

# 2018 Candidate Questionnaire on Criminal Justice Issues

## Facing the District

The following questionnaire was developed by the ACLU-DC, CARECEN, HIPS, No Justice No Pride, Stop Police Terror Project DC, and Trans United Fund.

**Please email your responses to [REDACTED] on or before May 31, 2018.**

### School-to-prison pipeline/Juvenile Justice

1. Black students in the District are 7.7. times more likely to receive an out-of-school suspension than their white peers. There is a wealth of evidence that the practice of suspensions and expulsions sets up students to fail by shutting them out of an education, decreasing their likelihood of graduating, and increasing their likelihood of interaction with the criminal justice system. This is the “school-to-prison pipeline.” What steps would you take to address the school-to-prison pipeline in the District?

*Last month, when the Council was poised to pass the Student Access to Justice Act, amendments proposed on the dais threatened to weaken the bill. I defeated those amendments and successfully moved my own amendment to strengthen it and ensure that students are not unjustly suspended. This month the Council voted to fund this bill. I was proud to support this effort.*

2. According to “Beyond the Walls,” a recent report by the Georgetown Juvenile Justice Initiative and Rights4Girls, while overall youth involvement in the criminal justice system has declined, the rate of girls entering the juvenile justice system has steadily increased and, in D.C., black girls are significantly overrepresented. What are your recommendations for addressing the specific drivers of the increasing rates of girls in D.C.’s juvenile justice system?

*One of the common factors of girls in the juvenile justice system is that many have experienced trauma in the form of sexual and family violence. As Chair of the Human Services Committee, I have provided additional funding to expand community-based resources and provide safe spaces for all our youth, and for girls in particular. I believe that we also need more data on those in contact with our justice system and those who are at-risk so that we can better assess effective preventative measures and identify gaps in District services. We must also address paternalism in our justice system that leads to girls being locked up for their own “protection.” Eight-six percent of black girls are arrested for non-violent offenses, of which the majority are under age 12, and that is unacceptable.*

3. A driving factor in the school-to-prison pipeline is the increasing reliance on police rather than teachers, administrators, and counselors to maintain discipline in schools, increasing the likelihood that students are subjected to school-based arrests. Currently, there are over 100 “school resource officers” (SROs) working in District schools. In addition to SROs, the ratio of security staff to students in D.C. schools is 1:114, while the ratio of social workers/counselors is 1:283 students. Do you support shifting resources from security and police presence in schools to social workers? Why or why not?

*I do. Similar to the work we did on the NEAR Act, to bring a public health approach to public safety, we need to focus on the underlying causes of the issues students face. I’ve pushed DBH on fully implementing its behavioral health program in our schools as party of my oversight on the Committee of Health.*

4. In FY 2016, D.C.’s Department of Youth Rehabilitative Services (DYRS) placed 26% of committed youth in facilities outside the District, not including New Beginnings Youth Development Center, the secure residential facility operated by DYRS in Laurel, Md. Many of these youth were committed to facilities as far flung as Texas and Illinois. How would you ensure all committed youth remain close to the District?

*This was one of the first issues I raised when I chair of the Committee on Human Services last year. Already DYRS is working to bring home as many youth as possible. They have created a program for young women at New Beginnings called Journeys. Most of the remaining youth out-of-state are in programs that provide a specific set of supports that are customized to each child and not yet offered locally, but we are working to provide those programs now.*

### Police Practices

1. In D.C., decisions to acquire and use surveillance technologies and military equipment are made in secret by the police department without any input from the public or their elected officials. In addition to being acquired in secret, these technologies are used without any community input or oversight. To date, seven other jurisdictions, most recently Oakland, Calif., have passed legislation requiring city council approval before any law enforcement entity funds, acquires, or uses any military or surveillance equipment, and only after the public is given a full and fair opportunity to voice its opinions before the council. Do you support the District enacting such a law here?

*Yes, that seems like a logical next step in our efforts to create more accountability among police, in addition to the support I have given as Councilmember to implementing body worn cameras and the NEAR Act.*

2. A recent report by the Office of Police Complaints on Use of Force by the Metropolitan Police Department found that use of force complaints in FY2017 increased by 36% over the

previous year, and that since 2013, 90% of all uses of force were against black residents, even as black residents make up 48% of the population. How do you view the responsibility of elected officials in ensuring that local law enforcement operate in a manner that protects the rights of D.C. residents, and what would you do to address the significant racial disparity in MPD's use of force?

*I was disheartened to see these statistics when the report first came out, but now that we have the data being collected and shared with the public, we can hold the police accountable for these disparities. I also support providing additional authority to the Office of Police Complaints.*

3. D.C. recently launched a pre-arrest diversion program through an interagency collaboration between the Department of Behavioral Health, the Metropolitan Police Department, and the Department of Human Services. Unfortunately, the agencies did not seek community input or guidance before developing the program. What role do you believe community stakeholders should play in the implementation of a pre-arrest diversion program?

*Most of my legislation begins with community input, and I always do my best to engage stakeholders as I'm drafting new bills. I think that should apply to all we do in government. Otherwise we miss the opportunity to develop programs that will have the intended impact.*

4. Trans communities of color are among the most likely to experience police violence and misconduct; however, the role of gender is rarely discussed in the context of police brutality. How will you use your position to promote public-health and community-led approaches to community safety that consider the role of race and gender discrimination?

*I am a strong supporter of the NEAR Act and have already begun working with the Office of Neighborhood Safety and Engagement on their implementation. I am also working with the Stop Police Terror Project to hold MPD Accountable for their parts of the NEAR Act implementation, and this fall will be holding a series of workshops to educate the public on their role in helping with implementation of the NEAR Act and the Street Harassment Prevention Act. Together these laws will change public safety as we know it. When it comes to individual officers, I work hand-in-hand with the Commanders and Chiefs as well, and when there is an issue with an officer I bring it to their attention immediately.*

*Even before the NEAR Act, I took a holistic approach to public safety. My regular public safety walks, which I have re-named intervention walks, include the Department of Behavioral Health, Department of Human Services, Department of Consumer and Regulatory Affairs, and the Department of Transportation, all of which play a role in safe public spaces and communities.*

## Crimmigration

1. Do you support the Access to Justice for Immigrants Act of 2017, which would expand access to justice for D.C.'s documented and undocumented residents by creating a separate civil immigration legal services program?

*I am the author of this bill, so yes! I worked to get it incorporated into the fiscal year 2019 budget and next year will work to expand funding to \$2 million.*

2. Many in the D.C. immigrant community face loss of their Temporary Protected Status in the coming 18 months, affecting, among other things, the validity of their official identification documents. Would you support the automatic transfer of a D.C. driver's license to a limited purpose driver's license upon the expiration of TPS status, without additional cost to the immigrant individual? Or, how will you work to streamline this process to ensure that TPS holders immediately have some valid form of ID available to them?

*Yes, this is a great idea.*

3. D.C. considers itself a "Sanctuary City." However, according to their policy and procedures, the D.C. Department of Corrections complies with U.S. Immigration and Customs Enforcement (ICE) notification requests. Specifically, when an inmate has an ICE detainer lodged against him/her, the DOC will notify ICE 48 hours prior to the expiration of their sentence, and in instances where an inmate is being released pursuant to a court order, DOC will notify ICE immediately to inform them that the inmate is being processed for release. Do you support closing the loopholes which allow for D.C. DOC to inform and notify ICE regarding the residency and release of inmates? Why or why not?

*As Councilmember, I've worked with DOC to address these concerns.*

### D.C. Jail/Incarceration

1. D.C. eliminated money bail in 1992. However, a significant percentage of the people held in the D.C. jail are detained pretrial, often for lengthy periods of time. What would you do to reduce D.C.'s jail population?

*There must be safeguards in place to ensure that assessments are done timely so that people are not unduly detained. However, more importantly we must move upstream of the problem so that we can decrease the number of arrests. This is why I supported the NEAR Act and am closely following its implementation.*

*Just last month I had a community public safety meeting with MPD and the Office of Neighborhood Safety Engagement. During breakout sessions we facilitated conversations from people in the community about steps that could be taken to make neighborhoods safer that*

*didn't start with increased police presence. I am also committed to investing in the mobile crisis teams so we do not criminalize those experiencing mental health crisis or addiction.*

2. The population makeup of the D.C. jail is over 90% black, even though black residents make up only 48% of D.C.'s population. What would you do to reduce this disparity?

*Continue efforts to decriminalize things that do not harm others (marijuana, sex work), provide deep intervention and work opportunities to those who have committed crimes so that they do not get drawn back in, create good jobs for people who have not had opportunities, and ensure that all of our residents who have been failed by our education system have a chance to become work-ready.*

3. The Department of Corrections reports that people who are re-incarcerated within a year after their release have a significantly higher incidence of mental illness. However, D.C.'s Department of Behavioral Health has repeatedly maintained that the justice-involved consumers of mental health services are just too small a percentage of the population the department serves to be a priority. What would you do to ensure people with mental illness who are justice-involved are a priority in our systems?

*I would insist on a robust mental health system inside our jail. As chair of the Human Services Committee I've already done work in our juvenile justice system to provide more access to mental healthcare. We must do this for adults as well.*

4. As of April 2018, 4,679 D.C. residents were incarcerated in federal prisons as far away as Washington state, California, Texas, and Florida. This distance isolates those incarcerated from the support systems of family, friends, and local rehabilitative services that research shows is critical to successful re-entry. Do you support D.C. bringing people back from the Federal Bureau of Prisons system and, if so, how would you propose the District accomplish this?

*Having your family nearby to support you is an important element of rehabilitation. I know that when my uncle was incarcerated, staying close to his children was especially important to him. I support bringing our residents back home, but I do not think we have a good partner in the federal government right now, and we may have to work on this with the next administration. However, we can bring District residents incarcerated in other states to the DC Jail closer to the release date so that family ties can be strengthened, and provide an opportunity for rehabilitative and educational services to be completed to afford people the best opportunity for success upon release.*

5. A 2015 report by the Washington Lawyers Committee for Civil Rights and Urban Affairs described the conditions of the D.C. Jail as “Damaged. Moldy. Crumbling. Infested with vermin. Smelling of sewage. Completely unconcerned with inmate safety.” While incarcerated people, advocates, and the government are in general agreement that the conditions at the D.C. Jail are unacceptable and unhealthy, there is no consensus as to the process, timeline, and method of financing for the replacement of the jail. What considerations do you believe should inform the replacement of the D.C. Jail and what steps would you take to address the current conditions faced by inmates and those who work in the facility?

*I think we need to consider a location that is easily accessible by transit, closer to our courts, and is dignified. Engaging community advocates and former residents of the jail to help guide the plans would result in a space truly designed for those it is meant to serve.*

### Reentry/Returning Citizens

1. Several other jurisdictions have taken steps to remove the criminal conviction records of people who were arrested on marijuana-related charges prior to legalization/decriminalization. Most recently, Seattle's mayor and city attorney announced plans to vacate all misdemeanor marijuana possession convictions that were prosecuted before it was legalized in Washington state in 2012. Do you support a similar move in the District?

Yes.

2. Would you vote in favor of the Removing Barriers to Occupational Licensing Amendment Act of 2017 (B22-0523), which would restrict the ways in which criminal records can be considered by occupational licensing boards?

*Yes, I would, similar to my support for the ban-the-box legislation.*

### Criminalization of Poverty

1. The trans community, and particularly trans people of color, face a disproportionate level of violence, discrimination, homelessness and unemployment in D.C. Nearly half of homeless youth in D.C. identifying as LGBTQ, while 50% of trans Washingtonians live in extreme poverty, with a median income of \$10,000. How would you use your position to address these issues?

*The biggest issue facing the LGBT community right now is the fact that the trans and gender expansive communities have been left behind, while the LGB communities are now thriving in many cases. In 2015, the DC Trans Coalition issued a needs assessment report that highlighted workplace harassment and job discrimination toward members of the trans community that has forced many into the gray economy. It also identified lack of access to vital services, and a high*

*suicide rate. As Councilmember I have, and will continue to focus on ensuring access to career paths, healthcare and housing.*

*As Councilmember, I co-introduced a bill that will require the DC Department of Health to ask about sexual orientation and gender identity when conducting its annual health survey. This increases the visibility of the community and helps us allocate funding to address unique health needs. The bill is now law and I am working on its implementation in my oversight role on the Health Committee. It will be essential that the special needs of the trans and gender expansive communities are a focus of implementation.*

*Another one of the report's recommendations was legislation to address discrimination against those who have been forced into sex work. I agree that we need to introduce legislation that would prevent survival and non-violent crime related offenses from being considered in job applications. With my support, Council passed "ban-the-box" legislation several years ago, and now we are working on implementation and enforcement of that law to ensure it fully achieves its goal to help returning citizens find employment. This is something near to my heart, as my late uncle served time in prison and if not for the opportunities that he had with employment when he returned to society, he would not have been able to rebuild his life.*

*As Chair of the Human Services Committee, I'm incredibly proud of having secured funding for the first year of the District's plan to end youth homelessness, which came to the Council last year unfunded. This includes shelter beds and transitional housing specifically for LGBTQ youth. As the plan enters its second year, I secured additional funds in FY19 to enhance the Mayor's allocation to this plan.*

*I am also pushing the regional conversation on LGBTQ youth homelessness, having helped coordinate the Metro Washington Council of Governments first ever panel on youth homelessness and LGBT youth after seeing the data on available beds in our region. The panel highlighted the fact that many of our neighboring jurisdictions are not doing enough to provide homeless services targeted at this uniquely vulnerable population.*

*In the FY19 budget I will have passed and funded legislation to comprehensively target and eradicate street harassment through education, culture change, and by gathering data on the problem that will help us focus our resources. Studies show that members of the trans community experience more frequent and severe harassment than others, and it's important to me that my legislation addresses that issue, while creating safer communities for all of our most vulnerable residents. This legislation, coupled with the NEAR Act, which is the comprehensive criminal justice reform that I helped pass several years ago, is changing the way we address*

*public safety. Rather than criminalizing behavior that is driven by poverty, we are taking holistic approaches to public safety with deep interventions and public health solutions.*

2. Smart Justice means placing less emphasis on criminalizing conduct and a greater focus on directing resources to address the underlying problems, like substance abuse, mental health issues, and lack of stable housing. If you are elected, what concrete steps will you take to move away from a criminalization approach to a public safety approach to criminal justice?

*See my answer to question #4 on page 3: I am a strong supporter of the NEAR Act and have already begun working with the Office of Neighborhood Safety and Engagement on their implementation. I am also working with the Stop Police Terror Project to hold MPD Accountable for their parts of the NEAR Act implementation, and this fall will be holding a series of workshops to educate the public on their role in helping with implementation of the NEAR Act and the Street Harassment Prevention Act. Together these laws will change public safety as we know it. When it comes to individual officers, I work hand-in-hand with the Commanders and Chiefs as well, and when there is an issue with an officer I bring it to their attention immediately.*

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### D.C. Criminal Code Reform

1. The "Reducing Criminalization to Promote Public Safety and Health Amendment Act of 2017," would remove criminal penalties for consensual sex work among adults in the District and would create a task force to study the effects of the law and make recommendations for further public health interventions. Do you support this bill? Why or why not?

*I support decriminalizing sex work, and I believe I will support this bill, I just need to ensure it does not inadvertently make it harder to identify and prosecute the actual criminals – the Johns and Pimps. There must be a mechanism to gather information about them through the testimony of sex workers themselves. I am concerned about how an arrest creates a record for sex workers, who are themselves victims. I'll work with my colleagues to ensure this legislation moves forward with all those things in consideration so we can prioritize the support of this vulnerable population while also creating mechanism for targeting actual criminals.*

*I co-sponsored the B22-0329, the Trafficking Survivors Relief Amendment Act of 2017, which expunges the records of those who are arrested as a result of being victims of sex trafficking. We should do that for all sex workers.*

2. One of the major barriers to reducing the overcriminalization and mass incarceration of D.C. residents is D.C.'s bifurcated criminal justice system. All federal offenses, adult felony offenses and some misdemeanors are prosecuted by a federally appointed U.S. Attorney, and the federal government also exerts control over parole decisions, probation, and supervision for those convicted of crimes in the District. However, the Council does control D.C.'s criminal code, and arrests for crimes contained in the code are largely carried out by the Metropolitan Police Department. With the above limitations, what changes would you make to reduce the high number of D.C. residents who are charged, convicted, and imprisoned each year?

*We have been systematically working our way through the criminal code to address these issues, whether it's decriminalizing minor crimes or removing mandatory minimums for certain crimes. This is something I'm passionate about. Too many people in our most vulnerable communities are still in the prison pipeline and we have to make that less of an inevitability. Instead we should be investing resources in human services and career paths.*

3. The "Fare Evasion Decriminalization Act of 2017" would replace criminal penalties for fare evasion in the District with a civil fine. Do you support this bill and would you support the decriminalization of other low-level offenses like eating on the Metro? Why or why not?

*Yes, I do, I believe I've explained my support for decriminalization throughout this survey, so I will not make you keep reading more of the same!*

4. Do you support reforming D.C. sentencing guidelines to reduce recommended sentencing ranges for certain crimes in the District?

*Yes, see answer 2 in this section, above.*

5. How would you address sentencing disparities that lead to black and Latino offenders facing significantly greater odds of incarceration than similarly situated white offenders?

*By reducing harsh sentencing altogether and expanding diversion programs.*

6. Do you support the removal of mandatory minimums? Why or why not?

*I do. Because research shows that the harshness of a sentence doesn't deter someone from committing a crime, and that was the reason the government instituted mandatory minimums in the first place. Essentially, they do significant harm, and virtually no good.*