

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? **I will be a vocal supporter of continuing to fund and actively oversee the implementation of the Student Fair Access to School Amendment Act of 2018. This bill seeks to address the disparate impact that out-of-school suspensions have on African American students and other students of color. I want to see our schools have the resources and support to make sure that students are not removed from school for minor infractions, and taken away from their academic support systems, assignments, and other educational needs.**
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? **I believe the District has taken an important step towards addressing this issue through the Comprehensive Youth Justice Amendment Act of 2016, but there is still work to be done. The vast majority of girls in the juvenile justice system have higher Adverse Childhood Experience (ACE) scores than their non-justice involved peers, so we need to start offering more trauma-informed, gender-based interventions and diversion programming that speak to the special needs of girls to help prevent girls from ever making formal contact with the system in the first place. I think we also need to reexamine how we deal with status and other nonviolent offenses, for which girls are more likely to become involved in the juvenile justice system than are boys. These types of offenses do not necessarily pose a threat to public safety, and detention is not necessarily the appropriate response. My preference would be to use restorative justice models as a first step towards making the lives of juvenile offenders whole and reconciling with both their victims and the community at large.**

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? **It is important that we put in place the most effective means of making everyone safe (and to feel safe) at our schools. While I believe school resource officers are a positive presence in our public schools, I also believe we must increase the number of social workers and mental health counselors at our schools. There should be easily available emotional and behavioral support for students and teachers alike. I agree with those who have argued that more available mental health supports in schools are crucial for maintaining a safe and healthy academic environment. Moreover, I believe teachers need more hands-on assistance in the classroom, as being responsive to 25-30 students during a class can be a very daunting task for just one individual.**
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? **As we increasingly emphasize the importance of treating mental and behavioral health and substance abuse issues as part of the vision for a strong public safety strategy, we must make sure we have in place the appropriate systems to address those needs. Unfortunately, youth with those particular needs are often the ones who end up being sent to facilities that are far from the District and, therefore, are far from the support networks they might have here. In order to ensure that all committed District youth remain close to the District, we need to provide DYRS with the necessary resources, in terms of both financial support and skilled service providers, and should explore incorporating additional group home facilities into the agency’s portfolio.**

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? **I support enacting a law that would require Council approval before local law enforcement acquires military or surveillance equipment, which would be similar to Obama-era policies.**

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? **One of my most important roles as a councilmember is to perform thorough, rigorous oversight of the agencies in the District that are on the ground providing services and implementing the laws that the Council passes. While it is the executive branch that is tasked with the execution and enforcement of laws, I still take the legislative branch's oversight role, and its implications for accountability and transparency, very seriously. As far as racial disparities in MPD's use of force, I would push the agency to closely examine and reform training and protocols. MPD needs to address this issue with intentionality by focusing on implicit bias training and de-escalation tactics. Internal investigation and disciplinary procedures also need to be more transparent and, in some cases, the consequences need to be more proportionate to the actions of officers.**
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? **It is important to note, at the outset, that this diversion program is being rolled out as a pilot program, meaning that it will run for a set period of time before being evaluated and either extended, changed, or discontinued. It is a best practice to involve stakeholders in the development of programs and policies. I often hold working groups for my legislative initiatives, which I have found to be an invaluable tool. Community stakeholders provide insight into how things work on the ground, and raise legitimate concerns based on their unique perspectives. I think a similar model would be advantageous for agencies to use when developing programs, such as this one, that have potential to greatly impact the community.**
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?

One of the most important ways to address this issue is to examine the training police officers receive. I will support the implementation of specialized cultural competency and implicit bias training, developed with the input of community stakeholders, for our law enforcement officers that is specifically focused on race and gender discrimination. In addition, I support a review of the internal investigation and disciplinary procedures that determine how cases of alleged misconduct are handled. Police response to such an allegation should be timely, and should include a thorough review of the incident accompanied by proportionate disciplinary measures in the case of a finding of wrongdoing. On the non-law enforcement end, the Council has taken an important step in addressing this issue by including the Street Harassment Prevention Act in the FY19 Budget Support Act. I hope that implementing this legislation will both lead to a decrease in instances of harassment and help connect those who have experienced harassment with the services they need.

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? **Yes. We, in the District, have committed to making our city a safe space for immigrants through our status as a sanctuary city. The Access to Justice for Immigrants program would complement that commitment by providing access to legal services for some of the District's most vulnerable residents - which is more important than ever, given the increased threat posed by the federal government to undocumented residents. To that end, I have voted in support of the Council's FY19 budget, which includes an increase in funding for the Office of Victim Services and Justice Grants to fund legal services for immigrant residents.**
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? **I support streamlining the process to ensure that TPS holders do not experience gaps in their ability to have a valid form of ID, and I would support waiving the application fee for those who need to change their driver's license to a limited purpose license due to loss of TPS status. However, I do not believe a true "automatic" change from a D.C. driver's license to a limited purpose license would be possible, because the DMV would not have the requisite information to automatically issue the limited purpose licenses, assuming no action by the licensees. Instead, TPS holders would need to apply for a limited purpose license either at a DMV or online.**

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? **Yes. At least one court has found that ICE detainers exceed the agency’s limited authority to make warrantless arrests. While DOC does not detain individuals for an additional 48 hours at ICE’s request, which is the common practice for complying with ICE’s detainer policy, DOC still provides for cooperation with ICE through notification of upcoming releases. This policy does not align with the District’s position as a sanctuary city, and should be revised.**

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? **I believe the best way to reduce the jail’s population is by preventing D.C. residents from becoming involved in the criminal justice system in the first place. To that end, I support expanding intervention and diversion programs, especially those that target residents with unmet mental health and substance abuse needs, as well as youth engaged in status offenses and other non-violent behavior. I also support expanding the use of probation and community based alternatives to incarceration.**
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? **To reduce racial disparities in the population at the D.C. jail, we need to consider root causes of criminal behavior and whether there are disparities in the manner in which laws are enforced. To address the root causes of criminal behavior, I think we need to take a more trauma-informed approach to public safety, including expanding the availability of mental health and substance abuse interventions. In terms of disparate enforcement of laws, we can and must do a better job of analyzing data and identifying trends to determine where the disparities are first entering the system. I also eagerly await implementation of the NEAR Act’s data collection requirements so that we can start analyzing trends more accurately and responding appropriately.**
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 think the first step in addressing this issue is to design interventions that will help divert those with mental illness away from the criminal justice system in the first place. The pilot program MPD is currently rolling out in collaboration with the Department of Behavioral Health is one example of such a diversion program. To meet the needs of those with mental illness who do ultimately become justice-involved, we need to ensure that DBH is provided resources that are specifically allocated for addressing the mental health needs of D.C. residents held at the D.C. Jail. Longer term follow up is also a vital component of treating mental illness, so I would ensure that we have systems in place to providing continuing care for residents as they are released from DOC, with no gaps in treatment.**

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? **Yes, although it is important to note that this issue is not completely within the District's control. I think there are two paths forward for accomplishing this goal. One option is to advocate for Congress to revisit the National Capital Revitalization and Self-Government Improvement Act of 1997, which transferred responsibility for the District's felony offenders to the federal government. Unless and until this law is amended or repealed, the District will not have custody of its convicted felony offenders. Of course, we can not compel Congress to act on this issue. Short of amending the Revitalization Act, the other option is to enter into an agreement with BOP through which the District's convicted felony offenders could be brought back to the District at least 6 months prior to their release date. This would help District agencies, service providers, and community-based organizations connect with the inmates while they are still incarcerated to better prepare them for success after release. However, if we were to pursue such an agreement, it would have to be on a long timeline, as the current D.C. Jail facility is insufficient to handle such an increase in population.**
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? **The major obstacle to constructing a new jail facility at this point is the financial cost: the District has a number of pressing needs competing for finite resources - needs such as the construction of neighborhood shelters throughout the city and a new hospital in the east end of the city. However, the jail must be counted among those pressing needs, and I have publicly expressed my concern that the Executive has yet to include any funding for the construction of a new jail in the capital funding plan. While we figure out the best way to move forward with funding the construction of a new facility, there is additional groundwork that should be undertaken. I believe the top priority should be engaging the community of returning citizens, reentry service providers, and other stakeholders to design a facility that would truly meet the rehabilitative goals of incarceration and the needs of the individuals in DOC's custody. I acknowledge that the current facility falls far short of this, and now that we have the opportunity to do better we must not let it go to waste. Unfortunately, the construction of a new jail facility will, realistically, take years to complete. In the meantime, we must continue to invest resources in making repairs and improvements to the current facility to the best of our abilities. This means engaging in frank and open discussions with both DOC staff and current D.C. jail inmates to ascertain what their needs are and how we can best meet them with what we have.**

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, for misdemeanor marijuana possession convictions. It is widely accepted that the criminalization and subsequent enforcement of criminal marijuana laws had a disparate impact on African Americans. Now that we have legalized marijuana possession, vacating these convictions would be a fair and just move.**
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 co-introduced this bill because I believe it takes a balanced approach to restricting the use of criminal records in licensing. We have taken several other legislative steps to level the playing field for returning citizens through our Ban the Box laws for employment and housing, and I think this bill represents an important continuation of those efforts.**

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? **I believe that the District needs not only to lay out substantial resources to address the entire homelessness problem across the District, I also believe strongly that individuals from certain backgrounds or circumstance can require a more intentional and focused attention. This includes especially trans people of color, who face a uniquely high risk of hateful violence in American society today. I would continue to advocate for special attention in all respects to LGBTQ residents, including setting aside shelter beds for homeless LGBTQ individuals and providing vouchers specifically targeted to vulnerable populations such as the LGBTQ community.**
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? **I am a firm supporter of increasing our emphasis on smart justice approaches. I believe that providing generous financial and other wraparound supports for the homeless and those who are housing unstable is one of the most important aspects of my work on the Committee on Housing and Neighborhood Revitalization. These subsidies and other assistance address the struggles of our residents in a holistic way, beyond simply stabilizing their housing situations. If we take an active approach to helping those who are struggling, we prevent them from later facing pressure to illegitimately obtain the means of surviving and caring for their family. This is an awful position for any family to be in, but we know that this happens and we know simply arresting people will not prevent it. We must think of economic and social assistance as measures that save residents from being in the unthinkable predicaments that are often the real motivators of criminal behavior.**

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? **Yes. Sex workers are already a vulnerable population, at higher risk for health issues, human trafficking, and societal stigmatization. Criminalizing consensual sex work among adults does not prevent the behavior, it just serves to further marginalize the sex workers and make it more difficult for them to access vital services. Instead of**

concentrating resources on arresting individual sex workers, the government should be focused on combating instances of human trafficking, sexual violence, and sexual exploitation of minors.

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? **The D.C. government has worked diligently to draft legislation that targets and addresses issues that are specific to D.C. One recent example is the decriminalization of marijuana. While other jurisdictions have sought to first legalize marijuana (and the general public have expressed its desire for this to come into fruition), the first step DC took was to decriminalize small amounts of marijuana due to the large population of minority men that were being convicted. Despite the unique position D.C. is in, the legislature works consistently and arduously to collaborate with the other branches of government to speak to the D.C. specific issues and work to reduce the high number of D.C. residents who are being charged.**
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 believe civil fines are a more appropriate and proportionate response to these low-level offenses. Fare evasion and other such offenses merit discipline, but do not pose a threat to public safety, and should not carry with them the implications of becoming involved in the criminal justice system.**
4. Do you support reforming D.C. sentencing guidelines to reduce recommended sentencing ranges for certain crimes in the District? **Yes. I particularly support reducing recommended sentencing ranges for drug-related offenses in favor of focusing more on the mental health needs and substance abuse issues individuals convicted of such offenses often face. I also support expanding the availability of probation and community based alternatives to incarceration.**
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? **I would start by re-examining the rationale behind the particular sentencing guidelines that have had a disparate impact on black and Latino offenders, such as the weight given to criminal**

history. If those considerations do not truly further the goals of the criminal justice system, they should be revised or removed from the sentencing guidelines.

6. Do you support the removal of mandatory minimums? Why or why not? **Yes. I believe there is great value in providing for judicial discretion and allowing judges the latitude to consider the individual circumstances surrounding each case. Instead of allowing for judicial discretion, mandatory minimums place more power in the hands of prosecutors, who decide which charges to bring. In addition, mandatory minimums tend to focus solely on the punitive aspect of the criminal justice system and disregard the goals of deterrence, restoration, and rehabilitation.**