

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?

No effort to eliminate the “school-to-prison pipeline,” no matter how well intentioned, can be successful without actively engaging a child’s parent/guardian in the child’s education – including in matters involving school discipline. Parents need to be better supported in increasing their involvement in educational decisions impacting their children, and no legislation should diminish the role or responsibility of parents in ensuring a child’s educational needs are being met.

As a former magistrate judge in the D.C. Superior Court, where I presided for eight years in the Family Court, I’ve seen first hand how school attendance and parental participation in the educational progress of a child impacts the “school-to-prison-pipeline.” If elected, I would support greater efforts and the funding of evidence-based practices to reduce/eliminate school truancy and to increase parental engagement in our schools.

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?

If elected, I would support adequate funding for evidence-based practices and approaches that are tailored to the unique issues of female delinquency and the developmental issues that are particular to girls and young women. The collection and analysis of data regarding this issue by juvenile justice system stakeholders is a critical component in

adequately addressing the nature and causes of girls' involvement in the juvenile delinquency system.

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 support increased funding and reporting on students' access to school-based mental health professionals, social workers and counselors. In addition, I believe adequate training must be provided to SROs on appropriate strategies in working with teachers, mental health professionals, and community-based stakeholders to assist in the resolution of problems that are not necessarily delinquent behavior (such as disorderly conduct).

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?

If elected, I would be a strong advocate for adequate funding of secure detention options in closer proximity to the District that have an appropriate educational program and behavioral health and substance abuse treatment staff on site sufficient to meet the needs of our committed youth.

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?

Through the D.C. Council's budget oversight, MPD should be accountable for reporting on funds allocated for the purchase of surveillance equipment. Use of such surveillance equipment should remain subject to existing search warrant application procedures,

including: submission of the proposed warrant signed by appropriate U.S. Attorney or D.C. Attorney General; complaint, if appropriate; and sworn affidavit supporting the proposed warrant to the assigned judge in D.C. Superior Court.

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?

Through the D.C. Council's performance and budget oversight authority, I would work closely with the Chair of the Council's Committee on the Judiciary and Public Safety to hold MPD accountable for the full collection and reporting of data required under the NEAR Act, and on MPD's progress in implementing the eight recommendations set forth in the Fiscal Year 2017 Office of Police Complaints' Use of Force Report.

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 wholeheartedly believe that community stakeholders and experts on evidence-based diversion programs should inform the implementation of any newly developed pre-arrest diversion program by MPD, Department of Behavioral Health, and Department of Human Services. In addition, representatives from the D.C. Office of the Attorney General, the Public Defender Service for D.C., and the D.C. Superior Court should have access to the data collected and regular opportunities to weigh in on the implementation of any newly developed 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 considers the role of race and gender discrimination?

I support full implementation of the NEAR Act. Through the D.C. Council's oversight authority hold District agencies accountable for reporting on the progress being made, and barriers faced, toward full implementation of the NEAR Act.

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?

No. However, our immigrant neighbors represent approximately 20% of the District's population. A recent study by Stanford Law School's Immigration Clinic found that immigrants detained during removal proceedings are three times more likely to be released pending these proceedings if they have an attorney. Yet, two-thirds of detainees do not have legal representation. If elected, I would support increased funding and long-term commitment by the District to the legal defense of documented and undocumented immigrants through Immigrant Justice Grant expansion.

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?

If elected, I would work closely with D.C. Council colleagues, the D.C. Attorney General's Office, and the Executive branch to work on this issue.

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 would commit to work closely with D.C. Council colleagues, the D.C. Attorney General's Office, the Executive branch and federal and local criminal justice system agencies to further study this issue.

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 maintain the District's existing Bail Reform Act and work with federal and local criminal justice partners to ensure adequate mental health, health, and substance abuse services are accessible in a timely manner for defendants released while awaiting trial under pre-trial release conditions and compliance monitoring.

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?

Through the D.C. Council's oversight responsibilities, hold the District's criminal justice agencies accountable for the regular data collection and analysis that are necessary components in the justice system's efforts to address racial and ethnic disparities.

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?

Through the D.C. Council's oversight responsibilities, I would hold the Department of Behavioral Health accountable for regular data collection and analysis regarding the existing needs of justice-involved consumers of mental health services.

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?

This issue would require a task force of federal and local justice agencies to study, and Congressional action.

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

I agree that the current conditions at the D.C. Jail faced by inmates and staff are deplorable. If elected, I would work closely with D.C. Council colleagues, and the Executive branch to appropriate funding to address the most serious conditions to make it more habitable and increase mental health and substance abuse treatment services. However, the long-term solution is building a new jail because of its current conditions and out of date design.

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 possession convictions.

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 agree with the concept, but have questions regarding the feasibility of implementation.

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 would support for full funding for the implementation of the Interagency Council on Homelessness plan, which has specific recommendations about the housing needs of homeless youth.

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?

If elected, I would work with D.C. Council colleagues to ensure effective performance and budget oversight over the collaboration by District agencies and community-based stakeholders in the implementation of the NEAR Act.

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 have concerns about the bill's unintended impact on the identification and prosecution of sex traffickers of minors. With this bill, trafficked minors may never come to the attention of child welfare authorities.

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?

Any proposed amendments to the D.C. Criminal Code must be based on accurate data collection and analysis by local and federal criminal justice system agencies.

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?

My concern with legislation replacing criminal penalties for certain low-level offenses with a civil fine is the unintended consequence on an individual with no ability to pay the fine.

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

Yes. However, the D.C. Sentencing Commission has the responsibility for developing sentencing recommendations to increase the fairness and effectiveness of sentences, not the D.C. Council.

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. However, the D.C. Sentencing Commission has the responsibility for developing sentencing recommendations to increase the fairness and effectiveness of sentences, not the D.C. Council.

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

Yes. Judges should have discretion in sentencing taking into consideration all relevant factors, including, but not limited to: the circumstances surrounding the offense, the individual's criminal history and connection to the community, and age at the time the offense was committed.