

# 2018 Jeremiah Lowery, At Large 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 introduce a bill to end out of school suspensions in all schools (DCPS and charter) and grade levels within my 1st year in office. I would also look at legislation to direct the DC government to find alternatives to expulsions.**

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 plan on introducing amendments to the NEAR ACT to add more programs, data collection, studies aimed at reducing the number of girls and LGBTQ residents entering the juvenile justice system (as well preventing violence against them). I believe the NEAR act can do alot more to have a gender justice lens.**

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?

**Yes. Social workers are more effective and I don't believe we should have police present in schools. Schools should be schools and not prisons.**

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 will introduce a bill to direct the DC government to come up with a plan to have 100 percent of youth in facilities located within the DMV by 2022.**

### 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. I am for banning all surveillance technologies and military equipment used by MPD.**

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?

**Elected officials should look at all legislative measure to reduce the use of force by police officers, including disarming them when they respond to calls, and having a community review board that allows the community to have more administrative power (with firing) over the police.**

**We also need a community centered non-armed non-mpd organization to handle all non-violent/lower risk calls in DC. MPD does not need to respond to non-violent/lower risk**

**calls like a cat in a tree, a homeless resident who needs help, or a person who is intoxicated in public.**

**Lastly, I plan to introduce police transparency legislation that would require MPD to release all information on use-of-force situations the day they occur.**

**I would introduce legislation to develop these policies in DC within my first term.**

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?

**I believe that community stakeholders positions are more valuable than MPD and the administration. If elected, I will use all tools available to me to ensure that community stakeholders are at the table**

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?

**As soon as I am elected, I will start to collaborate with organizations like Trans United and Collective Action for Safe Spaces to introduce amendments to the NEAR ACT. I have stated the legislation can do more to create community-led approaches to preventing violence against the LGBTQ community and women (especially women of color). I will make it a top priority of mine.**

### 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**

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 would support**

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 because we should not communicate with ICE under any circumstances. I believe ICE should be abolished.**

### 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?

**Introduce a bill to eliminate detaining residents pretrial for all cases that don't involve violent or sexual crimes.**

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?

**The end goal is to eliminate jails until then we must reform our criminal codes to make them fair, eliminate detaining residents pretrial for most crimes, decriminalize drug use, decriminalize sex work, decriminalize crimes "for being poor", fully fund public health approaches to preventing crime (like the NEAR ACT), create a universal mental health care system in DC, fully fund social workers in all schools, and work to create a guaranteed jobs and housing program for marginalized residents (homeless, low-income, returning citizens, trans residents of color).**

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?

**Within the new DC jail that is being build, I will fight to ensure that access to mental health care is a top priority within the programs for the jail. I want to work with advocates to create a robust mental health care system for both incarcerated individuals and returning citizens. I also support universal health care (including mental) for all residents.**

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?

**DC officials need to come up with a strategy to repeal the National Capital Revitalization and Self-Government Improvement Act. It needs to be on the agenda of all statehood advocates.**

**Once that happens, D.C. officials need to spend funds to operate a public prison complex somewhere in or around the city.**

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?

**We should create a state-of-the-art public jail, the jail should have high quality mental health services, job training and placement, and as well as resources to help inmates continue their education.**

**I would work with advocates on how much funding is necessary to mitigate the current conditions in the jail and I would introduce emergency legislation to fund those improvements .**

## 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.

## 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?

**1. Safety. I would like to introduce an amendment to the NEAR ACT to direct the DC government to have violence interrupters specifically to support the trans community, and I would also focus on enforcing and funding the street harassment prevention act once it's passed**

**2. Employment and Housing Discrimination - I will make sure the street harassment prevention act is passed and is funded properly, and during the performance oversight hearings, I will work with advocates and I will question whether our government agencies have received adequate training on preventing discrimination against the trans community.**

**3. Training government employees on supporting and providing services to Trans residents. All staff from Pool Staff (DPR) to DMV (on implementing non binary IDS) should be trained on anti discrimination measures and trans inclusive laws, and at the oversight hearings, I will grill agency directors to get feedback on enforcement and will budget and legislative means to hold them accountable.**

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 support the passage of legislation to decriminalize sex work, fare evasion, drug use, sleeping in a “temporary abode” and other “crimes of poverty”.

The DC government also as a plan to end or greatly limit homelessness in DC, the “Homeward DC” plan by 2020. I would work with government officials and advocates to introduce legislation or fight for budget items to make sure we are meeting our 2020 goals.

I also plan to introduce legislation to strengthen and expand rent control, mandate 80 percent of below market rate units on all housing development projects that receive public money, demand DC come up with a plan to reduce the housing waitlist by 80 percent by 2024, create a universal mental health care system in DC, and I will work with advocates to implement and expand the NEAR ACT.

Lastly, I would introduce a legislation to create a green jobs program for returning citizens and young adults in DC, a program that would create training and full job placement for participants.

### 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. Because we should be working to support sex workers and not criminalize them**

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?

**I would continue to advocate for DC Statehood, to ensure DC has control over our system. And I will continue to work with advocates on reforming DC’s criminal code to make it fair, and less bias towards marginalized residents.**

**As of now here are some changes look into:**

**I will have my staff to work with advocates to: identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment;**

**I will seek to reduce penalties, fines, and the gradation of offenses to provide for proportionate penalties;**

**Work with advocates to identify any crimes defined as crimes for “being poor” and will work to remove them.**

**I will work with advocates to look at specific prison sentences that could be replaced with public mental health treatment and economic job training assignments.**

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. Because the penalties are crimes for being poor and we should look at different ways to decriminalize (and end) poverty.**

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

**Yes**

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 think we need to look at ways to decriminalize poverty. That means decriminalizing drug usage, sex work, fare evasion, and other crimes that can be solved by changing the economic and public health system in America.**

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

**Yes, because they have been proven not to work and they discriminatory and racist**