

D.C.'s Justice Systems Overview

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Acknowledgements

Casey Anderson was the primary researcher and author for this report, with contributions from Emily Tatro.

The Council for Court Excellence would like to acknowledge several current and former staff members, interns, and community partners for their assistance in this report.

We extend our appreciation to current and former CCE staff who worked on this project: Sosseh Prom and Misty Thomas. Thank you to CCE's Qualitative Research Fellow Amber Mirza. Special thanks to CCE interns who contributed to this work: Annie Bandler, Katharine Cursik, Cassidy De La Garza, Liam Nugent, and Naomi Skiles. Finally, thank you to our community partners: Tonio Calhoun, Eduardo Ferrer, June Kress, Olinda Moyd, and Tami Weerasingha-Cote.

Public Welfare Foundation

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

www.publicwelfare.org

Council for Court Excellence

40 years, CCE has worked to enhance the justice system in the District of Columbia to serve the public equitably. CCE identifies and proposes solutions by collaborating with diverse stakeholders to conduct research, advance policy, educate the public, and increase civic engagement.

www.courtexcellence.org

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About the Artists

Critical Exposure (CE) trains D.C. youth to harness the power of photography and their own voices to fight for educational equity and social justice. Founded in 2004, CE believes that youth of color should have the opportunity to shape the policies and practices that affect their lives and well-being. While youth of color are often discussed, analyzed, and critiqued, they are rarely asked to contribute to the conversations about the policies that directly impact them. Through their visual storytelling, CE youth seek to change the negative dominant narrative about them and their communities and shift policy decisions to improve their lives.

LETTER FROM CANDICE JONES

Community-led. Restorative. Racially just.

A new, transformative approach to justice is possible. Our Public Welfare Foundation team believes this so strongly that we implemented a grantmaking strategy focused on getting resources closer to the ground where promising solutions are happening.

We began this approach to grantmaking in our hometown of Washington, D.C., a city with unique governance and structural traits that make justice reform especially challenging. Despite being one of the most heavily policed cities in the country, it is also a city ripe for reform, with community-based leadership constantly developing new solutions for policymakers to test and scale.

Public Welfare Foundation is investing heavily in promising work happening around the District and will continue to support transformative justice in D.C. We kicked off the work with the 2019 release of [*D.C.'s Justice Systems: An Overview*](#). The Council for Court Excellence (CCE) has since authored yearly updates to track key developments, issues, opportunities, and progress in D.C.

This year's report continues to tell the story of challenges faced during the COVID-19

pandemic and how the city responded. In some cases, the District met the moment. In other instances, it faltered and left people without the support they needed. It is a story of progress despite hardships, and we hope it serves both as a resource for lessons learned and as a tool to illuminate opportunities to continue to move away from systems of justice that are not just.

No one organization will be able to transform D.C.'s youth and adult justice systems. This work is nuanced and interconnected, and it requires a broad coalition of like-minded partners. We are deeply grateful to our partners, advocates, and District residents who are committed to advancing this work.

We hope that this 2021 Overview provides some of the needed grounding to advance a transformative vision of justice in D.C. – a justice system that is actually just.



Candice Jones
*President and CEO, Public Welfare
Foundation*

Without a doubt, 2021 was a challenging year. CCE believes that during times of difficulty it is important to celebrate victories, and also to acknowledge and prepare for the work that is still undone.





UNTITLED Kiya T., 9th Grade | Critical Exposure, Youth Internship, Spring 2017

Introduction

As the world entered its second full year of the COVID-19 pandemic, 2021 presented many new and continued challenges, including in the areas of community safety and the administration of justice. Nevertheless, Washington, D.C. leaders seized opportunities to support both victims of crime and justice-involved residents and reduce the footprint of D.C.'s criminal legal system. Examples of successful reforms include returning citizens receiving financial support through a government pandemic relief program and a plan to remove police officers from D.C. schools over the next four years.

At the same time, problems with the District's justice system's capacity and conditions were laid bare in 2021. D.C. saw a record 226 homicides in 2021, despite the growth of violence interruption

programs and increased investments in policing. After nearly two years in limbo, the District still does not have a halfway house for men. Local courts faced an overwhelming number of judicial vacancies. And the District continues to grapple with how to address and reduce racial disparities within its criminal legal system – Black people made up 88% of the people jailed in 2021, despite only accounting for 43% of the District’s population.

Furthermore, the violent insurrection at the U.S. Capitol on January 6, 2021, which was the subject of national and international attention, shook D.C. to its core. It also had significant impacts on the justice system. In addition to the resulting criminal cases being prosecuted in D.C.’s federal court, dozens of the people charged have been housed at the D.C. Department of Corrections pending trial and spoke out about the jail’s poor conditions. Local advocates used the coverage to highlight problems at the D.C. Jail and to demand improved conditions for all incarcerated people, while also expressing dismay that public attention was garnered only after the jail received an influx of predominantly White defendants.

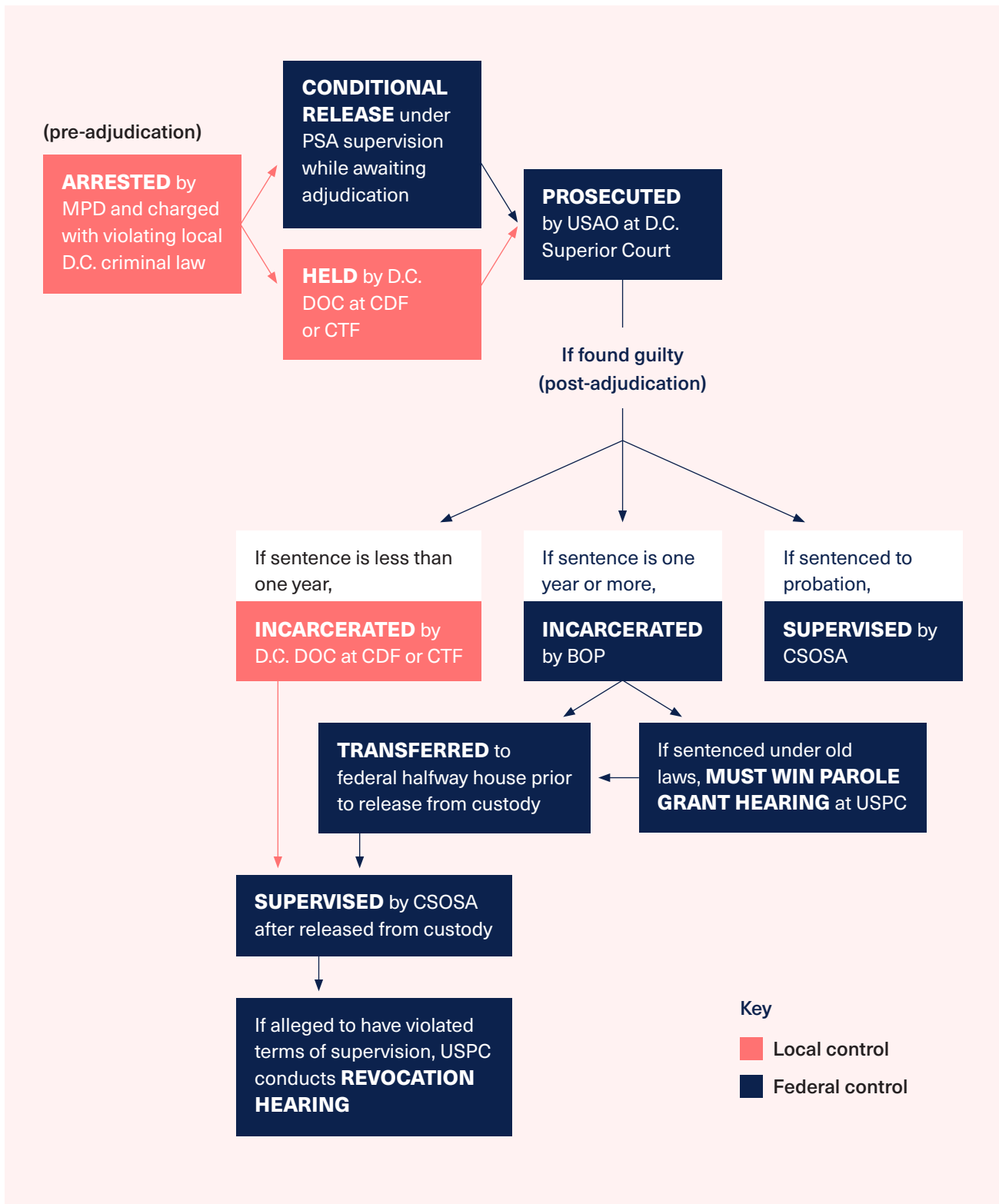
These are but a few highlights of the stories, advocacy efforts, reforms, and challenges that shaped 2021’s justice landscape in the District of Columbia. This report offers a snapshot of the significant challenges within the District’s adult and youth justice systems throughout 2021 and the efforts to address those issues. It builds on *D.C.’s Justice Systems Overview 2020*, published by the Council for Court Excellence (CCE) in May 2021, and *D.C. Justice Systems: An Overview*, published by Public Welfare Foundation in 2019. As with any report that relies on governmental information, there is often a lag between the events and the policy changes that can be described or the data that is available. Therefore, in this report, the most recent comprehensive data is often from 2020 or earlier, though we have done our best to incorporate 2021 data when available. We anticipate offering more data about 2021 in the next annual edition of the Overview.

Without a doubt, 2021 was a challenging year. CCE believes that during times of difficulty it is important to celebrate victories, and also to acknowledge and prepare for the work that is still undone. We hope that this Overview offers new and valuable insights into the state of justice in the District of Columbia,

sustains momentum to continue progress into the new year, and inspires you to get involved in transforming D.C.'s criminal legal system to ensure the safety, success, and well-being of all residents.

A note on language: In this report, CCE sought to use “people first” language and generally uses terms like “incarcerated person” unless quoting a direct source or referring to an official or legal term. The report uses the phrase “returning citizen” to describe the people around whom this report centers because it is the preferred terminology in the District, as expressed by the community of people who have been directly affected by involvement with the justice system. “Returning citizen” includes both previously incarcerated people and people with criminal records, classifications which often, but do not necessarily, overlap. It does not refer to a person’s citizenship or immigration status.

The path through D.C.'s adult criminal legal system.



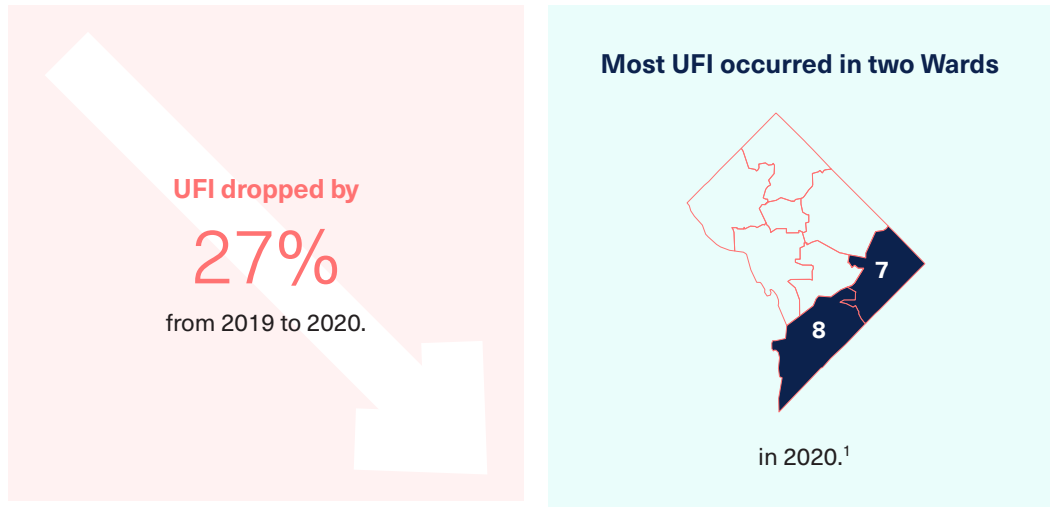
Violence & Policing

2020's large-scale protests opposing police brutality and questioning the role of traditional law enforcement in community safety led to proposals for system-wide reforms in 2021. The D.C. Police Reform Commission issued its report including more than 90 recommendations. Additionally, the D.C. Council considered proposals that would change the rules governing law enforcement's interactions with children and shifting some public safety duties, like responding to traffic incidents and behavioral health crises, to other agencies. Despite increasing investments in both violence prevention and policing, D.C. had 226 homicides in 2021: a 14% increase from 2020. While some policies have changed, many residents of the District who watched the police response to the violence of the January 6, 2021, insurrection were left asking why all protesters were not treated the same.



UNTITLED, Amir P., Age 18 | Critical Exposure, Fellowship, 2015

Decrease in use-of-force (UFI) incidents by MPD officers.



NOTE: The Director of the D.C. Office of Police Complaints believes the reduction in use-of-force is due to the COVID-19 pandemic and fewer overall interactions between the police and public.²

CHALLENGES

Data Hack of the Metropolitan Police Department.

In April 2021, the Metropolitan Police Department (MPD) was hacked, and 250 gigabytes of internal files were made public that May. The files include documents and data on crimes, suspects, intelligence briefings, and investigations.³ The element of the leaked data that received the most public attention and critique was information about internal officer discipline decisions.

Specifically, the records show that between 2009 and 2019, MPD's Disciplinary Review Division sought to terminate at least 24 officers for criminal misconduct. The officers' disciplinary violations included crimes such as indecent exposure, domestic violence, driving under the influence, soliciting sex, and stalking. In 21 of 24 cases, MPD's Adverse Action Panel, a rotating board of three high-ranking officers that issues final decisions on officer discipline, blocked the officer's

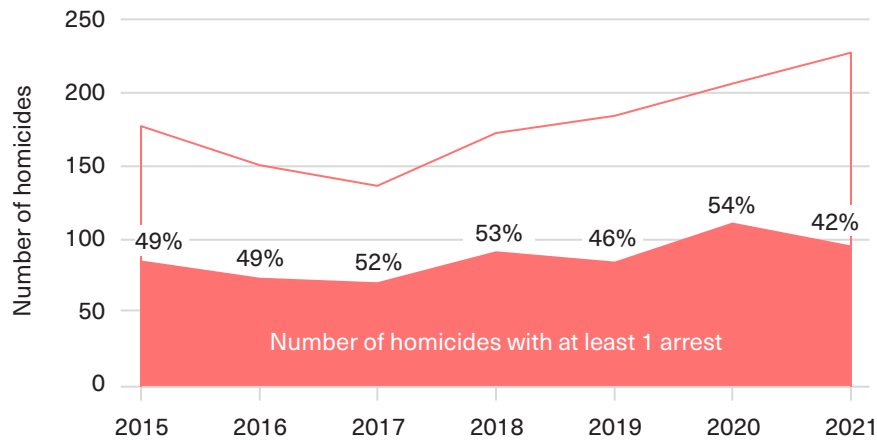
termination. Instead, the panel issued a more lenient punishment in each case, averaging a 29-day suspension without pay. Prior to his 2020 appointment to Chief of Police, Robert J. Contee served as the officer in charge of the Adverse Action Panel during one of the reported 2015 incidents.⁴

The leaked documents also disclosed that the Robbery Intervention Program (RIP), a MPD intelligence branch initiative that operated from 2012 to 2013, intentionally targeted specific neighborhoods for increased use of controversial “stop-and-frisk” practices. The residents of the targeted neighborhoods were predominantly Black and low-income. The information showed that despite there being no reported robberies in one RIP targeted area, the unit stopped 25 people. The stops included one man who was “aimlessly” hanging around a Metro station, and another who was seen “pausing in dark areas” while walking.⁵ The documents also show that RIP engaged in “jumpouts,” a long-condemned practice in D.C. in which officers speed up in cars next to people and jump out of the vehicle, often with guns drawn, to detain and search them.⁶ This information became public just as the District started to publicly report on MPD stop data following a 2020 lawsuit by the American Civil Liberties Union of the District of Columbia.⁷

Continued Rises in Gun Violence and Homicides.

For the last several years, the nation has seen an increase in homicides, with the overall homicide rate increasing 44% from 2019 to 2021.⁸ The District was no exception, with 226 homicides in 2021, a 36% increase from 2019.⁹ The increasing rate of homicides in the District is not impacting all residents equally – the victims and suspects of homicides and nonfatal shootings in D.C. are overwhelmingly male, Black, and between the ages of 18 and 34.¹⁰ Additionally, 59% of the 190 gun homicides occurred in Wards 7 and 8.¹¹ MPD’s 2021 clearance rate for homicides, meaning at least one arrest was made, was lower than any year since 2015, with a roughly 42% clearance rate in 2021.¹² Overall gun violence in the District also continues to rise. The number of people shot in the District increased by approximately 33% from the previous year, with a total of 922 people shot in 2020.¹³ Gun violence in the District is concentrated in several neighborhoods: only 2% of city blocks account for 41% of all gun related crimes in the District.¹⁴ Finally, in 2021, MPD shot 16 people, killing five of them. All five people killed by MPD officers were Black men.¹⁵

Annual MPD homicide clearance rates.¹⁶



Protests and Police Responses.

On January 6, 2021, insurrectionists breached the United States Capitol as Congress was preparing to certify the 2020 presidential election results.¹⁷ Although the incident primarily occurred on federal property, local MPD officers joined Capitol Police in responding to the riot. During the insurrection, at least 81 Capitol Police and 65 MPD officers suffered injuries including concussions, swollen ankles and wrists, bruised arms and legs, and irritated lungs from pepper spray.¹⁸ One Capitol Police officer died from physical injuries sustained that day, and one Capitol Police officer and one MPD officer who responded died by suicide soon after. As of September 2021, 668 people had been arrested and charged based on their involvement in the Capitol breach.¹⁹ Ninety-three percent of the individuals charged with illegal entrance to the Capitol or Capitol grounds were White men and 64% were over the age of 35. Those charged came from 45 states plus the District of Columbia.²⁰

The response to the Capitol riot sits in stark contrast to the treatment of Black Lives Matter protestors in the summer and fall of 2020. Protests against police brutality were often met with a heavy police presence and use of force. Those protests were met with several law enforcement institutions, including several federal law enforcement agencies and the National Guard, while only a few hundred Capitol Police were initially tasked with protecting the Capitol

on January 6.²¹ Additionally, the Capitol Police officers responding to the insurrection were instructed not to use aggressive tactics on the protestors.²²

Proposed WMATA Ban on People Arrested for Certain Offenses.

In summer 2021, D.C. Metro Transit Police publicly reported that certain crimes on transit, like indecent exposure, doubled during the pandemic.²³ In response, the Washington Metropolitan Area Transit Authority (WMATA) proposed banning people charged – not convicted – with weapon or public indecency offenses from riding Metro. Proponents of the ban argue that decreased ridership due to the pandemic has emboldened people committing offenses on transit. However, more than 80 people contacted WMATA before its Board meeting to voice their opposition to the ban and the Metro Rider Advisory Council voted against the ban,²⁴ noting that it would punish an individual before a conviction and present enforcement challenges.²⁵ In September, WMATA’s Board of Directors put a vote on the proposed ban on hold until further notice.²⁶

DEVELOPMENTS & RESPONSES

D.C. Police Reform Commission Issues Recommendations.

Recent protests in response to police brutality catapulted the decades-long conversation on the role of police, their relationship to the community, and the scope of their authority, to the forefront of conversations between D.C. policymakers, advocates, and community members. After seven months of research and deliberations, the D.C. Police Reform Commission, created by the D.C. Council to provide recommendations in response to the 2020 protests, published its report, “Decentering Police to Improve Public Safety: A Report of the D.C. Police Reform Commission” in April 2021.²⁷ The Commission made more than 90 recommendations, including reducing the size of MPD, increasing the use of non-law enforcement responses to a behavioral health crisis, and increasing accountability and transparency at MPD.²⁸ The D.C. Police Union responded by urging Councilmembers to “ignore [certain recommendations in] the report.”²⁹

In June, D.C. Council Chairman Phil Mendelson introduced the “Strengthening Oversight and Accountability of Police Amendment Act of 2021,” which includes several recommendations made by the Commission regarding transparency and officer discipline. The D.C. Council held a public hearing on this bill in October 2021. The bill was still pending at the end of the year.³⁰

Increased Funding for Police Officers.

Mayor Muriel Bowser requested an additional \$11 million in funding for police officers in her proposed Fiscal Year³¹ (FY) 2022 budget. In response, a compromise package was proposed that also included investments in public health programs.³² Ultimately, MPD received an additional \$5 million in local funding and \$3 million in federal funding for sworn police officers.³³ Funding was also added to various violence interruption programs discussed in more detail in the section below.³⁴ When discussing their compromise, D.C. Council Chairman Phil Mendelson said, “Council members support a combination of strategies to reduce violent crime. The solution can’t solely be more police. If you think about it, relying only on police is a reactive strategy. Police respond to incidents of violence. On the other side, violence interrupters are proactive. Interrupters work in the neighborhoods, know the people most likely to beef, and calm tensions before retaliatory shootings can occur.”³⁵

Increased Funding for Violence Prevention and Intervention Programs.

In the wake of increasing homicides in the District, the FY21 and FY22 budgets include increased funding for violence prevention and intervention programs.³⁶ In February 2021, Building Blocks D.C., the Mayor’s gun violence reduction initiative, announced it would provide mini-grants of \$5,000 to residents to create activities that promote public safety. Organizations can also apply for grants up to \$50,000 to create programs that help reduce gun violence.³⁷ Building Blocks D.C. also funded a series of Jobs Not Guns employment fairs in 2021 that connected over 250 people to companies and organizations willing to hire justice-involved D.C. residents.³⁸

Investments in violence interruption were also made through the Office of Neighborhood Safety and Engagement (ONSE) and the Office of the Attorney General (OAG).³⁹ In the FY22 budget, ONSE's Violence Intervention Program received over \$9 million in additional funding compared to FY21.⁴⁰ For their violence interruption work, ONSE contracts with three nonprofit organizations and serves 22 communities in Wards 1, 4, 5, 6, 7, and 8.⁴¹ In November 2021, violent crime overall was down 3% in ONSE priority communities compared to the same time in 2020. Within the broader category of violent crime, there was some variation; for example, while robberies were down 13%, homicides increased by 16% in communities where ONSE was delivering violence intervention services.⁴²

In FY22 OAG's Cure the Streets program received an additional \$4.1 million in funding⁴³ and will be expanding to a total of 10 sites spanning Wards 1, 4, 5, 6, 7, and 8. Cure the Streets organized 30 community responses to shootings in FY21, aimed to "denounce violence, reclaim public space, provide public education, strengthen community ties, and ensure violence is not normalized." The program also conducted 263 mediations, more than double the number of mediations in the previous year. Cure the Streets substantially increased its number of participants, from 84 in FY20 to 178 in FY21. While the program expanded its reach, only one of its six sites saw a reduction in gun-related homicides between FY20 and FY21.⁴⁴ Two sites had percentage changes higher than that of the District's homicide rate between FY20 and FY21, with Washington Highlands seeing a 33% increase in gun-related homicides, going from three to four incidents, and Marshall Heights seeing a 100% increase, going from 1 to 2 incidents.⁴⁵ The other four sites had homicides rates increase at slower rates than the rest of the District.

A recent report published by the National Institute for Criminal Justice Reform made several recommendations related to the District's violence interruption and prevention services. These recommendations include establishing gun violence reduction strategies that target those most at risk of perpetrating gun violence, as well as improving service type clarification to better understand what services are currently provided and know target populations and geographic areas served.⁴⁶

In January 2021, 751 people were detained at the D.C. Jail pretrial, a 57% increase from March 2020, when D.C. Superior Court first suspended jury trials.



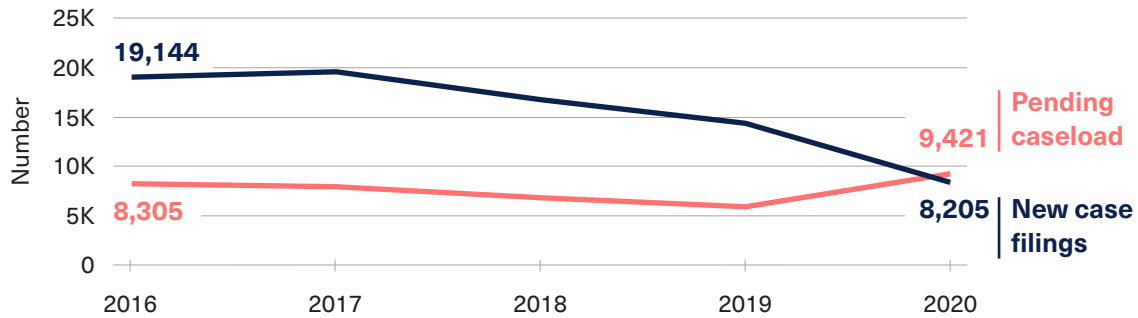


THE BOX, Samera, 12th Grade | Critical Exposure, School to Prison Pipeline Campaign, Undated

~~Adult Prosecution~~ & the Courts

After pandemic-related case delays impacted 2020 and early 2021, D.C. Superior Court temporarily resumed in-person jury trials in April 2021. Then, only a few months later, the rise in COVID-19 cases due to the Omicron variant again hindered in-person proceedings. Case delays have been compounded further by record judicial vacancies at D.C. Superior Court, sometimes prompting political leaders from all three branches of government to blame one another for breakdowns in the system. President Biden nominated a new U.S. Attorney, Matthew M. Graves, in July 2021 and he was confirmed in November.⁴⁷

Pending and filed cases in D.C. Superior Court's Criminal Division, 2016–2020.⁴⁸



CHALLENGES

Criminal Case Backlog Intensifies.

Between January 2020 and June 2021, D.C. Superior Court's active criminal caseload grew by 79%, from 5,707 to 10,199 pending cases. Following claims that D.C. Court delays were contributing to crime levels, the D.C. Superior Court Criminal Division reported that it had "dealt with more than 7,000 cases" from April 2020 to July 2021 through diversion agreements, trials, and other dispositions, and noted the continued impacts of judicial vacancies on court operations.⁴⁹

While D.C. Code dictates that people held pretrial must be tried within 100 days of their detention, COVID-19 emergency court orders paused the enforcement of that rule through at least April 8, 2022, despite arguments from the Public Defender Service for the District of Columbia that pausing the enforcement of the 100-day limit violates due process.⁵⁰ In January 2021, 751 people were detained at the D.C. Jail pretrial, a 57% increase from March 2020, when D.C. Superior Court first suspended jury trials.⁵¹

The D.C. Courts – which include Superior Court and the Court of Appeals – had a record-high 17 judicial vacancies as of December 31, 2021,⁵² up from 12 the previous year.⁵³ The vacancies, combined with case delays caused by COVID-19, slowed the administration of justice in D.C.⁵⁴ In September, President Biden made a series of judicial nominations, including four for D.C.’s local courts.⁵⁵ These nominations were still pending as of December 2021.

Loss of Accreditation at D.C. Crime Lab.

In 2020, prosecutors at the U.S. Attorney’s Office for the District of Columbia (USAO-DC) identified a ballistic analysis mistake made by the D.C. Department of Forensic Sciences’ (DFS) lab that falsely linked two 2015 homicides.⁵⁶ USAO-DC launched an audit of DFS in 2020.⁵⁷ Mayor Bowser also hired a forensic consultant firm, SNA International, to analyze evidence gathered at crime scenes between 2015 and 2021.⁵⁸ The crime lab lost its American National Standards Institute accreditation in April 2021⁵⁹ and in May 2021, the Director of DFS resigned.⁶⁰

In July 2021, the interim DFS Director announced plans to work with SNA International to regain accreditation for some divisions of DFS while continuing to resolve deeper issues in other divisions, including firearm and fingerprint analysis.⁶¹ SNA International completed its report in December 2021, recommending a complete overhaul of the crime lab and a review of casework from its fingerprint and firearms units. Areas of concern outlined in the report include “staff not having sufficient expertise to perform their duties, an ineffective quality management system that did not fully investigate customer complaints or resolve issues, and a culture that discouraged candid feedback from staff to leadership.”⁶² In response, Mayor Bowser convened a committee of agency leaders and other advisors to oversee implementation of the report’s recommendations.⁶³

Prosecution of Local Gun Possession Cases.

“Felon-in-possession” is a term that refers to a charge against a person who has a prior felony conviction who is then arrested for illegally possessing a firearm.

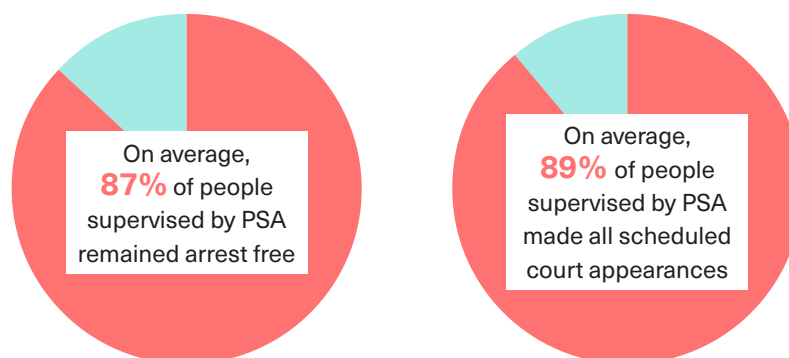
The number of local “felon-in-possession” cases prosecuted federally dropped significantly last year, with only 20 cases filed at the U.S. District Court for the District of Columbia between February and September 2021, compared to 80 cases in 2020.⁶⁴ Since February 2019, USAO-DC’s policy has been to prosecute these cases in federal court instead of D.C. Superior Court.⁶⁵ Critics of the policy have noted its disproportionate enforcement in the Black community. Despite only making up 43% of the District’s population, Black people account for 97% of the people charged with “felon-in-possession” cases in D.C.⁶⁶ In March 2021, USAO-DC stated that the U.S. Department of Justice was reviewing the initiative and its impact, and was considering potential modifications.⁶⁷

DEVELOPMENTS & RESPONSES

In-Person Court Proceedings Resume.

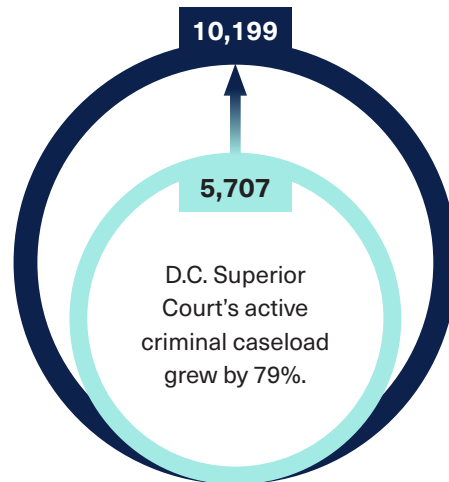
In April 2021, D.C. Superior Court resumed in-person jury trials, with added COVID-19 safety precautions, after having suspended in-person court proceedings for over a year.⁶⁸ Though D.C. Superior Court began expanding in-person hearings for both the Criminal and Civil Divisions, the Omicron variant led the Court to again delay jury trials scheduled after December 30, 2021.

Pretrial Services Agency performance outcomes, FY16–FY20.⁶⁹



Those trials are expected to resume sometime after February 11, 2022. Preliminary hearings, detention hearings, and non-jury trials are continuing as scheduled, both in-person and virtually. The USAO-DC and OAG Citation Arraignment and Diversion Calendars, Mental Health Community Court, and Superior Court Drug Intervention Program are all proceeding remotely.⁷⁰ The U.S. District Court for the District of Columbia resumed criminal jury trials in March 2021 and civil jury trials in June 2021. However, as of December 30, 2021, the U.S. District Court for the District of Columbia suspended all jury trials until January 24, 2022, due to the spread of the Omicron variant.⁷¹ As of December 23, 2021, D.C. Court of Appeals was still conducting oral arguments virtually and utilizing remote access sites.⁷²

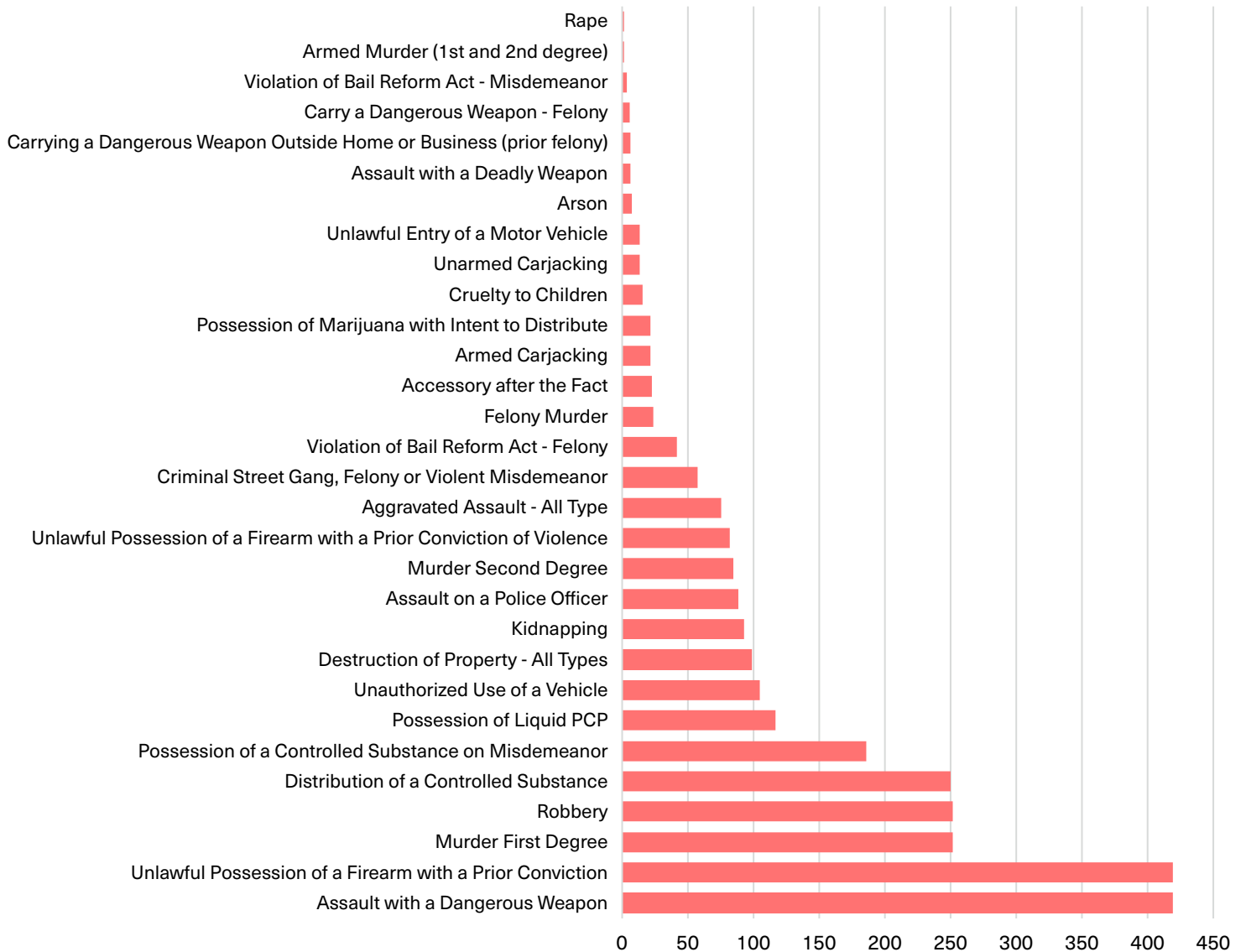
Growth in D.C. Superior Court's active criminal caseload, January 2020 to June 2021.⁷³



Completion of D.C. Criminal Code Revision Proposal.

In March 2021, after four years of work, the D.C. Criminal Code Reform Commission, an independent agency created to develop comprehensive recommendations for revising the District's criminal statutes, voted to approve its final recommendations for updating and reforming D.C.'s criminal code.⁷⁴ In October 2021, the Commission submitted the "Revised Criminal Code Act of 2021,"⁷⁵ which would implement those recommendations, to the D.C. Council.⁷⁶ The proposed revisions would remove or amend unconstitutional criminal statutes, use clear and plain language, reduce unnecessary overlap and gaps between criminal offenses, eliminate archaic and unused offenses, and more.⁷⁷ In November and December,⁷⁸ the Committee on Judiciary & Public Safety held a series of hearings on the Commission's proposals.⁷⁹ As of the end of 2021, the legislation remains under the D.C. Council's review.⁸⁰

Felony cases pending before D.C. Superior Court, December 31, 2020.⁸¹



Note: As of December 31, 2020, out of the 2,730 pending felonies before D.C. Superior Court Criminal Division, the top two charges – assault with a deadly weapon and unlawful possession of a firearm with a prior conviction accounted for 31% of all pending felonies.⁸²



WE ARE CONNECTED, Sae G., CE Staff | Critical Exposure, 2018

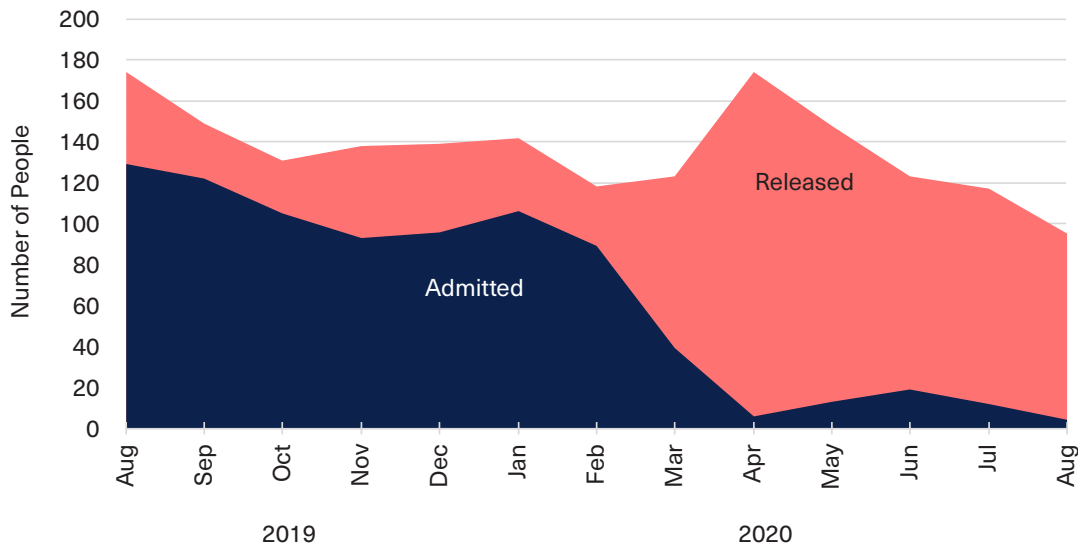
~~Adult~~ Incarceration

In 2020 and 2021, the two primary agencies tasked with housing people charged with or convicted of crimes under the D.C. Code – the D.C. Department of Corrections (DOC) and the Federal Bureau of Prisons (BOP) – had to establish and adapt their pandemic-related restrictions in real-time. Both agencies struggled to keep their staff and incarcerated residents healthy amid the ongoing COVID-19 pandemic. In an effort to limit the rapid spread of the virus within its facilities, BOP placed a record number of people on home confinement in 2020, but more than 100 people convicted of D.C. Code offenses serving sentences in BOP custody had tested positive by September of that year.⁸³ Locally, DOC also confronted

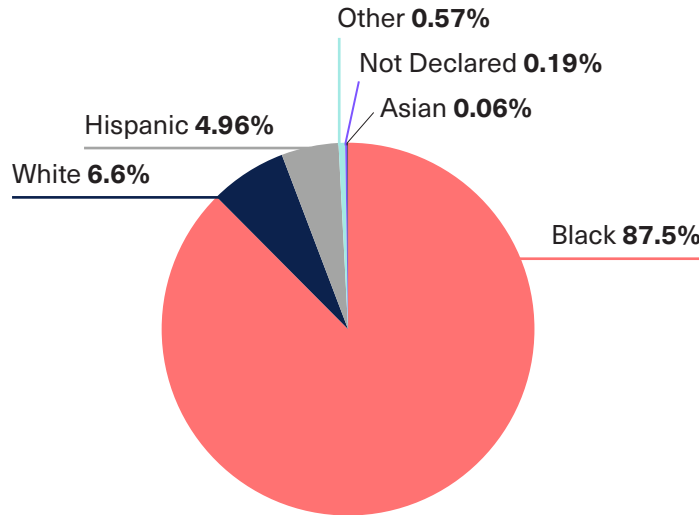
COVID-19 challenges, and though its incarcerated population decreased in 2020, the number of people held at DOC rose steadily through 2021, growing from about 70% to about 85% of its pre-pandemic population.

D.C.’s incarcerated population remained overwhelmingly male (96% of residents) and Black (88% of residents).⁸⁴ During 2021, DOC faced a new chorus of critiques, primarily about the conditions at the D.C. Jail. The District Task Force on Jails & Justice published their comprehensive report aimed at transforming D.C.’s criminal legal system over the next ten years, and the District elected its first incarcerated Advisory Neighborhood Commission (ANC) representative.

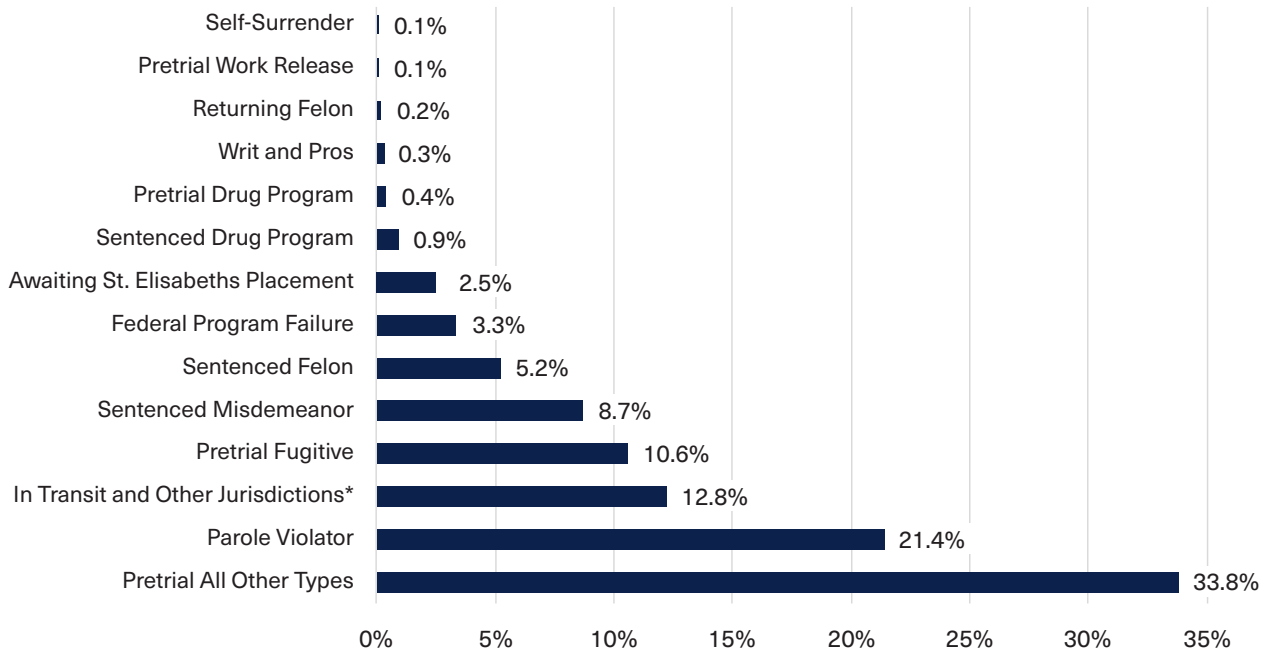
People convicted of D.C. Code offenses entering and exiting BOP custody, August 2019–August 2020.⁸⁵



Race of people incarcerated at DOC, October 2021.⁸⁶



FY21 DOC intakes by type of admission.⁸⁷



* U.S. District Court, D.C. Superior Court, USDC/Maryland, BOP

Note: DOC's FY21 Intakes by Type of Admission highlights that parole and pretrial composed the largest portion of DOC intakes as of October 2021.⁸⁸ **Note:** The labels in the chart are terms provided in DOC data.

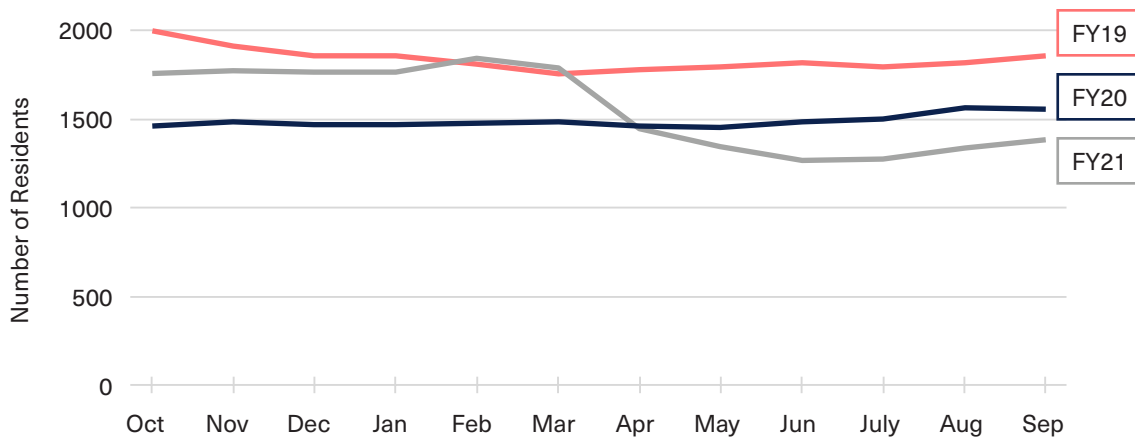
CHALLENGES

COVID-19 in D.C. Facilities.

The District continues to grapple with how to keep incarcerated residents healthy during the COVID-19 pandemic. In April 2020, a U.S. District Court judge ordered DOC to enforce social distancing, schedule and enforce cleaning, and other requirements.⁸⁹ As of December 2021, the lawsuit was ongoing.⁹⁰ In April 2021, after more than a year of a 23-hour daily in-cell lockdown, residents were allowed two hours outside of their cells per day. In June 2021, DOC loosened restrictions again, allowing residents five and a half hours outside of their cells daily, including access to outdoor recreation for all residents and indoor recreation for vaccinated residents.⁹¹

However, the COVID case rate at DOC increased with the spread of the Omicron variant. During the four-day period from December 30, 2021, to January 2, 2022, DOC reported that 126 residents were in isolation for positive COVID tests, and 214 staff members were out with positive tests. More than a thousand total residents were separated from the general population, including those who were serving the mandatory 14-day quarantine for incoming residents.⁹² In response, DOC reverted to a more restrictive lockdown policy, again confining residents to their cells for 22 hours a day and eliminating in-person visitation

Total DOC population, FY19–FY21.⁹³



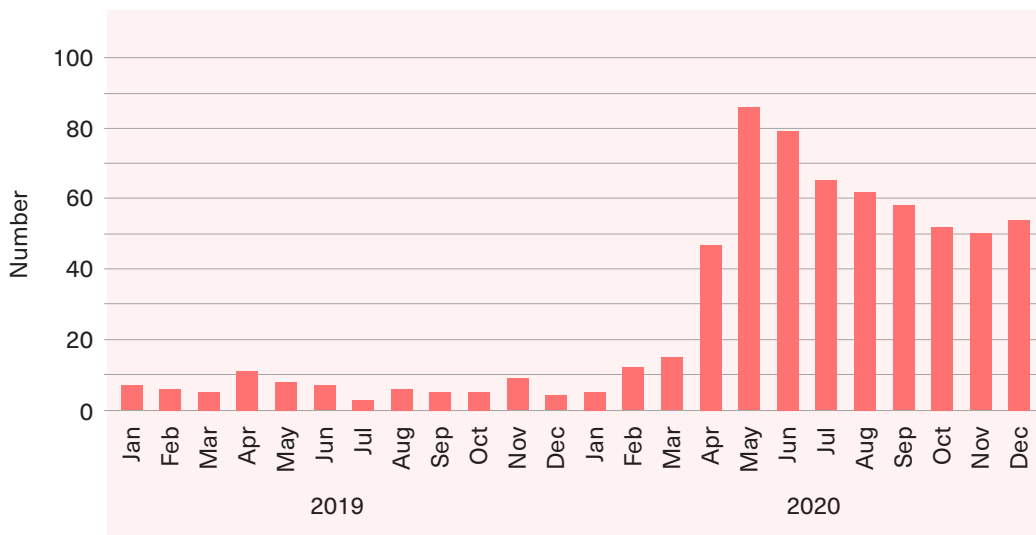
and programming.⁹⁴ Since the beginning of the pandemic, one resident and three DOC staff have died of COVID-19.⁹⁵

Individuals who have been found incompetent to stand trial, along with other people with serious mental illnesses who are committed to the District's care through civil or criminal proceedings, are housed at St. Elizabeths Hospital in Ward 8. Similar to other facilities, St. Elizabeths also struggled to keep its residents healthy during the pandemic. A report from Disability Rights DC found that the hospital's delayed response to the pandemic contributed to the deaths of 17 patients and one staff member between March 2020 and March 2021.⁹⁶

COVID-19 in BOP Facilities.

As of September 9, 2020, the most recent available data, 106 people serving D.C. Code sentences in BOP custody had tested positive for COVID-19 and none had died while in custody since the start of the pandemic.⁹⁷ As of December

People serving D.C. Code sentences in BOP custody on home confinement, 2019–2020.⁹⁸



Note: The number of people on home confinement serving D.C. Code sentences in BOP custody increased dramatically at the onset of the pandemic. The number of people serving D.C. Code sentences in BOP custody only decreased slightly.⁹⁹

2021, BOP was operating under a modified operation plan specifying that people who test positive for COVID-19, or are experiencing symptoms, will not be admitted on prison transport. This guideline impacts people transferring between BOP facilities, between DOC and BOP custody, or who are being released from BOP custody.¹⁰⁰

People serving D.C. Code sentences in BOP by top charge, July 4, 2020.¹⁰¹

Charge	Count	%	Term (Months)
Homicide/ Agg Assault	1612	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

U.S. Marshals Service Inspection of D.C. Jail.

In November 2021, the U.S. Marshals Service (USMS) conducted an inspection of DOC's Central Detention Facility (CDF or commonly referred to as the D.C. Jail) and Central Treatment Facility (CTF). The inspection was completed at the request of a federal judge after January 6 detainees lodged conditions complaints, though conditions complaints had long been made by Black residents.¹⁰²

The USMS reported unsanitary and unsafe conditions at the D.C. Jail, including toilets clogged with human sewage and corrections officers punitively withholding food and water from incarcerated residents.¹⁰³ In response, the USMS transferred at least 140 people under their jurisdiction out of DOC to a BOP prison in Pennsylvania.¹⁰⁴ The District, which has jurisdictional control over about half of the remaining DOC population, did not take comparable action to release or transfer anyone from the D.C. Jail.¹⁰⁵

In late November, at a D.C. Council public hearing on the conditions at the D.C. Jail, the Public Defender Service for the District of Columbia (PDS) played audio from men at the D.C. Jail who spoke about their living conditions.¹⁰⁶ “They put me in a cell that got mold in there and I have asthma and all that. They put people in a cell that have mold in the cell, the cell flood when it rains outside. That’s unacceptable,” said one incarcerated man.¹⁰⁷ That same week, DOC entered into a Memorandum of Understanding with the USMS to fix the conditions at the D.C. Jail within six months through unpublished “corrective action plans.”¹⁰⁸ To date, no information on the corrective actions proposed, or progress made, has been shared publicly.

Lack of Special Education Services at DOC during the Pandemic.

The pandemic magnified a variety of inequities in the educational system, including for incarcerated students who require special education services. For more than a year, students of the Inspiring Youth Program, a D.C. Public Schools (DCPS) program for students incarcerated at DOC facilities, did not have regular interactions with teachers or receive any special education services.¹⁰⁹ Incarcerated students only received limited access to digital devices and Wi-Fi that allowed them to participate in virtual learning; most students only received worksheets that they were supposed to complete without instruction.¹¹⁰

In April 2021, the Washington Lawyers’ Committee for Civil Rights & Urban Affairs, School Justice Project, and Terris, Pravlik & Millian LLP¹¹¹ filed a class action lawsuit on behalf of 40 students against DCPS and the Office for the State Superintendent of Education alleging that the city failed to properly educate incarcerated students at the

Survey responses from a June to August 2020 survey of people convicted of D.C. Code offenses housed in BOP facilities indicated their access to medical care, testing services, and temperature screenings was limited.²⁰³

Respondents noted decreased access to the phone and email systems. The survey also showed that respondents felt staff were unresponsive to grievances that were filed, as well as applications for compassionate release or home confinement.²⁰⁴

D.C. Jail.¹¹² In June, a judge ordered DCPS to provide special education services to the adult students at the D.C. Jail. In September, Maya Angelou Public Charter School took over operation of educational services for incarcerated students at the D.C. Jail.¹¹³

Transgender Woman Sues DOC.

In May 2021, the American Civil Liberties Union of the District of Columbia (ACLU-DC) and PDS filed a lawsuit on behalf of Sunday Hinton and other incarcerated transgender people who were housed in non-gender affirming units at DOC. The lawsuit alleged that housing a person in a non-gender affirming unit is unconstitutional, violating a transgender person's Fifth Amendment rights and the D.C. Human Rights Act. The lawsuit also alleged that housing a transgender woman in a men's unit puts her at higher risk of abuse and sexual assault.¹¹⁴ DOC's Transgender Housing Committee has the authority to move incarcerated transgender people into a gender-affirming unit with approval from the Warden, but the Committee has not met since January 2020.¹¹⁵ In June, DOC revised its policy, eliminating the "anatomy" presumption and committing to holding individualized hearings. However, ACLU-DC reports that despite changing this policy, three transgender people in DOC custody did not receive hearings and were not reassigned housing.¹¹⁶

DEVELOPMENTS & RESPONSES

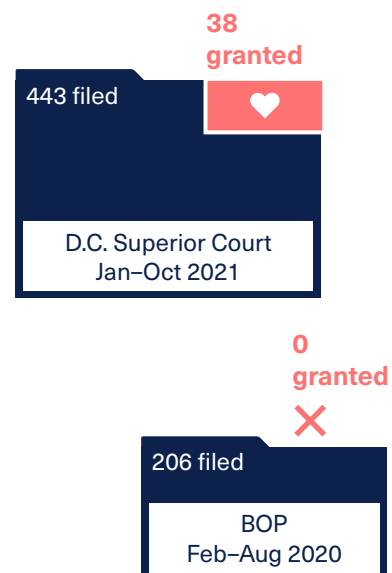
First Incarcerated Elected Official.

In June 2021, Joel Castón won an Advisory Neighborhood Commission (ANC) representative election, making him the first incarcerated person to hold office in D.C. Commissioner Castón represents ANC 7F07, which includes the jail facilities and surrounding neighborhood.¹¹⁷ Castón, who is now 44, had been incarcerated since he was 18 and was a founding member of the Young Men Emerging Unit at DOC, which pairs younger incarcerated men with older incarcerated mentors.¹¹⁸ In November, Castón was released from the D.C. Jail on parole and now resides in the same neighborhood and continues to represent ANC 7F07 from outside of the jail.¹¹⁹

Compassionate Release & Good Time Credits.

COVID-19 responsive emergency changes to D.C.'s compassionate release and good time credits law became permanent in the D.C. Code in April 2021.¹²⁰ Between January 2021 and October 2021, D.C. Superior Court received 443 compassionate release motions, 38 of which were fully granted and one granted in part, plus 132 of which were denied, five denied as moot, 10 denied without prejudice, two dismissed, 28 incomplete, 218 pending, and nine withdrawn.¹²¹ Since September 2020, D.C. Superior Court has granted 127 compassionate release motions.¹²² By comparison, from February to August 2020, BOP received 206 compassionate release requests from people in their custody serving a D.C. Code sentence, and did not grant a single one. The BOP denied 183 requests, and 23 others ended in outcomes other than granted or denied, including two deaths.¹²³

Compassionate release motions considered by D.C. Superior Court and BOP.¹²⁴



Additionally, 440 people serving sentences for D.C. Code offenses housed at BOP had their sentences recalculated under the amended good time credits law, closing a loophole that had prevented people sentenced between June 22, 1994, and August 4, 2000, from earning good time.¹²⁵ Twelve people were immediately released upon the legislation's enactment.¹²⁶ As of March 1, 2021, BOP had released 65 people convicted of D.C. Code offenses due to good time credit recalculations.¹²⁷

District Task Force on Jails & Justice Releases Plan to Transform D.C.'s Criminal Legal System.

On February 11, 2021, the District Task Force on Jails & Justice (Task Force) released "Jails & Justice: Our Transformation Starts Today."¹²⁸ The Task Force is an independent advisory body whose members included researchers, advocates, service providers, government leaders, and directly impacted people. The Task Force made 80 recommendations to help D.C. invest in safe communities, lower incarceration rates by half, end the disproportionate incarceration of Black people, regain local control over D.C.'s criminal legal system, and create one new non-traditional facility, among other reforms.¹²⁹ Each recommendation is accompanied by an implementation plan detailing its financial impacts, which laws must be amended to implement the recommendation, a timeline for implementation, and the estimated impact on communities disproportionately impacted by D.C.'s criminal legal system.¹³⁰ Since the report's release, Task Force members conducted over 20 community briefings on their recommendations, testified before the D.C. Council, developed draft decarceration legislation, and penned an op-ed on the conditions at the D.C. Jail and the need to build a new facility.¹³¹

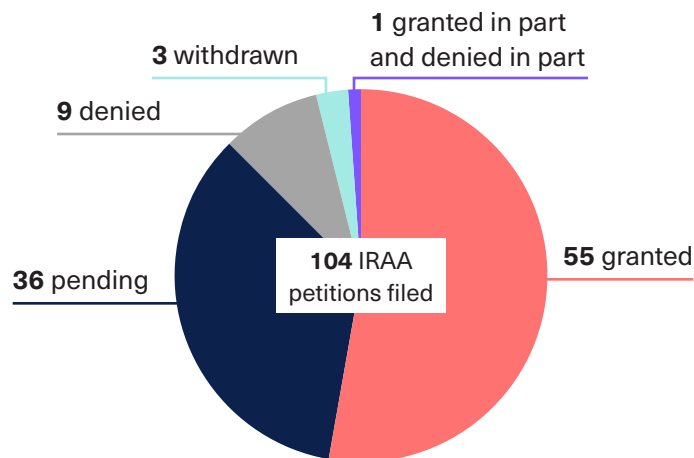
Fully or Partially Implemented District Task Force on Jails & Justice Recommendations¹³²

- › Funding several alternatives to police response to crisis in D.C.'s Fiscal Year 2022 budget, including at the Department of Public Works, Department of Transportation, and Department of Behavioral Health;
- › Holding a public hearing in April 2021 on two criminal record sealing and expungement bills;
- › Hiring consultants in fall 2021 to plan for a new paroling authority to replace the United States Parole Commission;
- › Legislating a timeline to remove police from D.C. schools;
- › Expanding the use of violence interrupters; and
- › Publishing and revising regulations for the D.C. Clemency Board.

Second Look Amendment Act.

The Second Look Amendment Act, also known as “Incarceration Reduction Amendment Act (IRAA) 3.0,” went into effect on April 27, 2021.¹³³ This law expanded eligibility for release, allowing people to petition D.C. Superior Court to reduce their sentence for offenses committed before their 25th birthday if they had already served 15 years in prison. As of August 2021, an estimated 583 people were eligible for relief under IRAA 3.0.¹³⁴ Between September 2020 and December 2021, 104 IRAA petitions were filed; of those petitions, 55 were granted, nine denied, one granted in part and denied in part, three withdrawn, and 36 were pending.¹³⁵ Of the 84 total people released under IRAA since its original enactment in 2016, eight had been re-arrested, with one conviction, one probation before judgement, and six pending cases.¹³⁶

Outcome of IRAA petitions filed at D.C. Superior Court, September 2020–December 2021.¹³⁷



In July 2021, the Justice Policy Institute published a report making several recommendations to the District about how to support individuals coming home after long periods of incarceration, with a specific focus on individuals released under IRAA.¹³⁸ Recommendations included increased access to programming at the D.C. Jail, improved coordination between the D.C. Jail, READY Center, and community-based reentry service providers, and increased access to affordable housing, among others.

“They put me in a cell that got mold in there and I have asthma and all that. They put people in a cell that have mold in the cell, the cell flood when it rains outside. That’s unacceptable.” said one incarcerated man.



Reentry

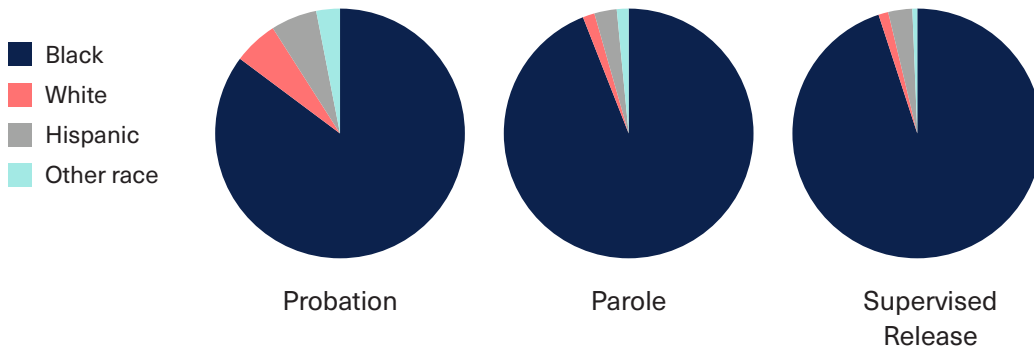
While local and federal pandemic relief funding provided for more reentry services in Fiscal Year (FY) 2021 than ever before, the public health emergency exacerbated the housing and employment needs faced by returning citizens. Community-based reentry service providers in D.C. also continued to express difficulty connecting with and providing services to residents preparing to leave the Federal Bureau of Prisons (BOP) because the organizations rarely receive notice when a current or potential client is being released back to the District. Despite these hardships, the District made progress in supporting its returning citizen community.



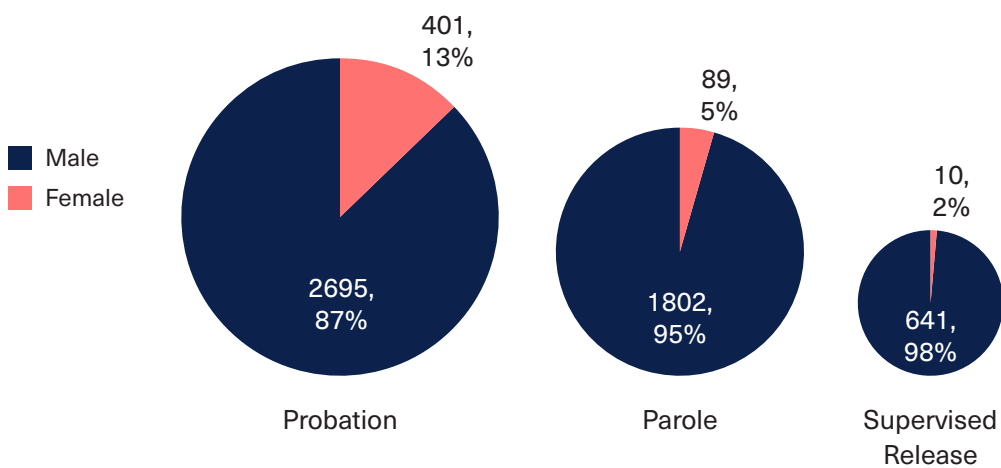
PEER JURY & RESTORATIVE JUSTICE, Tyrell and Eugene, 12th Grade | Critical Exposure, The Washington Metropolitan High School, 2012

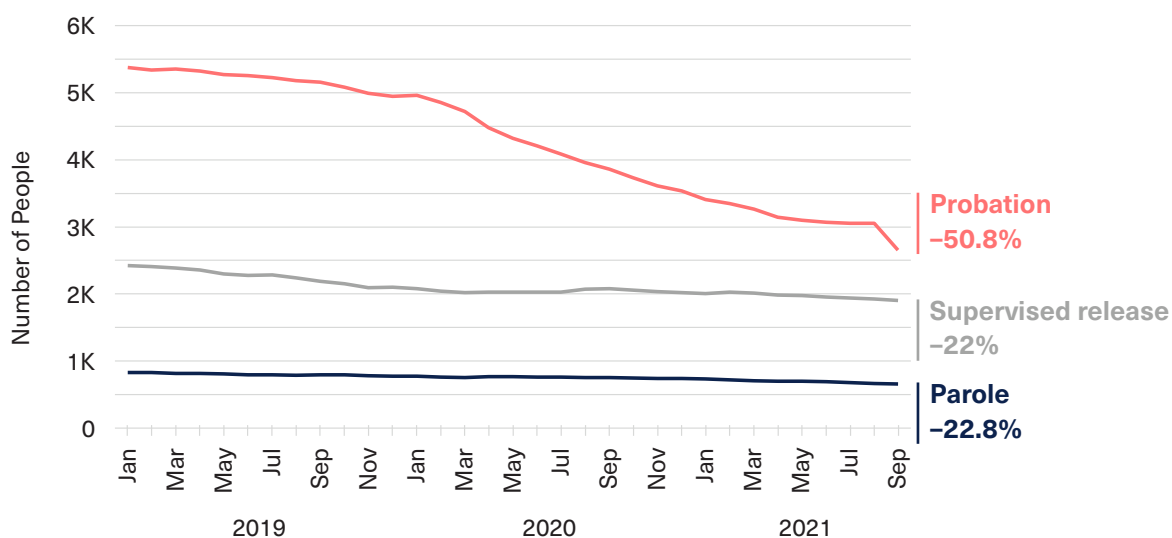
In 2021, returning citizens became eligible to receive stimulus checks through the Coronavirus Aid, Relief, and Economic Security Act. Additionally, reforms to D.C.'s occupational licensing laws increased employment opportunities for thousands of D.C.'s returning citizens.

Race of people under CSOSA supervision, January 2019–September 2021.¹³⁹



Gender of people under CSOSA supervision, July 2020–September 2021.¹⁴⁰



Rate of change of people on CSOSA supervision, January 2019–September 2021.¹⁴¹

CHALLENGES

Men's Halfway House.

D.C. has been without a halfway house for men in the District since the abrupt closure of Hope Village in April 2020.¹⁴² BOP selected a corporation called CORE DC as the new provider in June 2020, following a competitive bid process, but the facility remains unbuilt. A variety of bureaucratic hurdles, some created by opponents of the halfway house, have delayed the necessary permits to build the new facility on Benning Road NE.

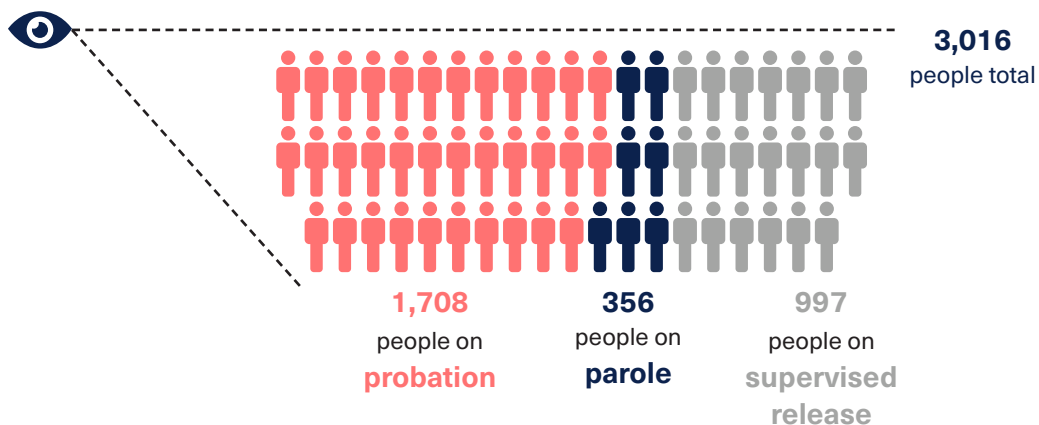
Following a failed effort in 2020 by local politicians to designate the land owned by CORE DC for historic preservation, Councilmember Vincent Gray introduced an emergency resolution in April 2021 that would have allowed the Mayor to use eminent domain to seize the land for a park. Advocates rallied against this proposed legislation, circulating a sign-on letter that garnered over 100 signatures in just three days.¹⁴³ The D.C. Council ultimately voted against the emergency legislation,¹⁴⁴ clearing the path once again for CORE DC to apply for the necessary construction permits. Despite these efforts and public critiques

being levied at their leadership,¹⁴⁵ CORE DC expects to open the halfway house in Ward 7 in the fall of 2022.

Establishing Local Control of Parole and Supervised Release.

D.C. does not have a local paroling authority and cannot make decisions about when to grant parole or when to revoke a person’s supervised release. The U.S. Parole Commission (USPC), the federal agency which currently has jurisdiction over those decisions for people convicted of D.C. Code offenses, is scheduled to cease operations on November 1, 2022. USPC’s looming sunset presents the District with a unique opportunity to design a local parole and supervised release authority with new regulations that centers community values and ensures equitable decision-making about public safety and incarceration. Advocates are eager to use the restoration of local control to strengthen procedural fairness, increase transparency, provide improved reentry support, ensure treatment for behavioral health needs, emphasize restorative justice, and reduce the criminal legal system’s disproportionate impact on Black residents.¹⁴⁶ Despite the looming deadline, the District only allocated \$100,000 in its FY22 budget to conduct another study, rather than committing any funding to establish a new paroling authority before the USPC’s expiration.¹⁴⁷ The Deputy Mayor for Public Safety & Justice is consulting with subject matter experts regarding the legislative and policy changes necessary to prioritize the transition to local control of parole, but has not publicly announced any plans to do so by the November 2022 deadline.¹⁴⁸

Average monthly population of people on CSOSA supervision, July 2020–September 2021.¹⁴⁹



D.C. Clemency Board.

Progress has been slow since the District passed legislation creating a local Clemency Board in 2018.¹⁵⁰ The D.C. Clemency Board first met in July 2020, but it has yet to begin accepting applications. In August 2021, the Board published proposed regulations that would still require applicants, either on their own or with the help of an attorney, to complete the current process of applying through the Office of the Pardon Attorney, part of the federal Department of Justice. Local advocates argued that the proposed regulations would not have helped streamline D.C. resident applications getting to the President's desk, as intended by the legislation.¹⁵¹ Ultimately, the Board decided to revise its proposed regulations based on feedback from nearly 100 public comments. At the end of 2021, the Board had not yet issued a final rulemaking.

DEVELOPMENTS & RESPONSES

Removing Barriers to Employment.

In March 2021, D.C. enacted the “Removing Barriers to Occupational Licensing for Returning Citizens Amendment Act.”¹⁵² The legislation prohibits occupational licensing boards from withholding licenses based on a criminal conviction unless a person has a pending criminal accusation or a conviction that is “directly related” to the occupation. Licensing boards are also prohibited from considering arrests that never resulted in a conviction or sealed, expunged, vacated, or pardoned records.¹⁵³ As a result, D.C. residents with criminal records now have greater opportunity to be licensed in more than 100 different professions. The Howard University School of Law Reentry Clinic and the Council for Court Excellence created an overview of the pre-application process, a list of steps a person may need to take when pursuing a particular license, and an educational video to help people with criminal records know their rights under this new law.¹⁵⁴

FY 2022 Reentry Budget Increases.

Using federal funding from the American Rescue Plan, the District was able to increase funding for reentry services in FY22, despite the ongoing economic challenges brought on by the COVID-19 pandemic.¹⁵⁵ D.C. allocated \$1.4 million to a new housing program that will offer 70 short-term single rooms and apartments to people returning to the city after a period of incarceration. The District also allocated \$12.2 million for: cash assistance for returning citizens, financial coaching, community-based reentry services grants, grants for services for transgender returning citizens, reentry housing grants, and grants to hire returning citizens as peer navigators. D.C. also allocated \$7 million to the construction of a new READY Center facility, which will continue to act as a hub for people to access resources and vital documents upon their release from incarceration. The District also allocated \$250,000 to ASPIRE, a program that provides entrepreneurship opportunities to returning citizens.¹⁵⁶

D.C. FY 2022 reentry service investments.¹⁵⁷

\$250k

to ASPIRE, a program that provides entrepreneurship opportunities to returning citizens.

\$1.4m

to a new housing program that will offer 70 short-term single rooms and apartments to people returning to the city after a period of incarceration.

\$7m

to the construction of a new READY Center facility, which will continue to act as a hub for people to access resources and vital documents upon their release from incarceration.

\$12.2m

for cash assistance for returning citizens, financial coaching, community-based reentry services grants, grants for services for transgender returning citizens, reentry housing grants, and grants to hire returning citizens as peer navigators.

Percent changes of people with stable and unstable housing on CSOSA supervision, January 2019–September 2021.¹⁵⁸

The # of people with stable housing



The # of people with unstable housing



Incarcerated & Returning Citizens Eligible for Stimulus Checks.

Incarcerated and formerly incarcerated individuals were ultimately ruled eligible to receive Recovery Rebate Credits, a stimulus payment allocated by the federal government under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).¹⁵⁹ The funding included \$1,200 per person and an additional \$500 for each qualifying child. Eligibility for this aid has been critical; since the beginning of the pandemic, nationwide, between 30% and 50% of returning citizens on parole or supervised release have lost a job.¹⁶⁰ However, even once approved, actually receiving the aid was often difficult because currently and formerly incarcerated people are less likely to have bank accounts.¹⁶¹

In response to advocacy, the D.C. Council extended the duration of the Excluded Workers Fund, a locally funded program also known as “DC Cares,” which provided financial support to people who were ineligible to receive federal aid during the pandemic, including returning citizens.¹⁶² As of July 20, 2021, the Mayor had designated \$35 million to the fund, translating to approximately \$3,000 for each of the 13,000 excluded workers who could not access unemployment benefits in D.C.¹⁶³ During the second round of DC Cares disbursements, which ran from January 31 to July 31, 2021, 1,459 returning citizens received funding.¹⁶⁴

Criminal Record Sealing & Expungement.

Since 2016, advocates and legal practitioners have coordinated efforts to push the District to reform its criminal record sealing and expungement laws. The most recent legislative activity was in April 2021, when the Committee on the Judiciary & Public Safety held a hearing on two of the proposals, the “Second Chance Amendment Act of 2021” and the “Criminal Record Expungement Amendment Act of 2021.”¹⁶⁵



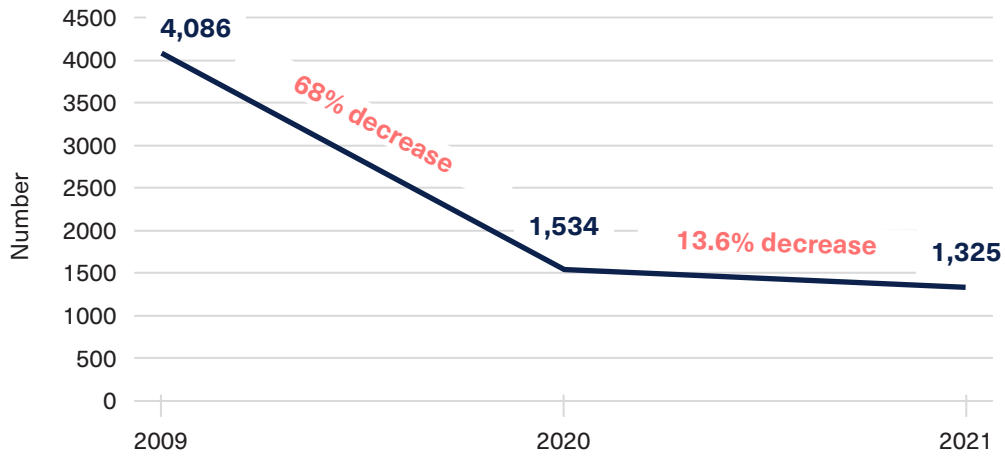
POLICE-FREE SCHOOLS, Latonia T., 10th Grade | Critical Exposure, E.L. Haynes, 2019

Youth Justice

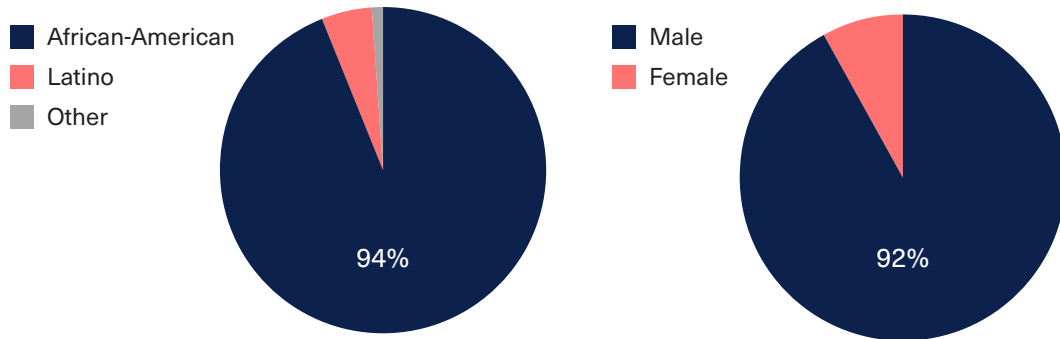
As D.C. begins recovering from COVID-19, advocates, educators, families, and Department of Youth Rehabilitative Services (DYRS) staff continue to search for ways to mitigate the effects of the pandemic on the District's children. More than 140,000 children in the U.S. have experienced a pandemic-related death of a caregiver, and many more have been deeply affected by social isolation from peers, increased mental health needs, inconsistent access to social services, and more.¹⁶⁶ Some community members point to the unique stressors of the pandemic as drivers behind an increase in youth involvement in carjackings, but D.C. has also seen increases in traffic fatalities, overdoses, and homicides among all residents.¹⁶⁷ Overall, youth arrests decreased by 52% between 2019 and 2021, dropping from 2,759 to 1,325.¹⁶⁸ Plus, a newly proposed bill seeks

to reduce the number of youth prosecuted in the adult criminal legal system. Of course, not all children have been impacted in the same way. For instance, while schools across the District transitioned from distance learning back to in-person classes and received more funding for school-based mental health services, youth advocates had to sue for incarcerated youth to receive special education services. Finally, 68 youth incarcerated at DYRS tested positive for COVID-19 between December 30, 2021, and January 2, 2022, with no reported deaths.¹⁶⁹

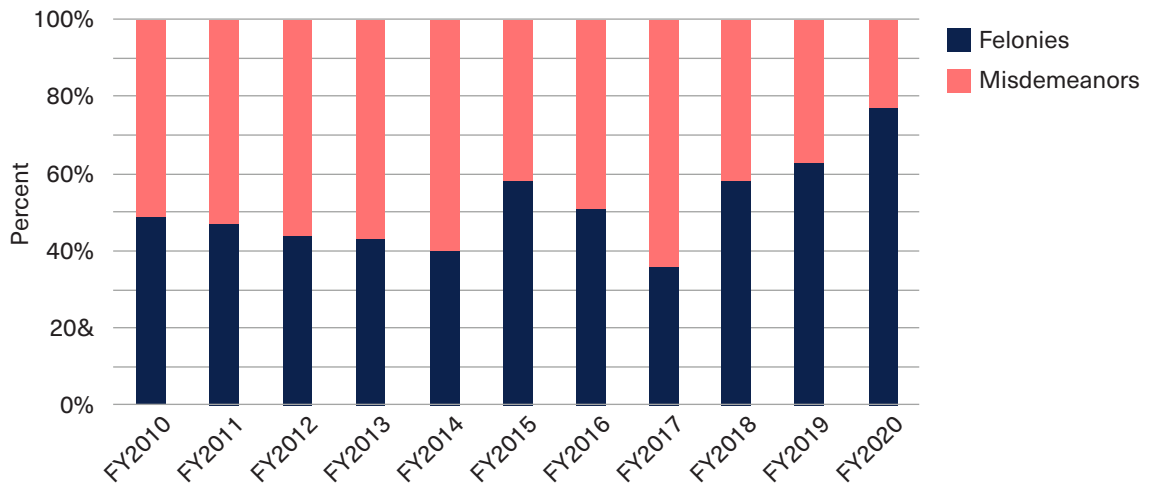
Decline in MPD youth arrests, 2009–2021.¹⁷⁰



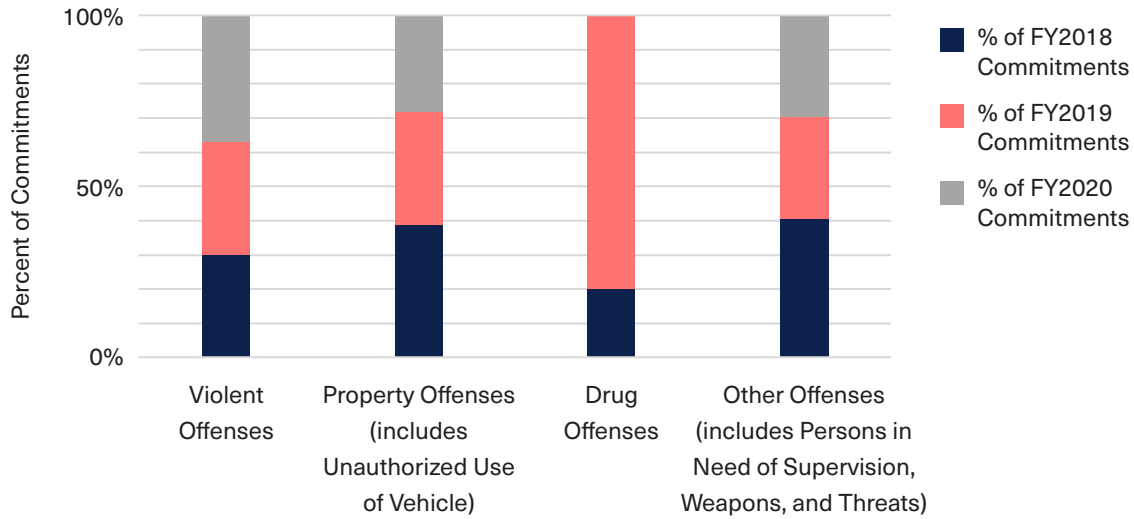
Demographic breakdown of youth newly committed to DYRS, FY20.¹⁷¹



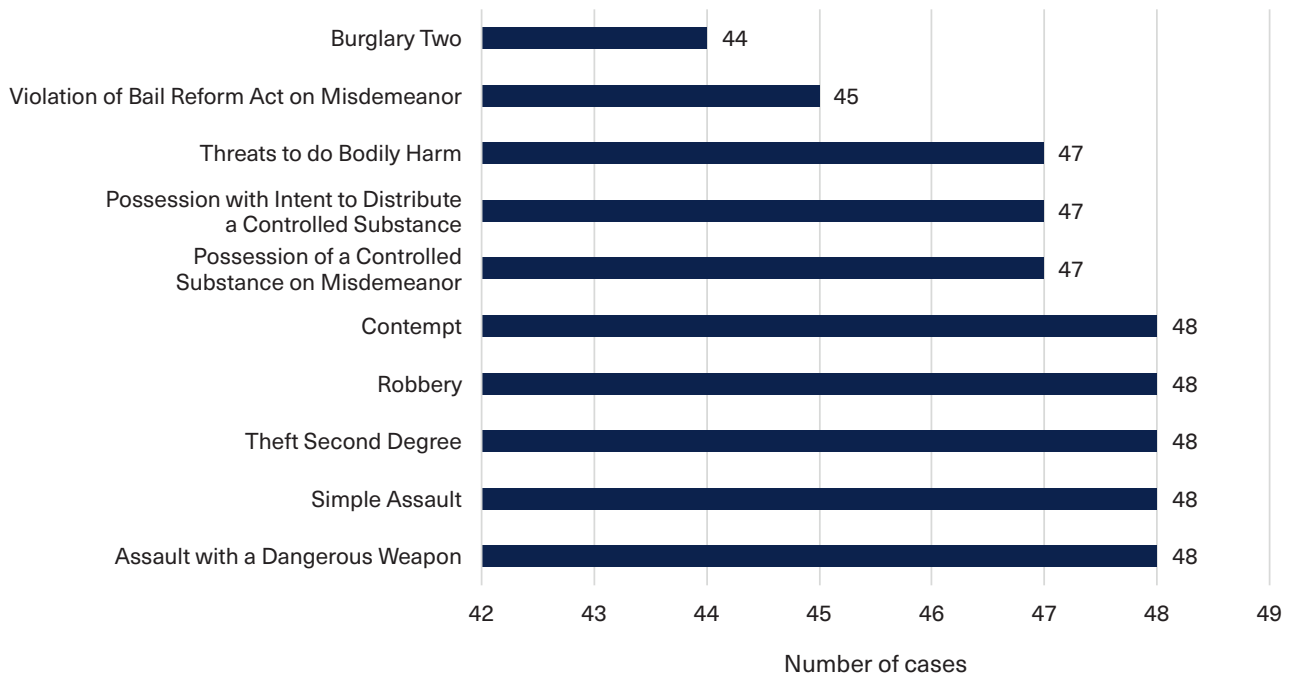
Offense level breakdown of youth newly committed to DYRS, FY10–FY20.¹⁷²



Conviction type for youth newly committed to DYRS, FY18-FY20.¹⁷³



Most common top charges for cases with 18–25 year-old defendants, 2017–2020.¹⁷⁴

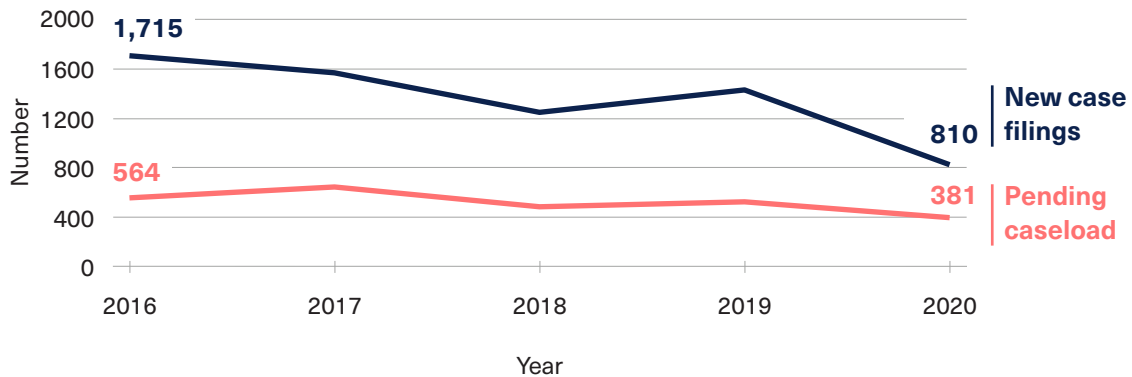


Note: The labels in the chart are terms provided in USAO-DC data.

CHALLENGES

Incarcerated Students Not Receiving Special Education Services.

Despite being three to four times more likely to need special education than non-incarcerated students,¹⁷⁵ incarcerated youth housed at the Youth Services Center (YSC), a facility for children in the custody of DYRS, have fought to receive special education services during the pandemic. Since March 2020, D.C. Public Schools (DCPS) has operated virtual classrooms and distributed digital devices for its community-based students, but as of September 2021, incarcerated youth had yet to see similar efforts.¹⁷⁶ Instead of digital devices and specialized instruction, incarcerated students at YSC received paper packets, some of which were not differentiated by grade level, with limited or no live instruction. Some students say they never received feedback on their work or even the opportunity to see which of their answers were right or wrong.¹⁷⁷ In response, Disability Rights DC filed a federal complaint with the U.S. Department of Education alleging that D.C. education officials were failing to provide proper instruction to incarcerated students with disabilities at YSC.¹⁷⁸ A mother of one incarcerated student said, “Even though they are detained, they are still students. They still have a right to learn.”¹⁷⁹ On September 30, 2021, DCPS stopped providing education services at YSC and at the D.C. Jail, as mentioned in the Adult Incarceration chapter. On October 1, 2021, Maya Angelou Public Charter School began providing education services at both facilities.¹⁸⁰ Maya Angelou schools has provided educational services to incarcerated youth at New Beginnings for over a decade.¹⁸¹

Cases in D.C. Superior Court's Juvenile Division, 2016–2020.¹⁸²

After Historic Lows, Increased Youth Involvement in Carjackings.

Overall motor vehicle theft in the District increased by 8% from 2020 to 2021, and children were arrested for more carjackings than in recent years.¹⁸³ The Metropolitan Police Department (MPD) arrested 55 children for carjacking in 2021, and 60 children in 2020, compared to 24 in 2019.¹⁸⁴ Youth arrests in D.C. declined in all categories except for car-related offenses in 2020, but youth arrests rose for car-related offenses, aggravated assault, and assault with a dangerous weapon in 2021.¹⁸⁵ In February 2021, MPD created a joint task force with Prince George's County Police (a neighboring jurisdiction in Maryland) and federal partners to handle the increase in carjackings,¹⁸⁶ but youth justice advocates caution against increased law enforcement involvement in crimes committed by youth, noting that the increase in carjackings comes after historic lows for youth arrests for motor vehicle theft. Between 2007 and 2021, youth arrests for motor vehicle theft in D.C. decreased by 42%.¹⁸⁷ Amid significant media and public attention to this issue, advocates point to the impacts of the pandemic, including isolation, loss, financial hardships, and gaps in services for at-risk youth, as potential drivers of increased carjackings.¹⁸⁸

DEVELOPMENTS & RESPONSES

Introduction of the Youth Rights Amendment Act.

In June 2021, the “Youth Rights Amendment Act” was introduced in the D.C. Council.¹⁸⁹ The bill would prohibit consent searches of children by MPD and make any interrogation of children under 18 years old inadmissible in court unless the child consulted an attorney.¹⁹⁰

Prosecution of Children as Adults.

In June 2021, D.C. Attorney General Karl Racine sent the “Redefinition of Child Amendment Act” to the D.C. Council, seeking a change to the laws surrounding the prosecution of children in D.C. Superior Court.¹⁹¹ Currently, the U.S. Attorney for the District of Columbia’s Office (USAO-DC) can directly charge youth accused of certain serious crimes in the adult criminal court.¹⁹² Once USAO-DC charges a child as an adult, also called “direct filing,” there is no way for a judge to send their case to juvenile court if they consider it a more appropriate venue for the particular matter.¹⁹³ Between January 2013 and August 2021, of the cases in which a 16- or 17-year-old was sentenced as an adult in D.C. Superior Court, 92.8% of the defendants were Black children. Of the 265 total cases, 41 children were sentenced to probation and 224 were sentenced to a combination of prison and probation.¹⁹⁴

Removing Police from D.C. Public Schools.

In 2020, the D.C. Council ended MPD’s security contract with DCPS, allowing DCPS to directly contract with and manage its security officers for the first time since 2004.¹⁹⁵ Then, in 2021, as a part of the “FY22 Budget Support Emergency Act of 2021,” the District committed to fully removing School Resource Officers, MPD officers assigned to schools, from DCPS and public charter schools by July 1, 2025, effectively dissolving MPD’s School Safety Division over four years.¹⁹⁶

Additionally, at the beginning of the 2021-2022 school year, 18 DCPS schools engaged in a pilot program aimed at reimagining the role of police in schools.¹⁹⁷ The goal of the pilot is to collect data on the effectiveness of hiring staff with experience addressing behavioral health issues instead of security guards. At a November hearing on the pilot program, the DCPS Chief of School Improvements and Supports said that they have recorded a 50% reduction in the use of out-of-school suspensions for discipline infractions at participating schools.¹⁹⁸ Staff hired through the pilot are empowered to mediate conflicts between students and contact parents, measures security guards at the schools are unable to take. The schools plan to collect data for a full school year before considering expanding the pilot program.

Establishing the Office of the Ombudsperson for Children.

In 2021, the District established the Office of the Ombudsperson for Children to address concerns about services for “crossover youth,”¹⁹⁹ children who are involved in both the child welfare and juvenile justice systems. These children are some of D.C.’s most vulnerable residents, but have often been overlooked and under supported.²⁰⁰ For instance, agencies and providers sometimes fail to share information regarding crossover youth’s healthcare and special education needs, resulting in lapses in service or care. The District created the Office of the Ombudsperson for Children to improve outcomes for children in the care of the Child & Family Services Agency and hold agencies accountable for fulfilling their responsibilities under the law.²⁰¹ Many youth justice advocates and foster parents of crossover youth hope that this new office will increase data collection, analysis, and sharing, ultimately allowing crossover youth to be better connected to necessary services.²⁰²



BOARDED UP, Raymond W., 9th Grade | Critical Exposure, Stories for Actions, Spring 2021

Conclusion

We hope that this 2021 Overview provided insight into how the pandemic, protests, and investigations have impacted D.C.'s criminal legal system. The District of Columbia successfully carried the momentum of 2020 into 2021, with advocates and community members utilizing sign-on letters, testimony, lawsuits, media, and other strategies to call for change. Policymakers held public hearings to demand accountability from agencies tasked with keeping everyone who lives in D.C. safe. Several significant and interdisciplinary bodies laid out comprehensive and bold visions for change for all parts of the D.C. justice continuum. While progress has been made, it is clear that advocates and community members want to see more action from D.C. policymakers across all three branches of government.

The next edition of this report, *D.C.'s Justice System Overview 2022*, will be published in early 2023 and will detail the developments of 2022, including newly available data. We anticipate describing progress sparked by recommendations of the D.C. Police Reform Commission, the D.C. Criminal Code Reform Commission, and the District Task Force on Jails & Justice, sharing information about new institutions like a halfway house for men and a local paroling authority, providing updates about conditions at the D.C. Jail, and reporting on new judges confirmed to the D.C. Courts. As members of this community, we hope that next year brings increased safety, more dignity, greater equity, and better justice in D.C.

ACRONYMS

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

ANC: Advisory Neighborhood Commission

BOP: Federal Bureau of Prisons

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

CDF: Central Detention Facility

CSOSA: Court Services and Offender Supervision Agency

CTF: Central Treatment Facility

DCPS: D.C. Public Schools

DFS: Department of Forensic Sciences

DOC: Department of Corrections

DYRS: Department of Youth Rehabilitative Services

FY: Fiscal Year

IRAA: Incarceration Reduction Amendment Act

MPD: Metropolitan Police Department

OAG: Office of the Attorney General

ONSE: Office of Neighborhood Safety and Engagement

PDS: Public Defender Service for the District of Columbia

RIP: Robbery Intervention Program

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

USMS: U.S. Marshals Service

USPC: U.S. Parole Commission

WMATA: Washington Metropolitan Area Transit Authority

YSC: Youth Services Center

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Several significant and interdisciplinary bodies laid out comprehensive and bold visions for change for all parts of the D.C. justice continuum. While progress has been made, it is clear that advocates and community members want to see more action from D.C. policymakers across all three branches of government.



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