

# 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 fully support the passage of the “Students Fair Access to School Act of 2017” requiring Local Education Agencies (LEAs) to limit the use of out-of-school disciplinary actions; and report, annually, statistics on disciplinary actions taken by individual LEAs to Office of the State Superintendent for Education (OSSE). Removing students from learning environments for prolonged periods of time, especially, our youngest students puts them on a pathway that ultimately leads to students dropping out school at a later age and contact with the justice system. We need to address the root causes of student behavioral problems. Out of school disciplinary action should be only be used in the most serious cases; and even then, students must continue to receive academic instruction and appropriate social services to address their 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?

**While African American males are victims of the school-to-prison pipeline, increases in incarceration rates for African American females are due to the Abuse-to-Prison Pipeline. Recent study show that sexual abuse is a primary predictor for girls’ justice involvement. The abuse to prison pipeline describes the gendered pathways by which girls enter the**

**justice system for offenses directly related to their being victims of abuse, such as running away, truancy and curfew violations. The goal of public safety should never be to arrest people or lock them up, but rather to find an effective way to address public safety. I have never supported incarceration as the goal of our police. In the District, where we have a growing income disparity that closely aligns with race. The solution to addressing many low level ‘crimes’ is not arrests, but rather focusing on public health, housing, and jobs.**

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?

**The recent murder of two Ballou student by their classmates and the increasing frequency of school mass shootings demonstrates that we need to maintain SROs and school security to protect the safety of our students. I don’t believe it is an either/or choice, but how we deploy our resources. I would seek funding to increase the number of school counselors and social workers, with the goal of reaching a ratio of 1:50. I would also prohibit school-based arrests for students under the age of 13 and only allow school-based arrests in cases of extreme violence against student or staff.**

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 strongly believe that removing juvenile offenders from the community is not the right way to go. Instead of sending juveniles to facilities far outside of the District, I would like to see an emphasis on community-based sentencing that prioritizes community service, electronic monitoring and home arrest for non-violent, juvenile offenders.**

## 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 would want public discussion and Council oversight over any decision by DC MPD to acquire and/or use facial recognition software and other surveillance technologies.**

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?

**Credibility, accountability, and integrity start with transparency. The time is long passed for this bill to become law. Unfettered access to information and documents allowing the Office of Police Complaints (OPC) to provide much needed oversight of our law enforcement agencies is important and necessary. It is disappointing that this bill has already been introduced three times, first in 2009, and again in 2011 and 2013. Since this bill was last introduced, there has been increased concerns and demands for improved police oversight both in DC and nationwide. Many residents do not know that there is an OPC, and residents who personally visit a police station or call MPD to ask about registering a complaint have been met with hostility far too often. We must have an independent review process that has access to all relevant data in order to conduct unbiased investigations.**

**The recently passed NEAR Act may lead to an increase in police complaints, making the OPC's role all the more necessary. The act includes training for MPD officers on community policing, bias-free policing, and cultural competency, as well as new surveys and data collection to assess the current relationship between MPD and District residents and to better track trends in crime, police stops, and use of force.**

**With all the additional data being collected, and residents demanding better accountability and oversight, we must have an empowered and informed OPC that all can trust to conduct unbiased reviews and needed oversight of our law enforcement agencies.**

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 the community has a significant role to play in helping to shape and implement the City's pre-arrest diversion program. Primarily, the community should be taking the lead on defining what type of offenses qualify for pre-arrest diversion programs, the characteristics of offenders that would qualify for participation; in addition to reporting requirements from the District Government as to the effectiveness of its pre-arrest diversion program.**

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?

**The NTDS found that 22 percent of transgender people who had interacted with police experienced bias-based harassment from police, with transgender people of color reporting much higher rates. Six percent reported physical assault; 2 percent reported sexual assault by police; and 20 percent reported having been denied equal service by law enforcement. Nearly half of the transgender people surveyed in the study said that they were uncomfortable turning to police for help. We already mandate cultural training for MPD officers and District Agencies, but what is lacking is oversight and accountability, to make sure the policies put in place to assist the LGBTQ community are being enforced; and when they are not, there needs to be real consequences.**

## 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 empower the DC Office of Human Rights with the authority to issue waivers to obtain new identification and/or limited driver licenses for those that have recently lost their Temporary Protected Status (TPS) under the Trump administration; additionally, I would the Office of Human rights to offer waivers for returning citizens and transgender residents to obtain identification or driver licenses without charge.**

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 support any part of the District Government cooperating with ICE and would work to close the current loophole which allows D.C. DOC to notify ICE regarding the residency and release of inmates.**

## 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 would like to see no pre-trial detentions for any misdemeanor, and for all non-violent offenses. Instead we should utilize all available technology to monitor pre-trial offenders and provide options for community service instead of awaiting trial in DC Jail.**

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?

**We need and deserve the holistic and comprehensive approach to public safety that the NEAR Act prioritizes. For healthy communities, we need to recognize that there is a bigger picture that includes police, social service agencies, communities, and others to collaborate for the benefit of all. In Ward 1, we have locations where threats to public safety are deeply entrenched. Despite overall neighborhood progress, some blocks have not changed in 20 years – blocks where poverty, substance abuse, and hopelessness lead to overdoses, shootings, and homicides. These locations are well known to MPD and they have done everything in their power to address them, however we are never going to arrest our way out of the problem. The cycle of hopelessness needs to be broken.**

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 make providing mental health services to residents that are justice-involved a top priority and would look to fund this priority through the reduction of DC Government's reliance on overtime pay. By implementing suggestions from the DC Auditor for stronger management, conducting staffing needs assessments and making permanent hires where possible, and vigorous Council oversight. A 10% reduction in overtime pay spending from DC MPD and FEMS would result in \$5 million dollars that could go towards funding this priority.**

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?

**I would support the construction of a new jail in the District. The closing of Lorton and reliance on the Federal Prison system or Private Jails is not a solution. We need a local facility, financed through public funds and with local control to ensure that the prison is serving those who are serving out sentences and their families. We do nothing to maintain the bonds of family when District residents are sent hundreds of miles away to serve their sentences, and we lose control of maintaining adequate standards of treatment and respect when private companies are subcontracted to oversee this work. This is a case where the District needs to be involved and ultimately provide for its residents.**

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?

**There is no doubt that D.C. needs a new jail and juvenile justice facility located within the District of Columbia (see previous answer). I would authorize the use of funds from the Public Housing Repair Trust to address the current conditions at D.C. Jail.**

## 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. I would go so far as to remove the criminal conviction records of people who where arrested on marijuana charges since 2009, when Congressional prohibition to the District implementing medical marijuana Initiative 59 was overturned.**

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?

**A 2015 census of 330 homeless youths found that nearly half of the District's homeless teens identified as LGBTQ. Providing access to shelters is great, but we need to do more, and this must include transitional housing. I would like to see the District's Homeward DC strategic plan have a stronger emphasis on addressing LGBTQ youth and produce additional housing for homeless LGBTQ teens like SMYAL transitional housing center in Northeast, which opened in January 2017. Transitional housing is not just important because it provides a safe space for teens who have been turned away from their families, but also because they can provide services to help LGBTQ teens find and maintain a job, enroll in school, and manage their savings so they can succeed once they are living on their own.**

**In addition to youth, we must address overall challenges of violence, discrimination, homelessness and unemployment. We need safe shelters so that those needing a roof over their head have that opportunity. In shelters, we must also find ways for those seeking shelter to keep their property safe and secured. Housing is especially important if we truly want to address unemployment, as those without homes don't have the support**



**they need to even secure and maintain a job. We need more permanent supportive housing options, SROs, and housing that addresses the specific needs of LGBTQ and transgender people.**

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?

**We need and deserve the holistic and comprehensive approach to public safety that the NEAR Act prioritizes. For healthy communities, we need to recognize that there is a bigger picture that includes police, social service agencies, and others to collaborate for the benefit of all. In Ward 1, we have locations where threats to public safety are deeply entrenched. Despite overall neighborhood progress, some blocks have not changed in 20 years – blocks where poverty, substance abuse, and hopelessness lead to overdoses, shootings, and homicides. These locations are well known to MPD and they have done everything in their power to address them, however we are never going to arrest our way out of the problem. The cycle of hopelessness needs to be broken.**

**Public safety is important to me, and where I will be a strong advocate is in the following areas:**

**Supporting Social Services: For us to have social service partners, we need to fund and staff the agencies that are best capable to engage on homelessness, addiction, and domestic violence. The Department of Behavioral Health, for example, is a small staff with limited funding – yet must serve the entire District. They do not have the support they need to make the difference in neighborhood safety they otherwise could. We must provide the support and staffing they need, and other agencies like them, if we are going to make the personal connections necessary to provide hope and a better life for those requiring support.**

**Collaboration: We need to create a framework where calls for domestic violence, for example, result in both a police response and a social service response. It is impossible to tell which service is required more when calls come in and it doesn't serve us well when we don't have the correct support response. We also need to strengthen communication between the agencies, so that all who are engaged to improve a community's public health have all the relevant information they need to do so. The Council must examine the challenges that are preventing our social service professionals from success, and find ways to empower them for better outcomes.**

**Community Policing and Police in the Community: We are fortunate that much of Ward 1 is served by the Third Police District. These officers are responsive and have proven to be good community partners. This is what we need throughout our neighborhoods. We must find ways for more police officers to afford to live and work in our communities so that we know them as neighbors, creating a stronger relationship and better understanding of community challenges. Our officers should be walking our neighborhoods, talking to the community, and getting to know us on a personal level. While we are not there yet, we do have examples of officers who have taken initiative to be a community friend and protector rather than just the person who is unknown and present solely to arrest.**

### **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 Bill 22-0515, 'Reducing Criminalization to Improve Community Safety and Health Amendment Act of 2017' as well as Councilmembers Grosso and White in their common-sense approach and much needed effort to reducing criminalization of commercial sex work. I have long believed that laws and approaches that do not have positive impacts on the activities they seek to control, and especially those that have severe negative impacts on people engaged in targeted activities, must be rethought and redirected. The criminalization of sex work places vulnerable District residents at greater risk of violence, police harassment, and exploitation. It has created additional barriers to traditional employment for those engaging in survival sex and created a cycle of violence, poverty, and incarceration. Notably, the criminalization of sex work has a greater negative impact on groups already facing discrimination, including communities of color, gay and transgender people, people with disabilities, immigrants, and people with criminal convictions. For these reasons, it is imperative that we break the cycle of discrimination and embrace policies and laws that align with District values.**

**Equally important is the research component of the bill which would provide comprehensive data to gauge what sex workers need to stabilize their lives – including their needs regarding social services and fairer working conditions. I would support efforts to review the laws, policies, and practices related to policing and regulation of consensual adult sex and amend or introduce new legislation to guarantee protection of**

**the right to associate, health, and freedom from violence for all residents. One early step would be the review of the Prostitution Free Zone Act, and consideration of amending or repealing the law.**

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 request a comprehensive review of D.C.'s entire criminal code to identify low-level, non-violent offenses where it doesn't make sense to require an arrest for that particular offense. A specific example would be to allow MPD Officers to issue a citation for driving with an expired driver license in the District; currently, driving with an expired license in D.C. is an arrestable offense. Arresting someone for what I see as an administrative matter, may cause them to lose their employment and further trigger a downward spiral. We must make sure that the enforcement of our laws is corrective and not punitive.**

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**
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?

**Yes. I believe the primary reason that we have such a disparity in sentencing based upon race is due to an overtaxed, and underfunded public defender service. Those who can hire private lawyers are more likely to receive less harsh sentencings than those who rely on public defenders. One way can provide better outcomes for African American and Latino offenders, is to adequately fund our public defense services and maintain reasonable caseloads for public defenders.**

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

**Yes. Having mandatory minimums primary cause of mass incarceration, and in doing so we have removed the ability of the presiding judge to make decisions that are in the best interest of the offender, their family and their community.**