-51% increase from DOC's FY18 budget of \$165,248,950.

## 2. Build a new non-traditional facility to house all people who must be detained pretrial for community safety and all people who are sentenced to incarceration, including those sentenced for felony convictions.

- a. **Outcome:**
  - i. **Type:** The District's non-traditional new facility should be used as a last resort to house people only when community alternatives are deemed insufficient, inappropriate, or infeasible. The goal of the new, non-traditional facility is to provide a safe, secure, and healthy environment that supports personal growth through innovative, promising, and evidence-based practices. All programming will be designed to support each resident's safe return to the community.

- ii. **Size:** The new non-traditional facility will hold all people who the District decides must be detained pretrial for community safety and all people who are sentenced to incarceration, including those sentenced for felony convictions who are currently held in BOP facilities. These combined but reduced populations will require a total of 2,900 - 3,800 beds. The facility will be built in two parts: the New Facility - Annex (NFA), a smaller section built first, and opening while the Central Treatment Facility (CTF) still operates, and New Facility - Main (NFM), the larger section, built second, which will open as CTF is closed.
  - iii. **Racial Impact:** More than 90% of D.C.'s incarcerated residents are Black.
  - iv. **Special Population Impact:** People with physical health issues; people with SMIs and/or SUDs; people with intellectual disabilities; young adults; single parents with custody of minor children; elders; "short stayers;" people not charged with a crime against another person; people who pose no risk of violence to the community.
- b. **Measurement:** Better health outcomes for residents; better health outcomes for staff; reduced recidivism rates for residents.
- c. **Steps:**
- i. Stage 1 (six years, FY21-26): Begin community investment and decarceration policy changes to minimize incarcerated population; DOC continues to use CDF and CTF; DOC constructs NFA.
  - ii. Stage 2 (three years, FY27-29): DOC continues to use CTF and begins to use NFA; DOC demolishes CDF; DOC constructs NFM.
  - iii. Stage 3 (one year, FY30): DOC begins use of NFM; DOC demolishes CTF; the District ends the use of BOP for incarcerating people serving felony sentences.
- d. **Cost:** Total new facility construction costs are preliminarily estimated at around \$500 million.

### 3. Relax eligibility requirements for DOC residents to qualify for work release and increase the number of residents transferred to a halfway house or home confinement for participation.

- a. **Outcome:**
- i. **Type:** Increase participation in work release and move people to less restrictive forms of custody.
  - ii. **Size:** Unknown.
  - iii. **Racial Impact:** Unknown.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** 80% of eligible DOC residents should be transferred to a halfway house or home confinement on work release.
- c. **Steps:**
- i. By the end of 2021, DOC should revise its Program Statement 8010.1B governing work release of sentenced misdemeanants to a halfway house.

- ii. By the end of 2021, DOC should contract with the new men's halfway house and the women's halfway house for work release halfway house placement and home confinement supervision.
- d. **Cost:** In FY18, DOC spent an average of \$241 per day per person incarcerated. Fairview, the BOP-contracted halfway house for women, charged about \$100 per day per person. The District is poised to save up to \$140 per day, per person released to a halfway house or home confinement.

**4. As soon as space permits, transfer people serving felony convictions in BOP facilities back to DOC custody, prioritizing those who: are within two years of release; are housed on a dedicated medical unit; have minor children; have passed their initial parole eligibility date; are eligible for Second Look Amendment Act resentencing; are eligible for special education services under the Intellectual Disabilities Education Act; and/or have been diagnosed with a serious mental illness, intellectual or developmental disabilities, or a traumatic brain injury.**

- a. **Outcome:**
  - i. **Type:** Special populations of D.C. Code offenders are transferred back to the DOC.
  - ii. **Size:** DOC will have the capacity to house up to 1,468 total residents at CTF and the New Facility - Annex through FY29.
  - iii. **Racial Impact:** Given that D.C.'s prison population is 96% Black, those most largely impacted by this change will be Black.
  - iv. **Special Population Impact:** People with physical health issues, people with serious mental illness and/or substance use disorders, people with intellectual disabilities, and single parents with custody of minor children.
- b. **Measurement:** A signed intergovernmental agreement between DOC and BOP for transferring these populations; the gradual increase, up to maximum safe capacity, of previous BOP residents transferred to DOC.
- c. **Steps:**
  - i. In FY22, the Mayor, the DOC, and the BOP should begin conversations brokering the transfer of select D.C. Code offenders back to DOC custody.
  - ii. From FY23 - FY29, D.C. Council should add funding to DOC's budget earmarked for the care of D.C. Code offenders transferred back to the District from the BOP.
- d. **Cost:** Previously, the District has refused to accept the rate the BOP pays, which is around \$80/day per person. The DOC's current rate is between \$120-\$130/day per person, a rate which the BOP is not willing to pay. The DOC and BOP would need to agree upon a rate before D.C. Code offenders are brought home.

**5. Prioritize quick and safe approval of the raze application and all other permits required for CORE D.C. to open its new halfway house facility at 3701 Benning Rd NE.**

- a. **Outcome:**
  - i. **Type:** Ensures that there will be a halfway house providing reentry assistance for men in the District.
  - ii. **Size:** Approximately 300 returning citizen men, as well as jobs for D.C. residents.
  - iii. **Racial Impact:** Given that D.C.'s incarcerated population is more than 90% Black and male, residents of the halfway house will likely be predominantly Black.
  - iv. **Special Population Impact:** Young adults, people not charged with a crime against another person, people who pose no risk of violence to the community.
- b. **Measurement:** A new halfway house is operational by the end of April 2022; residents are regularly given the opportunity to complete a satisfaction survey, the results of which are publicly shared; progress in the acquisition of documents; ability for residents to obtain medical treatment, basic hygiene supplies; increased number of residents able to achieve stable health case, employment, and community/family connections; successful execution of prosocial skills and community navigation trainings at the halfway house.
- c. **Steps:**
  - i. In 2021 all raze and building permits should be approved as expeditiously as safely possible.
  - ii. CORE D.C. should open the new halfway house by the end of April 2022.
  - iii. BOP and DOC should immediately transfer as many residents to the facility as is safe.
  - iv. CIC should monitor the halfway house conditions and delivery of effective and compassionate case management and other services and publish a yearly report.
  - v. CORE D.C. should publish annual reports that include resident satisfaction survey results and data on the measurements outlined in 5b such as the number of residents able to achieve stable employment.
- d. **Cost:** There is no cost to the District associated with this recommendation.

**6. CORE D.C. should negotiate Memorandums of Understanding (MOU) with community-based organizations, supporting access to resources and supports for its halfway house residents while in the new facility and on home confinement.**

- a. **Outcome:**
  - i. **Type:** CORE D.C. will have the robust support of community-based organizations, and will create ample opportunities for community-based organizations' involvement in providing services at the facility and supporting the residents within the facility and on home confinement.

- ii. **Size:** Upwards of 300 individuals, including those housed at the new facility, on home confinement, facility staff, community-based organizations and their staff, and the loved ones of those returning home.
  - iii. **Racial Impact:** Given that D.C.'s incarcerated population is more than 90% Black and male, residents of the halfway house will likely be predominantly Black.
  - iv. **Special Population Impact:** Young adults, people not charged with a crime against another person, people who pose no risk of violence to the community.
- b. **Measurement:** Number of MOUs CORE D.C. negotiates and signs with community-based organizations; community-based organization involvement in and facilitation of programs and services within the halfway house; number of halfway house residents served by community-based organizations that have MOUs with CORE D.C.; satisfaction of community-based organizations and CORE D.C. with their mutual relationship; satisfaction of residents with community-based services.
  - c. **Steps:** CORE D.C. should negotiate MOUs with community-based organizations before the end of March 2021 and update them as necessary.
  - d. **Cost:** There is no cost to the District associated with this recommendation, though community-based organizations may need more funding to provide services to/for halfway house residents.

## 7. CORE D.C. should negotiate a Community Benefits Agreement (CBA) with ANC 7F and other organizations based in the neighborhood surrounding a new halfway house to support cooperation with nearby residents and address community safety concerns.

- a. **Outcome:**
  - i. **Type:** CORE D.C. and the new halfway house become a part of the ANC 7F community, and blend into the current buildings and infrastructure in a way that fosters community connections and promotes safety.
  - ii. **Size:** Approximately 14,000 residents in ANC 7F, plus about 85 CORE D.C. staff and 300 halfway house residents.
  - iii. **Racial Impact:** Given that D.C.'s incarcerated population is more than 90% Black and male, residents of the halfway house will likely be predominantly Black.
  - iv. **Special Population Impact:** Young adults, people not charged with a crime against another person, people who pose no risk of violence to the community.
- b. **Measurement:** The successful completion of a CBA; ability for CORE D.C. and the new halfway house to become a meaningful member of the ANC 7F community.
- c. **Steps:** CORE D.C. should negotiate the CBAs with ANC 7F and other neighborhood organizations before the end of March 2021 and update them as necessary.
- d. **Cost:** There is no cost to the District associated with this recommendation.

## 8 Release from Incarceration

1. **Amend D.C.'s Second Look Amendment Act to allow any person who has served at least ten (10) years in prison to petition for resentencing and require D.C. Superior Court to review sentences of any person who has served at least 20 years.**
  - a. **Outcome:**
    - i. **Type:** Release people who have served long sentences and no longer pose any threat to the community.
    - ii. **Size:** An estimated 346 people would be immediately eligible for consideration for resentencing under the current statutory requirements of having served at least 15 years and committed the crime before the age of 25. If age restrictions were lifted entirely and the years served dropped to ten, this number would be much larger.
    - iii. **Racial Impact:** Black people make up 97% of all those serving long sentences under the D.C. Code.
    - iv. **Special Population Impact:** People with physical health issues; young adults.
  - b. **Measurement:** Number of "Second Look" petitions submitted each year and details about those petitions, including grants and denials, reasons for denials, and whether the petitioner had an attorney.
  - c. **Steps:** By the end of 2022, D.C. Council should amend D.C. Code § 23-403.03 to eliminate the age requirement and drop the time-served requirement to ten years, adding required review of the sentence of any person who has served at least 20 years.
  - d. **Cost:** The District will see cost savings of \$88,105 per year for every year a person is released early and would otherwise have been in DOC custody.
2. **Make all reasonable efforts to provide accurate and timely notice of Superior Court hearings and release decisions to victims under D.C.'s Crime Victims' Bill of Rights.**
  - a. **Outcome:**
    - i. **Type:** Increase the number of victims who have the opportunity to be heard prior to a release decision being made.
    - ii. **Size:** Unknown.
    - iii. **Racial Impact:** Unknown.
    - iv. **Special Population Impact:** Unknown.
  - b. **Measurement:** Superior Court should track the number of cases in which a victim is identified; when each victim notification is made; and whether a victim is present or heard on the record at important hearings.
  - c. **Steps:**
    - i. USAO-DC should make earlier and more consistent outreach efforts to victims, pursuant to D.C. Code §23-1901.
    - ii. Once a baseline rate of victim participation is established, USAO-DC should work with victims' rights organizations to develop a targeted strategy to increase timeliness of notice and opportunity.
  - d. **Cost:** No known costs.

### 3. Permanently codify COVID-19 responsive changes to D.C.'s misdemeanor and felony Good Time law and policy.

- a. **Outcome:**
  - i. **Type:** Incentivize people to maintain good disciplinary records while incarcerated by providing the opportunity for early release.
  - ii. **Size:** All people serving misdemeanor sentences, some people serving felony sentences who were previously excluded from earning Good Time credits.
  - iii. **Racial Impact:** D.C.'s sentenced population is more than 96% Black.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** An increase in the average number of days of Good Time credit a person serving a misdemeanor or felony sentence earns.
- c. **Steps:**
  - i. By the end of 2022, D.C. Council should permanently codify the emergency change to D.C. Code § 24-221.01c, which allows people incarcerated for a misdemeanor to receive more than ten Good Time credits per month during the COVID-19 crisis.
  - ii. By the end of 2021, DOC should make permanent its policy changes to Good Time credits for people serving misdemeanor convictions, including that once Good Time credits are awarded, they are vested and cannot be forfeited and that residents are eligible to receive up to 20 Good Time credits per calendar month.
  - iii. By the end of 2022, D.C. Council should permanently codify the emergency changes to Good Time credits for people serving felony sentences.
- d. **Cost:** The District will see cost savings of \$241 per day a person is released early and would otherwise have been in DOC custody.

### 4. Amend D.C.'s Educational Time law so that all people are eligible for Educational Time credits, regardless of their date of sentencing.

- a. **Outcome:**
  - i. **Type:** Incentivize people to successfully complete programming while incarcerated by providing the opportunity for early release.
  - ii. **Size:** All people who were sentenced before 1987 or after 2000, who are serving sentences at BOP or DOC facilities where programming options are available, but do not currently qualify for Educational Credits.
  - iii. **Racial Impact:** D.C.'s sentenced population is more than 96% Black.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** An increase in the days of Educational Time credit a person serving a misdemeanor or felony sentence earns, on average.
- c. **Steps:**
  - i. By the end of 2022, D.C. Council should amend D.C. Code § 24-221.01 so people are eligible for Educational Time credit, regardless of the date of sentencing.
  - ii. By the end of 2022, D.C. Council should amend D.C. Code § 24-221.01 to increase the number of Educational Time credits available.

- iii. By the end of 2022, D.C. Council should repeal or amend D.C. Code § 24-221.01b, which limits Educational Time and Good Time credits so that they cannot reduce a minimum sentence of anyone convicted of a crime of violence as defined by D.C. Code § 22-4501, by more than 15%.
  - iv. Beginning in 2023, the D.C. Corrections Information Council (CIC) should monitor the educational programs in all facilities in which people serving sentences under the D.C. Code are held and publish an annual report on the programs' availability and quality.
- d. **Cost:** The District will see cost savings of \$241 per day a person is released early and would otherwise have been in DOC custody.

## 5. Permanently codify expansions to eligibility requirements under D.C.'s Compassionate Release statute.

- a. **Outcome:**
  - i. **Type:** Release people who do not pose a danger to the community and have a compelling reason supporting release.
  - ii. **Size:** At least 130 people meet eligibility criteria under the current emergency law, and that number would grow over 340 if the age requirement was lowered to 55 and the years served lowered to 20.
  - iii. **Racial Impact:** D.C.'s sentenced population is more than 96% Black.
  - iv. **Special Population Impact:** People with physical health issues; people with serious mental illnesses and/or substance use disorders; people with intellectual disabilities; elders; people who pose no risk to the community.
- b. **Measurement:** Number of compassionate release petitions submitted each year; those granted and denied; reasons for denials; and whether the person had an attorney.
- c. **Steps:** By the end of 2022, D.C. Council should amend D.C. Code § 23-403.04 to permanently adopt a revised version of the provisions created by D.C. Act 23-328, the Coronavirus Support Congressional Review Emergency Amendment Act of 2020, and expanding eligibility.
- d. **Cost:** The District will see cost savings of \$88,105 per year for every year a person is released early and would otherwise have been in DOC custody.

## 6. D.C.'s Clemency Board should begin accepting and processing applications, and making recommendations for commutations and pardons to the President of the United States.

- a. **Outcome:**
  - i. **Type:** Early release from incarceration and the elimination of collateral consequences of a criminal record.
  - ii. **Size:** The estimated number of applicants is unknown. The Obama administration had a 8.7% grant rate for pardon applications and a 6.9% commutation grant rate.
  - iii. **Racial Impact:** More than 80% of people with criminal records and more than 90% of people incarcerated under D.C. law are Black.

- iv. **Special Population Impact:** People with physical health issues; people with serious mental illnesses and/or substance use disorders; people with intellectual disabilities; elders; people who pose no risk to the community.
- b. **Measurement:** Number of applications the Board recommends and denies, by top charge; the number of applications recommended to the President of the United States, that are granted and denied, by top charge; the percentage of applicants represented by counsel.
- c. **Steps:**
  - i. Immediately, the Clemency Board should publish public notice of rulemaking and finalize the D.C. clemency application.
  - ii. By February 2021, the Clemency Board should publish and publicize the D.C. clemency application; schedule recurring meetings for the review of clemency applications; and develop a meeting plan.
  - iii. Between February and June 2021, the Clemency Board should begin receiving applications for clemency; review each complete application; and vote, within six months, on whether to recommend the applicant for clemency.
  - iv. By the end of July 2021, the Clemency Board should send the first set of recommendation for clemency to the President of the United States.
- d. **Cost:** The District will see cost savings of \$88,105 per year for every year a person is released early and would otherwise have been in DOC custody.

# 9 Probation, Parole, and Supervised Release

## 1. Set a maximum probation period of one year for a misdemeanor offense and two years for a felony offense.

- a. **Outcome:**
  - i. **Type:** Limit the duration of supervision and therefore limit opportunities for violation and revocation.
  - ii. **Size:** The Court Services and Offender Supervision Agency (CSOSA) supervised 14,830 people in FY19, with an average daily population of approximately 9,500. About two-thirds are on probation, or are being supervised under a civil protection order or a deferred sentencing agreement.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** All probation misdemeanor terms end after one year; all felony probation terms end after two years; decrease in people found in violation of the conditions of their probation.
- c. **Steps:** By the end of 2022, D.C. Council should amend D.C. Code §24-300 to limit terms of probation supervision.
- d. **Cost:** CSOSA will see cost savings from lower client populations, and the District should also see cost savings at DOC because of fewer incarcerations due to revocations of probation.

## 2. Set a maximum supervised release period of two years.

- a. **Outcome:**
  - i. **Type:** Limit the duration of supervision and, thereafter, limit opportunities for violation and revocation.
  - ii. **Size:** CSOSA supervised 14,830 people in FY19, with an average daily population of approximately 9,500. About one-third were on parole or supervised release.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** All supervised release terms should end after two years; decrease in people found in violation of the conditions of their supervised release.
- c. **Steps:** By the end of 2022, D.C. Council should amend D.C. Code §24-402.01 to limit terms of supervised release.
- d. **Cost:** CSOSA will see cost savings from lower client populations, and the District should also see cost savings at DOC because of fewer incarcerations due to revocations of probation.

**3. Establish earned discharge credits, which decrease any term of probation, parole, or supervised release by 30 days for each month a probationer is substantially compliant with conditions.**

- a. **Outcome:**
  - i. **Type:** Limit the duration of supervision and therefore limit opportunities for violation and revocation.
  - ii. **Size:** CSOSA supervised 14,830 people in FY19, with an average daily population of approximately 9,500.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Decrease in people found in violation of the conditions of their supervised release; decrease in average length of probation, parole, or supervised release.
- c. **Steps:** By the end of 2022, D.C. Council should amend D.C. Code §24-300 and D.C. Code §24-402.01 to establish earned discharge credits.
- d. **Cost:** CSOSA will see cost savings from lower client populations, and the District should also see cost savings at DOC because of fewer incarcerations due to revocations of probation.

**4. CSOSA should assess its supervision protocols and institute changes to the mode and frequency of reporting conditions based upon successful alternative supervision methods.**

- a. **Outcome:**
  - i. **Type:** Reduce the burden of supervision on people serving terms of probation, parole, or supervised release, and to reduce the risk of violation and revocation.
  - ii. **Size:** CSOSA supervised 14,830 people in FY19, with an average daily population of approximately 9,500.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** People who are not charged with a crime against another person.
- b. **Measurement:** Reduction in the average number of conditions of release required; greater use of virtual rather than in-person check-ins; reduction in average frequency of required reporting.
- c. **Steps:**
  - i. CSOSA should complete its assessment of supervision protocols, paying particular attention to lessons learned from the COVID-19 public health emergency, by the end of FY22.
  - ii. CSOSA should share the assessment process, results, and any changes made to supervision protocols with the public by the end of FY22.
- d. **Cost:** CSOSA will have to pay for the study, but then should see cost savings from reduced frequency and intensity of contact with supervisees.

## 5. CSOSA should use a needs-based model, connecting supervisees to required resources to prevent alleged violations.

- a. **Outcome:**
  - i. **Type:** Better fill the needs of people serving terms of probation, parole, or supervised release, and to reduce the risk of violation and revocation.
  - ii. **Size:** CSOSA supervised 14,830 people in FY19, with an average daily population of approximately 9,500.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** People with physical health issues; people with mental illnesses and/or substance use disorders; people with intellectual disabilities.
- b. **Measurement:** Increased rates of employment among supervisees; increased rates of income from benefits among unemployable supervisees; increased rates of stable housing among supervisees; increased rates of engagement with behavioral healthcare among supervisees; reduced alleged violations; reduced revocations.
- c. **Steps:** By the end of FY22, CSOSA should adjust policies, training, and practice, to use evidence based practices to connect supervisees to the resources they need to successfully complete supervision.
- d. **Cost:** Unknown.

## 6. Raise the evidentiary standard at parole and supervised release revocation hearings on alleged violations of release to “clear and convincing.”

- a. **Outcome:**
  - i. **Type:** Provide greater due process for people facing revocation of release.
  - ii. **Size:** In FY19, CSOSA had 1,173 people on parole: their revocation to incarceration rate was 5.5%, 12.8% were arrested in D.C. on a new charge, and of the parole sentences completed that year, 54% were successful. 3,236 people were on supervised release: their revocation to incarceration rate was 16.5%, 20.7% were arrested in D.C. on a new charge, and of the supervised release sentences completed that year, 39% were successful.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Fewer revocations of parole and supervised release.
- c. **Steps:**
  - i. By June 2021, the U.S. Parole Commission (USPC) should amend 28 CFR 2.218 to raise the evidentiary standard at revocation hearings to “clear and convincing.”
  - ii. June 2022, D.C. Council should pass legislation governing the new paroling authority, including a “clear and convincing” evidentiary standard at revocation hearings.
- d. **Cost:** The District should see cost savings at DOC because of fewer incarcerations due to revocations of probation.

## 7. Prohibit revocations of parole and supervised release based solely upon new criminal charges that have not reached a disposition of guilty.

- a. **Outcome:**
  - i. **Type:** Provide greater due process for people facing revocation of release.
  - ii. **Size:** In FY19, CSOSA had 1,173 people on parole: their revocation to incarceration rate was 5.5%, 12.8% were arrested in D.C. on a new charge, and of the parole sentences completed that year, 54% were successful. 3,236 people were on supervised release: their revocation to incarceration rate was 16.5%, 20.7% were arrested in D.C. on a new charge, and of the supervised release sentences completed that year, 39% were successful.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Fewer revocations of parole and supervised release.
- c. **Steps:**
  - i. By June 2021, USPC should amend 28 CFR 2.218 to prohibit revocations based solely upon new criminal charges that have not reached a disposition of guilty.
  - ii. By June 2022, D.C. Council should pass legislation governing the new paroling authority, including a prohibition on revocations based solely upon new criminal charges that have not reached a disposition of guilty. However, the law should not prohibit plea deals for new criminal charges that include revocation of parole or supervised release.
- d. **Cost:** The District should see cost savings at DOC because of fewer incarcerations due to revocations of probation.

## 8. Prohibit revocations of release in response to the first finding of a technical violation, unless the releasee is in loss of contact status or has allegedly violated sex offense related conditions or a stay away/protective order.

- a. **Outcome:**
  - i. **Type:** Provide greater due process for people facing revocation of release.
  - ii. **Size:** In FY19, CSOSA had 1,173 people on parole: their revocation to incarceration rate was 5.5%, 12.8% were arrested in D.C. on a new charge, and of the parole sentences completed that year, 54% were successful. 3,236 people were on supervised release: their revocation to incarceration rate was 16.5%, 20.7% were arrested in D.C. on a new charge, and of the supervised release sentences completed that year, 39% were successful.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** People who are not charged with a crime against another person.
- b. **Measurement:** Fewer revocations of parole and supervised release.

c. **Steps:**

- i. By June 2021, USPC should amend 28 CFR 2.218 to prohibit revocations of release in response to the first finding of a technical violation, unless the releasee is in loss of contact status or has allegedly violated sex offense related conditions or a stay away/protective order.
  - ii. By June 2022, D.C. Council should pass legislation governing the new paroling authority, including a prohibition on revocations of release in response to the first finding of a technical violation, unless the releasee is in loss of contact status or has allegedly violated sex offense related conditions or a stay away/protective order due to revocations of probation. Stay away/protective orders that only attach to a business or geographic area and not a person should not be excluded. The law should also require the supervising agency to conduct proactive outreach to the supervisee and collateral contacts before designating a supervisee as a loss of contact.
- d. **Cost:** The District should see cost savings at DOC because of fewer incarcerations due to revocations of probation.

**9. Use non-custodial summonses rather than arrest warrants for all alleged technical violations, except loss of contact, sex offense related conditions, and stay away/protective orders.**

a. **Outcome:**

- i. **Type:** Reduce time incarcerated before a violation of release is found and parole or supervision is revoked.
  - ii. **Size:** 16% of DOC's average daily population in 2018 was made up of people whose top charge was a violation of parole or supervised release.
  - iii. **Racial Impact:** 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special Population Impact:** People who are not charged with a crime against another person; people who pose no risk of violence to the community.
- b. **Measurement:** 80% reduction in number of people facing alleged violations who are incarcerated before a finding is made.

c. **Steps:**

- i. USPC should immediately begin using its power under 28 CFR § 2.212 to issue summonses rather than arrest warrants.
  - ii. By June 2022, D.C. Council should pass legislation governing the new paroling authority, including a preference for using summonses over arrest warrants. Stay away/protective orders that only attach to a business or geographic area and not a person should not be excluded.
- d. **Cost:** The District should see cost savings at DOC because of fewer incarcerations due to revocations of probation.

**10. Building on a robust stakeholder and community engagement process, the District should establish a mechanism for parole grants and parole and supervised release revocations that will process cases beginning not later than November 1, 2022. That mechanism must: a) reduce incarceration consistent with public safety, b) strengthen due process and other protections for people seeking a grant or facing revocation, and c) ensure local control, transparency, and accountability over process and decisions.**

- a. **Outcome:**
  - i. **Type:** D.C. will process parole grants and revocations beginning November 1, 2022.
  - ii. **Size:** 661 individuals sentenced under D.C. Code are still incarcerated under indeterminate sentences and are or will be eligible for parole. Another 4,409 individuals were on parole or supervised release in FY19.
  - iii. **Racial impact:** More than 96% of D.C. Code offenders housed at BOP facilities are Black, and 89% of CSOSA's supervisees were Black in FY19.
  - iv. **Special population impact:** Elders; people who pose no risk of violence to the community.
- b. **Measurement:** Increased number of parole grant hearings annually; increased parole grant rate; decreased number of revocation hearings annually; decreased revocation rate; decreased new arrest rate for people on parole and supervised release; decreased new conviction rate for people on parole and supervised release.
- c. **Steps:**
  - i. In 2021, Congress must amend Section 11231(a) of the Revitalization Act, which requires the USPC to "assume the jurisdiction and authority" of the D.C. Board of Parole.
  - ii. From January to May 2021, D.C. Council should lead a robust community engagement effort to determine whether the paroling authority should be held by a new D.C. Board of Parole, the Superior Court, or a combination of the two.
  - iii. By the end of September 2021, D.C. Council should pass legislation establishing the new paroling authority.
  - iv. In FY22, D.C. Council should budget for the staff and other resources necessary to develop policies and processes to make the new paroling authority operational by November 1, 2022.
  - v. In FY23, if the new paroling authority does not sit with Superior Court, D.C. Council should allocate funding for the new paroling authority's operations.
- d. **Cost:** If a new paroling authority is established as a D.C. agency, cost estimates are \$4 million per year. No cost estimates are available if Superior Court holds the paroling authority.

## 1. Pass omnibus criminal record sealing and expungement legislation.

- a. **Outcome:**
  - i. **Type:** Reduce collateral consequences for D.C.'s justice-involved residents.
  - ii. **Size:** While the exact number of returning citizens living in the District is unknown, one in 22 adults is under correctional supervision on any given day and one in seven adults has a criminal record.
  - iii. **Racial Impact:** More than 96% of D.C. Code offenders housed at BOP facilities and 90% of people in custody at the DOC are Black, meaning that the overwhelming majority of returning citizens are Black.
  - iv. **Special Population Impact:** People not charged with a crime against another person, people who pose no risk of violence to the community, "short stayers."
- b. **Measurement:** Omnibus criminal record sealing and expungement legislation are codified into law; increased number of records sealed annually; increased number of records expunged annually; increased timeliness in approval or denial of record sealing and expungement requests.
- c. **Steps:** D.C. Council should pass omnibus criminal record sealing and expungement legislation by March 2021.
- d. **Cost:** Unknown.

## 2. Expand entrepreneurship programming for returning citizens.

- a. **Outcome:**
  - i. **Type:** Empower returning citizens to start and run their own businesses.
  - ii. **Size:** While the exact number of returning citizens living in the District is unknown, one in 22 adults is under correctional supervision on any given day and one in seven adults have a criminal record.
  - iii. **Racial Impact:** Black entrepreneurs face greater obstacles to accessing capital than white entrepreneurs which further exacerbates the wealth gap. The average business value (measured in annual revenue) of Black-owned businesses is \$125,371, just one-seventh of the average value of white-owned businesses.
  - iv. **Special Population Impact:** Unknown.
- b. **Measurement:** Number of returning citizen participants in entrepreneurship programs; amount of funding granted to returning citizen businesses; amount of funding loaned to returning citizen businesses; number of community-based organizations facilitating entrepreneurship programs; number of new returning citizen-owned businesses.
- c. **Steps:**
  - i. D.C. Council should increase funding to the D.C. Department of Small and Local Business Development's Aspire Program by \$100,000 in FY22, with gradual increases each subsequent year through FY26.
  - ii. Aspire should work with Georgetown University's Pivot Program and other entrepreneurial programs for returning citizens to develop and share best practices.

### 3. Expand peer support and mentoring opportunities for returning citizens at community-based organizations.

- a. **Outcome:**
  - i. **Type:** Improve reentry outcomes and sense of community for D.C.'s returning citizens, while also improving public safety.
  - ii. **Size:** While the exact number of returning citizens living in the District is unknown, one in 22 adults is under correctional supervision on any given day and one in seven adults has a criminal record.
  - iii. **Racial Impact:** More than 96% of D.C. Code offenders housed at BOP facilities and 90% of people in custody at the DOC are Black, meaning that the overwhelming majority of returning citizens are Black.
  - iv. **Special Population Impact:** Young adults; elders.
- b. **Measurement:** Number of paid peer support and mentoring opportunities for returning citizens; number of peers/mentors hired; number of peers/mentees served; improved employment, housing, health, and justice outcomes for mentors and mentees.
- c. **Steps:** Beginning in FY22, D.C. Council should allocate money to OVSJG to fund peer positions at community-based organizations and should also fund additional peer positions at agencies including MORCA, DOC, ONSE, and OAG.
- d. **Cost:** One full-time peer role with salary, benefits, and training costs about \$75,000.

### 4. Increase the D.C. Office of Victim Services and Justice Grants (OVSJG) justice grants funding to support community-based reentry services.

- a. **Outcome:**
  - i. **Type:** Improve reentry outcomes for D.C.'s justice-involved residents.
  - ii. **Size:** In FY18 and FY19, OVSJG reentry grantees served 658 returning citizens.
  - iii. **Racial Impact:** 95% of OVSJG reentry grantee clients are Black.
  - iv. **Special Population Impact:** People with physical health issues; people with mental illnesses and/or substance use disorders; people with intellectual disabilities; young adults; single parents with custody of minor children; elders; "short stayers," women; LGBTQ+.
- b. **Measurement:** Increased funding allocated to reentry justice grants; increase in community-based reentry service providers funded by OVSJG; increase in returning citizens served; increase in client needs filled; decrease in re-arrest and re-incarceration rates.
- c. **Steps:**
  - i. From FY22-FY29, D.C. Council should allocate at least an additional \$200,000 in reentry justice grants funding to OVSJG each year until the grant funding reaches \$6 million.
  - ii. Beginning in FY22, OVSJG should alternate between increasing the number of community-based organizations that receive justice grants reentry funding and also increasing the maximum amount of awards.

- iii. OVSJG should continue Effort to Outcomes reports on reentry grantee services and share the findings publicly.
- d. **Cost:** An additional \$15 million to OVSJG over 8 years.

## 5. Expand the use of the housing-first model among reentry housing providers.

- a. **Outcome:**
  - i. **Type:** Increase access to housing for returning citizens, improved reentry outcomes, and improved connection to wrap-around services for those with substance use disorders (SUD) or serious mental illnesses (SMI).
  - ii. **Size:** Between 2015 and 2019, almost 48% of people in DOC custody had a documented SUD while 32% had a documented SMI.
  - iii. **Racial Impact:** More than 96% of D.C. Code offenders housed at BOP facilities and 90% of people in custody at the DOC are Black.
  - iv. **Special Population Impact:** People with SMI and/or SUD; young adults; single parents with custody of minor children.
- b. **Measurement:** Increased funding allocated to reentry housing providers, increased number of reentry housing providers who use the housing-first model; increased number of returning citizens in housing-first model housing; increased number of returning citizens who successfully transition to long-term housing; increased wrap-around services provided with housing; number of SMI- and SUD- trained staff in each housing program; passing biannual safety inspections; consistent creation of a resident complaint system; consistent and timely responses to resident complaints.
- c. **Steps:**
  - i. By the end of 2022, OVSJG and housing pilot grantees should publish data and reflections on successes and challenges of the housing-first returning citizens pilot.
  - ii. Housing-first providers should educate reentry and other service providers on the housing-first model and partner to provide wrap-around services for residents.
  - iii. OVSJG, the D.C. Department of Behavioral Health (DBH), and the D.C. Department of Human Services (DHS) should continue to housing-first programs for returning citizens with at least \$2 million per year, as started in FY21.
- d. **Cost:** Housing-first models serving returning citizens in D.C. cost approximately \$36,000 per year, per person.

## 6. Ensure immediate connections to high-quality behavioral health services upon release from incarceration.

- a. **Outcome:**
  - i. **Type:** Improved reentry outcomes and connection to services for D.C. returning citizens with SUDs or SMIs.
  - ii. **Size:** In FY17, CSOSA reported that about one-third of supervisees, or 5,500 individuals, had a documented mental health need. About 40% of people incarcerated at DOC have a recorded SUD.

- iii. **Racial Impact:** More than 96% of D.C. Code offenders housed at BOP facilities and 90% of people in custody at the DOC are Black.
- iv. **Special Population Impact:** People with SMIs and/or SUDs.
- b. **Measurement:** Increase in high-quality behavioral health service providers; increase in behavioral health service provider staff trained in best practices for reentry; increase in returning citizens receiving behavioral health services; better health outcomes for returning citizens who receive behavioral health services.
- c. **Steps:**
  - i. In FY22, D.C. Council should increase recurring funding for DBH's adult behavioral health services.
  - ii. In 2021, DBH should begin requiring service providers to record and share data on their consumers' justice-involvement.
  - iii. In 2021, DBH and D.C. Department of Health Care Finance should provide DOC's medical provider limited access to behavioral health records and claims databases, through an MOU, for the purposes of accessing the behavioral health histories of patients in DOC custody who provide informed consent.
- d. **Cost:** Additional funding for DBH to administer behavioral health services, costs associated with training on best practices for DBH behavioral health professionals, and funding for community-based organizations providing behavioral health services.

# Appendix 1: Glossary of Acronyms

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<b>ADP</b>	Average Daily Population
<b>ANC</b>	Advisory Neighborhood Commission
<b>ASA</b>	Amended Sentencing Agreement
<b>BOP</b>	Federal Bureau of Prisons
<b>CCE</b>	Council for Court Excellence
<b>CCRC</b>	D.C. Criminal Code Reform Commission
<b>CDF</b>	Central Detention Facility or “D.C. Jail”
<b>CIC</b>	Corrections Information Council
<b>CIO</b>	Crisis Intervention Officer
<b>CJA</b>	Criminal Justice Act
<b>CRT</b>	Community Response Team
<b>CSOSA</b>	Court Services and Offender Supervision Agency
<b>CTF</b>	Correction Treatment Facility
<b>DBH</b>	D.C. Department of Behavioral Health
<b>DCHA</b>	D.C. Housing Authority
<b>DCPS</b>	D.C. Public Schools
<b>DDOT</b>	D.C. Department of Transportation
<b>DHS</b>	D.C. Department of Human Services
<b>DOC</b>	D.C. Department of Corrections
<b>DPA</b>	Deferred Prosecution Agreement
<b>DSA</b>	Deferred Sentencing Agreement
<b>DYRS</b>	D.C. Department of Youth Rehabilitation Services
<b>EOM</b>	Executive Office of the Mayor
<b>FEMS</b>	Fire and Emergency Medical Services
<b>IRAA</b>	Incarceration Reduction Amendment Act
<b>LGBTQ</b>	Lesbian, Gay, Bisexual, Transgender, Queer
<b>LOS</b>	Length of Stay
<b>MPD</b>	Metropolitan Police Department
<b>NEAR Act</b>	Neighborhood Engagement Achieves Results

<b>NFA</b>	New Facility-Annex
<b>NFM</b>	New Facility-Main
<b>OAG</b>	D.C. Office of the Attorney General
<b>OHR</b>	D.C. Office of Human Rights
<b>ONSE</b>	D.C. Office of Neighborhood Safety and Engagement”
<b>OUC</b>	Office of Unified Communications
<b>OVSJG</b>	D.C. Office of Victim Services and Justice Grants
<b>PAD</b>	Pre-Arrest Diversion
<b>PDS</b>	D.C. Public Defender Service
<b>PSA</b>	Pretrial Services Agency for the District of Columbia
<b>SMI</b>	Serious Mental Illness
<b>SPO</b>	Special Police Officer
<b>SUD</b>	Substance Use Disorder
<b>USAO-DC</b>	U.S. Attorney’s Office – District of Columbia
<b>USPC</b>	U.S. Parole Commission

# Appendix 2: Task Force Committee Membership

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## COMMITTEE ON COMMUNITY INVESTMENTS & ALTERNATIVES TO THE CRIMINAL JUSTICE SYSTEM

Commissioner Tyrell Holcomb, *Chair*

Brian Campbell

Caroline Cragin

Doni Crawford

Samantha Paige Davis

Michelle Garcia

Anthony Hall

Dr. Erin Hall

Hon. Peter Krauthamer

Christy Respress

Marc Schindler

Tammy Seltzer

Courtney Stewart

Chad Tillbrook

Paula Thompson

## COMMITTEE ON DECARCERATION

Patrice Sulton, *Chair*

Leslie Cooper

Monica Hopkins

Alise Marshall

Kelly O'Meara

Jonathan Smith

Penelope Spain

Tamika Spellman

Bridgette Stumpf

Elana Suttentberg

## COMMITTEE ON LOCAL CONTROL

Hon. Karl Racine, *Co-Chair*

Jon Bouker, *Co-Chair*

Shelley Broderick

Carol Elder Bruce

Rashida Edmondson

Philip Fornaci

Emily Gunston

Tyrone Hall

Cedric Hendricks

Isa Mirza

Olinda Moyd

John Stanard

Emily Voshell

## COMMITTEE ON FACILITIES & SERVICES

Hon. Charles Allen, *Co-Chair*

Linda Harlee Harper, *Co-Chair*

Quincy Booth

Avis Buchanan

Manonne Butler

Lamont Carey

Sarah Comeau

Dr. David Freeman

Rev. Graylan Hagler

Aliyah Graves-Brown

Bruce Reid

Chiquisha Robinson

Blaine Stum

# Appendix 3:

## Links to Full Supplementary Publications

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### **Task Force Reports**

Jails & Justice: A Framework for Change, Phase I Findings & Implementation Plan of the District Task Force on Jails & Justice

<http://www.courtexcellence.org/uploads/publications/FrameworkForChange.pdf>

Jails & Justice: Our Transformation Starts Today, Phase II Findings & Implementation Plan of the District Task Force on Jails & Justice

<http://www.courtexcellence.org/uploads/publications/TransformationStartsToday.pdf>

### **Committee Reports**

- Committee on Community Investment & Alternatives to the Criminal Justice System:  
[http://www.courtexcellence.org/uploads/publications/Community\\_Investments\\_Committee\\_Report\\_to\\_the\\_Task\\_Force.pdf](http://www.courtexcellence.org/uploads/publications/Community_Investments_Committee_Report_to_the_Task_Force.pdf)
- Committee on Decarceration:  
[http://www.courtexcellence.org/uploads/publications/Decarceration\\_Committee\\_Report\\_to\\_the\\_Task\\_Force.pdf](http://www.courtexcellence.org/uploads/publications/Decarceration_Committee_Report_to_the_Task_Force.pdf)
- Committee on Local Control:  
[http://www.courtexcellence.org/uploads/publications/Local\\_Control\\_Committee\\_Report\\_to\\_the\\_Task\\_Force.pdf](http://www.courtexcellence.org/uploads/publications/Local_Control_Committee_Report_to_the_Task_Force.pdf)
- Committee on Facilities & Services:  
[http://www.courtexcellence.org/uploads/publications/Facilities\\_and\\_Services\\_Committee\\_Report\\_to\\_the\\_Task\\_Force.pdf](http://www.courtexcellence.org/uploads/publications/Facilities_and_Services_Committee_Report_to_the_Task_Force.pdf)

### **Survey of D.C. Residents Incarcerated at the BOP by The National Reentry Network for Returning Citizens:**

[http://www.courtexcellence.org/uploads/publications/Analysis\\_of\\_Survey\\_of\\_DC\\_Residents\\_in\\_BOP.pdf](http://www.courtexcellence.org/uploads/publications/Analysis_of_Survey_of_DC_Residents_in_BOP.pdf)

### **Summary of Phase I Feedback by The National Reentry Network for Returning Citizens:**

[http://www.courtexcellence.org/uploads/publications/Phase\\_I\\_Report\\_Feedback.pdf](http://www.courtexcellence.org/uploads/publications/Phase_I_Report_Feedback.pdf)

### **September 2020 Community Engagement Analysis by The National Reentry Network for Returning Citizens:**

[http://www.courtexcellence.org/uploads/publications/Phase\\_II\\_Community\\_Meeting\\_Feedback.pdf](http://www.courtexcellence.org/uploads/publications/Phase_II_Community_Meeting_Feedback.pdf)

### **Bureau of Prisons Population Data Analysis by the Council for Court Excellence:**

[http://www.courtexcellence.org/uploads/publications/Analysis\\_of\\_BOP\\_Data\\_Snapshot\\_from\\_7420.pdf](http://www.courtexcellence.org/uploads/publications/Analysis_of_BOP_Data_Snapshot_from_7420.pdf)

### **Projection of D.C.'s Future Incarcerated Population by the Council for Court Excellence:**

[http://www.courtexcellence.org/uploads/publications/Future\\_DC\\_Incarcerated\\_Population\\_Projection.pdf](http://www.courtexcellence.org/uploads/publications/Future_DC_Incarcerated_Population_Projection.pdf)



## District Task Force on Jails & Justice

**Web:** [www.courtexcellence.org/task-force](http://www.courtexcellence.org/task-force)

**Email:** [communications@courtexcellence.org](mailto:communications@courtexcellence.org)

**Twitter:** [@CCE\\_for\\_DC](https://twitter.com/CCE_for_DC)