

Charles Allen, DC Council - Ward 6

**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 co-sponsored the Student Fair Access to School Act of 2018 and was proud to vote in support of the measure when it came to the full Council. The Student Fair Access to School Act is an important bill addressing an important issue. We know that the use of exclusionary discipline disproportionately affects our students of color and contributes to both the achievement gap and the school-to-prison pipeline.

As a member of the Education Committee, I believe that working to limit these practices at both our traditional public and charter schools is the right thing to do. As a parent, I also want every child to feel safe and welcome at school. And as the Chair of the Committee on the Judiciary and Public Safety, I know that interrupting the school-to-prison pipeline is a matter of equity and justice. Exclusionary discipline practices have not been shown to improve educational outcomes and, all too often, create a cycle between behavior and performance that has detrimental effects for the young person that last a lifetime.

In my Committee, I have actively supported additional efforts to disrupt the school-to-prison pipeline, including the diversion program Alternatives to the Court Experience (“ACE”). ACE is a collaboration between the Department of Human Services, Court Social Services, the Metropolitan Police Department, the Office of the Attorney General, the Department of Behavioral Health, and community-based service providers. This diversion program is offered to young people who commit status offenses like truancy or low-level delinquency offenses; instead of prosecution, the youth are offered support and behavioral health services that meet their individual needs. ACE approaches the issue from another angle, but this is a problem we must tackle on several fronts.

Literacy is another way in which I have approached disrupting the pipeline. I have worked to close the achievement gap in our public schools by supporting early literacy programs, including creating the DC Public Library's Books From Birth Program. The first bill I introduced as a Councilmember was to create Books From Birth in an effort to close the word gap for children who may have no other access to books in the home before beginning school. In the two years DC Public Library has had the program up and running, we've delivered almost 450,000 books to children from birth to age 5 across the District, with 83% of kids in target neighborhoods enrolled, and the program is continuing to grow by 5% per month. As more and more children "graduate" from Books From Birth into our schools, I expect this investment in early literacy will lay the foundation for higher achievement by the students who might otherwise have not had access to books at home and will reap rewards in the public safety context, as well.

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?

The findings of the "Beyond the Walls" report were shocking but not entirely unsurprising. In the last few years, increased representation of girls in our juvenile justice system has become more and more noticeable, particularly for less serious crimes like theft and simple assault. I know that the Department of Youth Rehabilitation Services is modifying its programming to respond to the needs of girls, and I have had specific conversations about this issue with Director Lacey. I frankly don't fully understand all the drivers that are leading to this increase, but I believe that they are in no small part related to the adultification of black and brown girls. Georgetown Law's "Girlhood Interrupted" report was also compelling on this topic and underscored the relationship between juvenile justice system involvement and views of black and brown girls as less worthy of nurturing, as more independent, and as sexualized at an earlier age.

Specifically relating to the report's findings, I asked Deputy Mayor for Public Safety and Justice Kevin Donahue at my Committee's performance oversight hearing on his agency whether he had read the report, and when he answered that he had not, I provided it to his staff for review. On May 23rd, I also held a briefing for Council staff with the report's authors to explore its conclusions from perspectives outside of public safety. I think a genuine and comprehensive response to girls in the District's juvenile justice system will heavily rely on partner involvement from our education, human services, and healthcare clusters.

In terms of concrete policy changes, the reforms that I authored and that the Council will vote on in the next month will dramatically expand alternative sentencing and record sealing opportunities for young women ages 18-24. On the front end, programs like the Alternatives to the Court Experience program at the Department of Human Services and the Victim-Offender Mediation/Restorative Justice Program at the Office of the Attorney General will begin to close the front door of the juvenile and criminal justice systems to girls, particularly for less serious offenses (which are frequently how they enter). I also believe that the funding I've increased for victim services -- and specifically for healthy masculinity and anti-rape culture work -- at the

Office of Victim Services and Justice Grants will disrupt the conditions that contribute to traumatization, which in turn contributes to multi-system involvement.

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 will be holding an oversight roundtable next month on the District’s security contract, including for school security, and we’ll be exploring this issue in more depth. “Maintaining discipline” should really mean to provide resources to students, teachers, and staff to ensure that all students can learn safely and securely. Accountability through “discipline” is part of this equation, but accountability without the accompanying support can frustrate the purposes of all parties, including the student. I believe that there is a role for School Resource Officers to play in schools. They can help students have positive experiences with law enforcement early on and also protect students from immediate and serious harm caused by other students. For example, it was important to me in the Student Fair Access to School Act that referrals to law enforcement were discouraged, but that we were specific about how “referrals” was defined. The Metropolitan Police Department operates a number of excellent programs to which they refer students for opportunities they would otherwise not have, such as field trips and mentoring.

That said, I can completely appreciate the question. It is simply unacceptable that we do not have social workers and counselors in every school to meet the needs of all students. This is why my role on the Education Committee pairs so well with the Committee on the Judiciary and Public Safety. I will continue to advocate for enhanced funding for school-based wraparound services to get all students and teachers the support they need.

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?

I completely support DYRS Director Lacey’s work to bring more committed youth home. The agency is making significant progress in this area, particularly for girls with the addition of the Journeys residential program at New Beginnings. It is very challenging for young people to be committed far from the District; they lose connections with family, friends, and their education. For some youth, however, the District does not have appropriate psychiatric or behavioral residential facilities, and they must be able to access treatment. For those who do not have these specific needs, we must continue to build local capacity. As we do reduce out-of-state placements, I believe that those savings should be reinvested in the agency or in related primary prevention efforts.

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 full transparency regarding Department expenditures, and I have explored this specific topic with Chief Newsham in agency performance oversight hearings.

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 supported the passage of the Neighborhood Engagement Achieves Results Amendment Act of 2016 (the "NEAR Act"), which required the Office of Police Complaints ("OPC") to review this data annually. It will be extremely instructive going forward, and to the extent possible, I hope that OPC will be able to help tease out the "why's" behind these statistics. This is one of the most difficult questions to answer in my role as Chair of the Committee on the Judiciary and Public Safety -- what, for example, does the evidence tell us is the role of racial bias in the use of force? How is force also used disproportionately against black residents compared to their overall criminal justice system involvement? How is force used by certain races and ethnicities of police officers on residents? This last question was one analyzed by OPC that offered particular insights: 35% of MPD's officers are white, but white officers accounted for 43% to 48% of officers who reported using force per year; 78% of MPD's officers are male, but male officers accounted for 86% to 90% of officers who reported using force per year.

Disparities such as these will be reduced through three tools: (1) consistent and system-wide anti-bias training conducted by subject matter experts, (2) accountability for inappropriate behavior, and (3) continued oversight by the Committee in individual cases and in terms of systemic reforms. The excessive use of force is unacceptable, and in the end, it does harm to the community's belief in the legitimacy of law enforcement, thereby making policing less safe for officers, as well.

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 was a mistake by the Deputy Mayor for Health and Human Services, the Department of Behavioral Health, and the Metropolitan Police Department not to fully engage experts and community-based organizations in the Pre-Arrest Diversion Program's development. I expressed my disagreement on several occasions -- both publicly in oversight hearings and directly with the Deputy Mayor's office -- but meetings only took place with some advocates immediately before the program's rollout. I personally view engagement as beneficial from both process and outcomes perspectives, and my Committee is intentionally transparent in our decision-making and in convening experts and stakeholders in legislation and oversight. Engagement also fosters trust and buy-in, both of which are critical in the criminal justice arena. I will continue to push for engagement on this program, in particular.

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 have been a strong supporter of the "Street Harassment Prevention Act of 2017", which would create a task force composed of government agencies and community-based organizations to survey residents' experiences with street harassment and develop policies and procedures for training government employees to address it. I ensured that the bill was included in my Committee's Fiscal Year 2019 budget, along with the necessary funding, and I'm incredibly proud that we'll be the first jurisdiction to do this kind of work. This bill is incredibly important because it takes a non-criminal, public health-based approach to violence in public space.

I also see MPD's Lesbian, Gay, Bisexual and Transgender Liaison Unit as a critical way to bridge the gap in information-sharing and relationship-building between law enforcement and the LGBTQ community.

In terms of strengthening anti-discrimination protections, I have added seven new staff members to the Office of Human Rights in the past two budget cycles to enhance the agency's enforcement capacity and case processing times. I also funded the nation's first state-level ban-the-box in housing law to reduce barriers to housing for individuals with criminal records. Safe and secure housing is a form of safety, and particularly for vulnerable communities that may have had more criminal justice system exposure, and therefore more criminal records.

Immigration

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, I support District funding for legal services for the District's immigrant community. This particular bill proposed that the funding would be administered by the District of Columbia Bar Foundation, which is a private entity, and I think it should instead be a commitment made and overseen by the District government. That's why I'm working with Councilmember Nadeau -- the author of the legislation -- to convert it into a subtitle in the Fiscal Year 2019 Budget Support Act to create a new Immigrant Legal Services Program at the Office of Victim Services and Justice Grants. Councilmember Nadeau and I will also need to work again next year to increase funding for this new program, as the need is great.

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, I support the automatic transfer for a D.C. driver's license with no additional cost to the individual.

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?

I do not believe the District should cooperate with ICE notification requests and have had detailed conversations with the Director of DOC about their practices and how releases should be processed.

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?

The Pretrial Services Agency ("PSA") -- the federal agency responsible for providing supervision and services to defendants awaiting trial -- is one of the best of its kind in the country. Instead of bail, PSA conducts an extensive assessment of every defendant and makes a recommendation regarding their detention. As a result, the vast majority of individuals are released pending trial -- upwards of 90 percent. What is very concerning to me at the moment is the *length* of pre-trial detentions. This is in no small part due to vacancies on the Superior Court. Last week, I sent a letter to the Senate with Chairman Mendelson to strongly urge them to act on pending nominations.

We know that the longer a person is system-involved, the more negative outcomes for their employment and housing.

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?

Historical and current inequities in the lives of many District residents of color contribute to their overrepresentation in the D.C. Jail, as well as in every other aspect of our justice system. The solutions are many -- some within the public safety cluster but many more without. It is with this lens that I view my role as Chair of the Committee on the Judiciary and Public Safety, and it is why I have invested millions of dollars in the past two budget cycles in primary interventions.

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?

The Office of the D.C. Auditor/Council for Court Excellence's report "Improving Mental Health Services and Outcomes for All" offers an excellent roadmap for the path forward, and I held a joint public oversight roundtable with the Health Committee on its recommendations. I believe that entities like the Criminal Justice Coordinating Council that are independent and cross-cluster can help inform the Council's oversight and also bring together the necessary agency principals. Ultimately, improvements will require leadership and consistent partnership between the branches.

Specifically, I see promise in the new Pre-Arrest Diversion Program. If implemented properly, the program could go a long way to preventing cyclical reincarceration for those District residents who would benefit more from behavioral health services. I'd echo my comments elsewhere in the questionnaire about the need for additional stakeholder engagement in the program.

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?

Without question, yes, I support taking back control of our entire criminal justice system. I think we can first focus on identifiable subpopulations, such as young adults and inmates within six months of their release. We have space at the Central Treatment Facility, but the biggest hurdle is working with the Bureau of Prisons (which, as of this week, is lacking a Director). In the bigger picture, the construction of a new jail will offer opportunities to seriously consider bringing District residents home. In the Fiscal Year 2019 budget, I funded a jail engagement initiative to ensure that the topic will be on the front burner even though the construction is not budgeted within the financial plan, and this should be one of its central considerations.

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 Executive did not include funding for a new jail in the Fiscal Year 2019 proposed budget, and as the project’s cost is great -- upwards of \$300-\$500 million -- and the District is close to hitting our debt cap, the Council could not identify that sizable amount of funding after the proposed budget was transmitted. That is not an excuse to in any way delay planning and engagement around the project. To that end, I included \$150,000 in the FY19 budget to create a non-governmental jail engagement initiative. I was inspired by the work of New York City in their advocacy to close Rikers, and the way in which they also leveraged private funding. The initiative’s charge will be much broader than identifying funding options, although I think evaluating the pros and cons of the Executive’s proposed public-private partnership plan should be one component, but we also need to think more holistically about pending and potential criminal justice reforms, incarceration trends, programming needs, and incorporating reentry services. The jail is more than a building; it represents our criminal justice priorities and long-term goals and needs. Until the funding for the jail’s construction is included in our capital plan, I’ve also approved millions of capital dollars at the Department of Corrections to make necessary repairs to the internal and external structure of both the CDF and CTF.

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?

My Committee is preparing an omnibus criminal record sealing/expungement bill for an early fall markup. The bill will reflect the input of two working groups -- one of legal experts and community-based organizations and one of District and federal government agencies -- and this issue will be considered for inclusion by the two groups. I would want to explore any consequences with the two working groups, but the proposal would seem to be squarely in line with existing efforts to approach the use of marijuana from a public health perspective.

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?

I introduced B22-0523, and the bill is currently pending in the Health Committee. I will vote in favor of the bill when it comes before the full Council, provided the Committee's version is as comprehensive as the introduced version.

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?

While the District is very progressive in many ways when it comes to politics and policies, the city still must address transphobia, homophobia, racism, and racial justice directly. Many of the laws and policies I've advanced work to remove barriers and right historic wrongs to make the District a more inclusive and just city. The trans community faces many barriers and the root causes of the District's significant income inequality are complex, and as with any complex issue, there is not a single legislative or government initiative that would serve as a magic bullet. We must continue to implement progressive economic justice policies to lift up all marginalized communities, such as an increased minimum wage, paid family leave, and expanded access to child care -- policies I have adamantly supported and led. We also must commit to improving adult education, job training, apprenticeship programs, aggressive enforcement of our Human Rights Act, and the accompanying education and enforcement needed to make the law meaningful. Also, the Office of Human Rights has conducted several outreach campaigns related to transgender people, including its Valuing Transgender Applicants & Employees: A Best Practice Guide for Employers as a proactive step to reducing workplace discrimination and transphobic bias in hiring, helping trans people find and keep stable employment.

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 think the reforms that I authored to update the Youth Rehabilitation Act of 1985 ("YRA") perfectly illustrate my approach to criminal justice reform. The YRA is a thirty-year-old law that allows young adults ages 18-22 to receive alternative sentences and have their records sealed for certain crimes. The law is extremely important to reducing the length of time young adults spend in the criminal justice system, and on the back end, eliminating barriers to housing and unemployment by sealing their records if they successfully complete their sentences and probation. However, the YRA had been utterly neglected since its passage, and an analysis of its implementation showed it was applied differently to similarly-situated young adults and that the social services that were required weren't being provided. Using an evidence-based analysis of the law to inform legislative changes, I created a working group composed of victims, returning citizens, government agencies, and community-based organizations to develop the bill. I'm proud to say that the Council's first vote on the bill will be June 5. The Youth Rehabilitation Amendment

Act of 2018 is a strong and truly groundbreaking example of an evidence-based approach to improving public safety that will be supported by a network of social services.

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 the decriminalization of commercial sex work and I believe that the District should begin community conversations about the impact of the criminalization of commercial sex work on District residents, and particularly LGBTQ people and people of color. I do have some concerns about the specific proposal currently before the Committee on the Judiciary and Public Safety. I had met, prior to the bill's introduction, with the Sex Worker Advocacy Coalition -- which was leading the charge behind its introduction -- and asked for their support in educating District residents about the realities of sex work and its criminalization, any related quality of life concerns shared by our neighbors, and the bill's provisions. Many bills before the Committee require broad coalitions and significant investments of time and effort in community engagement in order to gain support from Committee members and move forward successfully. This engagement did not take place prior the bill's introduction. Instead, the bill was introduced by its sponsor without conversations in the community, the Coalition itself was not fully informed of its introduction, and there were also concerns within the sex work and anti-trafficking communities about some of its provisions having unintended and negative consequences. I think there should be further conversations around the bill's proposals to decriminalize the solicitation of sex, pandering, and brothel operations, and the effect decriminalization might have on survivors of sex trafficking and on sex workers. I have shared my thoughts on these aspects of the bill with a number of service providers whose clients would be affected.

As a legislator, and particularly as the Judiciary Committee Chair, I am committed to health- and social services-based supports for individuals who consensually engage in sex work and those who are trafficked. I also recognize that legislation -- particularly criminal justice legislation -- must move forward with a broad base of coalition, community, and Council support. I am committed to a continued partnership with both sex work and anti-trafficking advocates on the long-lasting and collateral consequences of the criminalization of women and LGBTQ individuals who engage in commercial sex.

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 lack of control of our entire criminal justice system is the single biggest barrier to reducing the number of District residents who touch the system. That said, we do have control over most of our juvenile justice system and of most of the pathways to entry for both the juvenile and criminal justice systems. Although long-lasting and more comprehensive strategies will require investments in education and social services, in terms of the system itself, diversion is critical. For example, looking at the juvenile justice system, in Fiscal Year 2018, I funded the creation of a new victim-offender mediation program at the Office of the Attorney General. I've also supported the Alternatives to the Court Experience program at the Department of Human Services, an incredible program with incredible results. This budget cycle, I recognized that the Office of the Attorney General needs to more effectively use data to inform its decision-making -- especially around diversion -- so I've added a new position for a Data Technology Officer. While may seem like a small investment, I can't underscore enough the value for the agency and for the Council in having better statistics.

In terms of arrests and petitions, I mentioned elsewhere in the questionnaire that I'm exploring the recommendations of the Georgetown Law and Rights4Girls joint report on girls in our juvenile justice system. The number of petitions for girls -- especially for minor, non-person offenses -- has increased dramatically. Better understanding these numbers and driving them down will be a focus of my juvenile justice work.

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?

I didn't co-introduce the bill when it was introduced because I very rarely do when I know a bill will come to my Committee. With this issue in particular, I also thought it was helpful for both sides to see that I was coming to the table with an open mind. On the one hand, I can appreciate WMATA's need to protect its riders by removing individuals who commit violent acts from the system -- and it often uses arrests for fare evasion to do so. At the same time, I believe that arrests for the theft of a \$2.25 base fare are difficult to justify -- particularly when that is the only crime charged. I held a hearing on the bill and did not think that WMATA made a strong case with evidence in support of the continued criminalization of the offense. Also just last week, I sent a letter to Metro Transit Police after I saw a video on social media of the use of force during an arrest of a young woman for alleged fare evasion. As my Committee turns back to legislation post-budget, I am giving strong consideration to B22-0408.

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

The determination of the Sentencing Guidelines in the early 2000s was years-long and extremely complex, labor-intensive, and stakeholder-driven process. The resulting Guidelines prioritized judicial discretion by providing sentencing ranges for felony crimes, and judges very rarely depart from the Guidelines. I believe that it is time, now that the District is approaching twenty years after the Guidelines' creation, to consider their comprehensive evaluation. Another ongoing project that I also strongly support is the Sentencing Commission's review of how we should consider criminal

history in determining sentences. Criminal history is one of the two major factors in sentencing, but the way in which it is determined can reinforce historical sentencing patterns primarily experienced by defendants of color.

The District is currently undertaking an incredibly meaningful process that will be concluding shortly: the work of the Criminal Code Reform Commission. This, I think, is an even more valuable process than a change to the Guidelines, as the Criminal Code Reform Commission has been working for many years to produce a revised Code that is consistent, proportionate, and more just. The Commission's work will examine the elements of each crime and the accompanying penalties. For example, it will reconsider penalty enhancements that have never been applied, outdated crimes, and unjust penalties for different ways of criminalizing the same conduct.

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?

The answer to this question is jarring: we don't actually have disparities in sentencing in the District (at least for felony offenses) because the number of white defendants is so small that they cannot be compared against similarly-situated black defendants. We do not have data for misdemeanors, but I would imagine that black defendants are also almost exclusively those sentenced. African-Americans also comprise the overwhelming majority of persons arrested, charged, and convicted.

To the extent that this question is asking about communities of color having greater odds of incarceration *relative to their representation in the District's population as a whole*, it speaks to the causes behind and solutions to addressing the overrepresentation in the system of communities of color. I have touched on my positions on potential solutions in other areas of this questionnaire, including for addressing economic and educational inequities, the generational effects of trauma, the adultification of young people of color, and racial discrimination.

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

First, I believe in judicial discretion through the use of the District's Sentencing Guidelines. Mandatory minimum sentences counter this principle. Second, I believe in penalties that fit the crime and that also align with the penalties for our other crimes in the District (see my response to the question above). Mandatory minimum sentences are often created through legislative responses that don't take into consideration either judicial discretion or the need to fit in our system as a whole. This is, in part, why we are now undertaking a wholesale reform of our Criminal Code. Third, I do not believe that they deter individuals from committing crimes any more than a range of sentences would. That said, it is important when undertaking criminal law reforms to inform policymaking with evidence. I think the time is now to examine how mandatory minimums have been applied in the District and whether they disproportionately affect certain demographics. It would also be important to help the public understand that removing mandatory minimums is not the same as removing penalties -- I think there is significant confusion about what they are and how they operate, and it would be beneficial to undertake public education concurrent with any reforms.

Mandatory minimum sentences are absolutely inappropriate for juveniles charged as adults, and I voted for the Comprehensive Youth Justice Amendment Act in prohibiting them. In the Youth Rehabilitation Act of 2018, I also provided that judges should have discretion to choose not to apply a mandatory minimum for an eligible young adult if appropriate in the circumstance.