

Criminal Justice Reform

Introduction

Through the FY 2021 budget, the Council upholds its commitment to an equitable criminal justice system, community safety, and support for incarcerated and returning residents with \$15.5 million of enhancements in the operating budget – see [table](#) below. The most basic principles of the criminal justice system are to protect citizens from being victims of crime; provide a forum for citizens to seek justice when a crime has occurred; hold perpetrators of criminal offenses accountable; and offer counseling, education, job training, rehabilitation, and other services to perpetrators or those at risk of criminal activity to reduce recidivism and the likelihood of individuals committing criminal acts. These principles should be equitably provided to all Americans, no matter their age, gender, social economic status, race, or religion. But justice is not always blind. The color of a person’s skin is a powerful predictor of the frequency and severity of their interaction with the criminal justice system.

Criminal Justice Reform Budget Highlights

	Mayor's FY21 Proposed Budget	Council's FY21 Enhancements	Approved FY21 Budget
<i>Victims Services Grants</i>	\$25,911,000	\$4,800,000	\$30,711,000
<i>Violence Intervention and Prevention*</i>	\$4,117,000	\$3,639,000	\$7,756,000
<i>Justice Grants</i>	\$7,891,000	\$3,430,000	\$11,321,000
<i>Access to Justice</i>	\$10,389,000	\$1,700,000	\$12,089,000
<i>Paralegal Fellowship for Returning Citizens</i>	\$0	\$568,000	\$568,000
<i>Access to Jobs for Returning Citizens</i>	\$0	\$254,000	\$254,000

**Includes violence intervention and prevention, Pathways Program, and the Restorative Justice Collaborative*

Widespread outrage over the May 2020 death of George Floyd at the hands of Minneapolis police officers reinvigorated the movement to address long standing racial disparities within the criminal justice system and within American society overall. In the District, thousands of activists took to the streets to call for these changes. In an effort to challenge and close the racial gaps within the D.C. criminal justice, the Council redirects funding from traditional policing activities to programs focused on access to justice, education, health care, housing, homeless services, mental health, resources for returning citizens, and violence interruption. The Council understands that this is only the first step on a long road and it will need to continue its efforts in creating a truly equitable criminal justice system.

Police Reform

Police brutality and bias have wide ranging effects on not only the victim but the community overall. Injustice in our policing systems increases Black Americans' mortality rate, has significant adverse effects on Black individuals' mental health, and has been shown to cause anxiety, depression, feelings of humiliation, low self-esteem, and chronic stress. Unjust policing practices erode trust between Black communities, the police, and the government in general. They are also expensive. Costs associated with arrests, incarcerations, legal fees, medical expenses, and funeral services create financial burdens on Black communities and society as a whole.¹

The District joins 20 states and at least as many municipal governments in legislative efforts to reform and restructure law enforcement.² The Council provides \$500,000 for the Police Reform Commission, as established in the "Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020."³ The Police Reform Commission will offer recommendations on reforming and restructuring public safety and law enforcement in the District of Columbia. The Commission will be comprised of 20 representatives from stakeholder groups, including criminal justice reform, mental and behavioral health, social services, victim services, nonprofit organizations, educational institutions, and Black Lives Matter DC. Further, the Council eliminates 50 new Full-Time Equivalents (FTEs) from the Metropolitan Police Department (MPD) and reallocates \$9.67 million from MPD to agencies and programs doing violence interruption and prevention, restorative justice, and victim service work, as detailed below.

The Council reallocates \$9.67 million from MPD to violence interruption and prevention, restorative justice, and victim services

Criminal Justice Reform and Increasing Access to Justice

While justice is promised to be impartial, history and data have proven otherwise. Black individuals have higher rates of interaction with police, arrests, and incarceration, receive longer sentences, and are more likely to face life in prison, than white individuals.⁴ These disparities are even starker when compared to population numbers - Black Americans make up 40 percent of all inmates but only 13 percent of the total population.⁵

In the U.S., there is a right to legal representation for criminal cases, however this right does not extend to civil cases. Thus, those who cannot afford legal representation must proceed without it. Black individuals also have a higher level of mistrust of the civil justice system, making them less likely to seek legal assistance.⁶ Low-income individuals receive inadequate or no professional legal help for 86 percent of the civil legal problems they face.⁷ To address this disparity in the justice system, the Council directs \$1.7 million to the Office of Victims Services and Justice Grants (OVSJG) for the Access to Justice Initiative. The Initiative seeks to increase low and moderate-income District residents' ability to access legal services in civil cases.

The Council directs \$1.7 million to the Access to Justice Initiative.

The Council continues to work to end inequality in the District's criminal justice system. To this end, the Council funds the "[Criminal Code Reform Commission Amendment Act of 2020](#)" and establishes the [Criminal Code Reform Commission as a permanent agency](#). This \$438,000 enhancement will ensure that the independent Commission, whose funding was scheduled to sunset halfway through FY 2021, can continue to pursue criminal code reform and best practices in criminal law. The enhancement will also allow the Commission to continue to prepare criminal code reform recommendations for submission to the Council in 2021.⁸ The Council also adds [\\$50,000 to OVSJG for a grant to a non-profit organization for an internship program that will produce information on District homicides using courtroom reporting](#).

The Council provides [\\$403,000 and 5 FTEs to create a new program at the Office of Neighborhood Safety and Engagement \(ONSE\) called the Restorative Justice Collaborative](#).⁹ Restorative justice programs create a framework and process for the party that has been harmed and the accused party to agree upon a resolution which does not involve incarceration or increased contact with the criminal justice system. The Restorative Justice Collaborative at ONSE will coordinate and foster restorative justice programming and practices within the District government and in partnerships with community-based organizations, with a focus on the 18-to-35-year-old population. In addition, the Council provides [\\$105,829 and 1 FTE to the Office of the Attorney General \(OAG\) for a social worker to support OAG's Restorative Justice Program](#), which offers an alternative to traditional juvenile prosecution.

The Council provides \$3.6 million for violence prevention and intervention programs.

The Council makes strides to increase children's access to justice by providing [\\$200,000 at the Child and Family Services Agency \(CFSA\) to support programming that prevents District families from unnecessarily entering the child welfare system through targeted legal interventions](#). Further, the Council funds [\\$181,500 and 2 FTEs for the Abating Truancy Through Engagement and Negotiated Dialogue \(ATEND\) truancy mediation program at OAG](#) to increase school attendance and address the underlying issues causing a student's chronic absenteeism and help their family avoid prosecution.

Violence Interruption and Victims' Services

There were 4,170 incidents of violent crime in the District in 2019, including 166 homicides.¹⁰ Violent crime in the U.S. disproportionately affects Black, brown, and low-income communities.¹¹ Violent crime erodes the fabric of our society and experiencing and witnessing violence has a negative impact on a person's mental and physical health and development.¹² Programs that encourage social organization, youth job opportunities, and housing stability can help lower the incidence of crime and improve the well-being of the community.¹³ Non-policing programs have been found to have a positive impact on community violence and reduce incidents involving firearms.¹⁴

The Council continues to support work to interrupt and prevent violence in the District by providing \$2.4 million to ONSE for violence prevention and intervention contracts. The Council also adds \$200,000 for the Cure the Streets program at OAG, which uses a data-driven, public-health approach to treat violence as a disease that can be interrupted, treated, and stopped from spreading. The Council also directs \$189,000 to create a new Gun Violence Prevention Director within the Office of the City Administrator and \$150,000 at the Office of the Deputy Mayor for Public Safety and Justice to promote the use of the District's "red flag" law.¹⁵ In addition, the Council directs \$408,107 and 1 FTE to the Office of Human Rights (OHR) to support hate crimes education and coordination.

Further, the Council's invests \$836,000 in ONSE to expand the Pathways Program from two to four cohorts. This enhancement includes \$500,000 for the increased costs at Department of Youth Rehabilitation Services' Credible Messenger Program associated with expanding the Pathways Program and \$336,000 for stipends for the additional cohorts. The Pathways Program is a transitional wrap-around employment and anti-violence program that aims to decrease participants' involvement in the criminal justice system and improve their employment, education, and training outcomes. It also redirects \$750,000 in capital dollars from MPD to ONSE to build out the Pathway Program's lower floor to accommodate more cohorts.

Exposure to violence has been found to increase the chances of an individual either perpetrating or becoming a victim of domestic violence.¹⁶ Domestic violence perpetrators often commit other crimes outside the home.¹⁷ In the U.S., one in every four women and one in every six men will experience domestic violence at some point in their life.¹⁸ Black women are particularly vulnerable to domestic violence, with over 40 percent experiencing domestic violence during their life.¹⁹ Forty-seven percent of all women and 53 percent of Black women have experienced psychological aggression, another form of domestic violence.²⁰ Domestic violence negatively impacts an individual's mental and physical health, increasing their usage of medical services, and is detrimental to childhood behavioral and emotional development.²¹ The federal government estimates the societal costs of relationship violence to be more than \$7 billion annually.²² To support domestic violence survivors, the Council directs \$3 million to fill the D.C. Survivors and Advocates for Empowerment (SAFE) Space Crisis shelter's financing gap for a new emergency shelter for survivors of domestic violence and their families. The Council provides \$1.8 million to OVSJG for victims' services grants. The Council also directs \$150,000 to the Child and Family Services Agency (CFSA) for an existing program that serves youth between the ages of 11 and 25 years old that have been victims of, or are at risk of, becoming victims of sex trafficking but are not in the agency's care and custody.

The Council supports domestic violence survivors with a \$3 million enhancement for the construction of a new emergency shelter.

Services for Incarcerated Residents

The U.S. has the highest rate of incarceration in the world, with 1.5 million Americans imprisoned in 2018. The District of Columbia has the highest incarceration rate of any of the 50 states or territories, at a rate of 1,153 incarcerated people per 100,000 residents.²³ As of June 29, 2020, the D.C. Department of Corrections (DOC) and Central Detention Facility had an average daily population of 2,118, a significant decrease from 2019's average population of 3,059.²⁴ Black individuals make up a disproportionate share of those incarcerated both nationally (35 percent of men and 44 percent of women) and in D.C. (89 percent of men and 74 percent of women).²⁵ Incarceration creates impediments and burdens for those in the system and their families. Incarcerated individuals are at risk of losing many of their community connections, experiencing violence. Incarceration can also have long-term negative impacts on mental and physical health.²⁶

The Council eliminates \$637,516 and 10 new correctional officer positions from the Mayor's proposed budget and reallocates these savings to legal supports and rehabilitative services for incarcerated residents.

The Council eliminates \$637,516 and 10 new correctional officer positions from DOC's proposed budget and reallocates these savings to legal supports and rehabilitative services for incarcerated residents. The Council provides \$550,000 for services for residents who are in federal custody. This enhancement includes \$350,000 for advocacy and legal support for individuals serving extreme sentences seeking sentencing review. It also directs \$200,000 for an organization that supports creative writing and peer support for D.C. youth incarcerated as adults.

The Council directs \$225,992 for additional services for incarcerated persons who are either District residents in federal custody or individuals imprisoned under the District's custody. This enhancement includes \$145,992 and 2 FTEs to the Corrections Information Council, which will expand service capacity and educational material offerings. The Corrections Information Council serves as the District's liaison to the U.S. Bureau of Prisons and inspects, monitors, and reports on the conditions of confinement at facilities where District residents are incarcerated. The Council's enhancement also includes \$80,000 to support the continued work of the Jails & Justice Task Force.

Returning Citizens

Returning citizens face many obstacles reentering society, such as difficulty finding employment, trouble adjusting to social structures outside prison, and continuing emotional, mental, and physical health issues.²⁷ An added barrier to reentry for some returning D.C. residents is that many have been sent to serve out their term in distant federal facilities, far from family and friends. There are currently 4,500 D.C. residents being held in federal prisons around the country.²⁸ Families also suffer financial and health strains when a member has been incarcerated and then must often provide financial and emotional assistance to those returning members.²⁹ To ensure that returning citizens' needs are recognized and addressed throughout the District government, the Council moves the Office on Returning Citizens Affairs (ORCA) into the public safety and justice cluster, reporting to the Deputy Mayor for Public Safety and Justice. Most recently, ORCA has been a programmatic office within the Executive Office of the Mayor.³⁰ This move will provide ORCA with more

opportunities for collaboration with other government agencies, additional support for the agency to engage with the federal Bureau of Prisons around reentry and empower the agency in its mission to ensure success for returning citizens.

The Council continues its support for returning citizens through several budget allocations, including \$1 million for a reentry housing pilot program through OVSJG and \$468,009 to the D.C. Housing Authority (DCHA) for 18 units of Local Rent Supplement (LRSP) Tenant-Based vouchers for returning citizens. The Council also provides \$300,000 for community-based reentry grants and \$10,000 to the Commission on Re-Entry and Returning Citizen Affairs for public engagement.

The Council recognizes the importance of employment supports for returning citizens. It helps returning citizens adjust to life after incarceration reduces the rate of recidivism.³¹ The Council restores \$568,000 for the successful Paralegal Fellowship pilot program.³² The program places returning citizen students in a university-based paralegal certification program. The Council also provides \$254,000 to ORCA to fund the "Access to Jobs Amendment Act of 2020" to subsidize the employment of returning citizens by providing a financial incentive for interested employers who can provide long-term careers.³³

The Council also helps returning citizens build and maintain healthy parenting skills by directing \$160,000 to CFSA to support parenting group sessions and home visitation services to support parents who are homeless or victims of domestic violence and reuniting with their children after returning home following a period of incarceration.

The Council provides \$1.5 million for housing supports for returning citizens.

Endnotes

- 1 (Alang, McAlpine, McCreedy, & Hardeman, 2017; Bor, Venkataramani, Williams, & Tsai, 2018; Congressional Research Service, 2018; Morin & Stepler, 2016; Turner & Richardson, 2016)
- 2 (Kight & Hart, 2020; National Conference of State Legislatures, 2020; Stockman & Eligon, 2020)
- 3 "Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020," transmitted to Mayor June 22, 2020, (Enrolled version of Bill 23-825).
- 4 (Justice, 2018; Rehavi & Starr, 2014; Sentencing Project, 2018; Spohn; Wagner & Sawyer, 2018)
- 5 (Hetey & Eberhardt, 2018)
- 6 (Green, 2016)
- 7 (Legal Services Corporation, 2017)
- 8 "Criminal Code Reform Commission Amendment Act of 2020," as approved by the Committee of the Whole on July 28, 2020 (Enrolled Version of Bill 23-760).
- 9 "Restorative Justice Collaborative Amendment Act of 2020," as approved by the Committee of the Whole on July 28, 2020 (Enrolled Version of Bill 23-760).
- 10 (D.C. Metropolitan Police Department, 2020)
- 11 (Sackett, 2016)
- 12 (Harding, 2009; U.S. Department of Justice, 2020)
- 13 (Heller et al., 2015; Sackett, 2016)
- 14 (Westervelt, 2020)
- 15 "Firearms Safety Omnibus Amendment Act of 2018," effective May 10, 2019, (D.C. Law 22-314; 66 DCR 1672).
- 16 (Centers for Disease Control and Prevention, 2019; U.S. Department of Justice, 2020)
- 17 (New York State Office for the Prevention of Domestic Violence)
- 18 (D.C. Coalition Against Domestic Violence, 2017)
- 19 (DuMonthier, Childers, & Milli, 2017)
- 20 Psychological aggression includes humiliation, insults, name-calling, and coercive control.
- 21 (Almis, Gumustas, & Kutuk, 2020)
- 22 (Crooks et al., 2017)
- 23 (Justice, 2018; Wagner & Sawyer, 2018)
- 24 (Criminal Justice Coordinating Council, 2020; D.C. Department of Corrections, 2020)
- 25 (D.C. Department of Corrections, 2020; National Association of Criminal Defense Lawyers, 2020)
- 26 (Fazel, Hayes, Bartellas, Clerici, & Trestman, 2016; Porter, 2020)
- 27 (Haney, 2001; Selwitz, 2018; Urban Institute)
- 28 (Austermuhle, 2017)
- 29 (Wildeman & Wang, 2017)
- 30 "Moving the Office of Returning Citizen Affairs Amendment Act of 2020," as approved by the Committee of the Whole on July 28, 2020 (Enrolled Version of Bill 23-760).
- 30 (Garcia, 2020)
- 31 (Denver, Siwach, & Bushway, 2017; Duwe, 2018)
- 32 "Returning Citizen Paralegal Fellowship Initiative Pilot Program Amendment Act of 2020," as approved by the Committee of the Whole on July 28, 2020 (Enrolled Version of Bill 23-760).
- 33 "Access to Jobs Amendment Act of 2020," as approved by the Committee of the Whole on July 28, 2020 (Enrolled Version of Bill 23-760).

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