

July 10, 2023

Dear Chairperson Mendelson and Councilmembers Allen, Bonds, Frumin, Gray, Henderson, Lewis George, McDuffie, Nadeau, Parker, Pinto, Robert White, Trayon White:

We again write to urge the D.C. Council to further narrow the adult pretrial detention provisions within the Prioritizing Public Safety Emergency Amendment Act of 2023 that the Council plans to vote on tomorrow. Councilmembers should vote in favor of Councilmember Lewis George's amendment, which takes the essential step of striking the adult pretrial detention provisions from the emergency legislation. Councilmembers should also support Councilmember Allen's amendments, which will provide more focus on violence prevention and intervention strategies.

While we welcome Councilmember Pinto's amendments to the emergency legislation narrowing the expansion of pretrial incarceration for children and recognize that it is a marked improvement over the Mayor's bill, the proposed language in the emergency bill expanding pretrial detention for adults will lead to more people languishing in jail with little to no benefit to public safety. We urge you to limit the expansion of pretrial detention for adults by:

1. Removing "crime of violence" as a stand-alone basis for the rebuttable presumption; and
2. Maintaining "substantial probability" as the required burden of proof before the rebuttable presumption applies to assault with intent to kill while armed and murder, given that individuals who are charged with these crimes are presumed innocent and will be detained for years before ever having a trial. .

Removing these sections of the emergency legislation preserves current law regarding pretrial release and will nonetheless result in the detention of many people charged with serious offenses. This is the case because current law allows for judicial consideration of all of the facts related to the case and the characteristics of the individual. Through the Pretrial Services Agency, judges are also equipped to tailor release conditions to the supervision needs of the individual, for example by ordering drug treatment or 24-hour electronic monitoring.

Overwhelming evidence makes clear that pretrial incarceration hurts public safety. Holding people in pretrial detention - both youth and adults - has been shown to increase, rather than decrease, the likelihood that a person is rearrested. Moreover, pretrial release is not driving an increase in crime in the District. Data show that 93 percent of people released pretrial aren't rearrested within D.C. at all while awaiting trial and only 1 percent are rearrested for a violent offense.¹

¹ Court Services and Offender Supervision Agency for the District of Columbia, "FY 2022 Agency Financial Report," November 2022, <https://www.psa.gov/sites/default/files/FY%202022%20Agency%20Financial%20Report.pdf>

Rather than expanding pretrial detention in the manner proposed, we urge the Council to shift its focus to preventing harm before it occurs. This can best be accomplished by holding the Mayor accountable for meaningfully and effectively implementing a comprehensive, data-driven, cross-agency, cross-sector, trauma-responsive public health approach to violence prevention as recommended by the Mayor's own May 2016 Safer, Stronger Advisory Committee Report,² the Comprehensive Homicide Elimination Strategy Task Force,³ and the National Institute of Criminal Justice Reform.⁴ Moreover, if the Council is interested in reducing recidivism, it could more effectively do so by holding the Mayor accountable for meaningfully and effectively implementing the Youth Rehabilitation Act Strategic Plan.⁵ Finally, the root causes of delinquency system involvement in the District have been well documented.⁶ We again urge the Council to address the complex trauma experienced by too many of our youth by providing them with the supports they need to heal and thrive.

In closing, we urge you to narrow the overly broad pretrial detention provisions that would drive up the jail population, harm communities, and increase taxpayer spending on pretrial incarceration without improving public safety and incorporate additional provisions that would prevent harm from happening in the first place.

Signed,

Thrive Under 25 Coalition

Youth Justice Project Coalition

² Safer, Stronger DC Advisory Committee Final Report, May 2016, at https://web.archive.org/web/20230420112726/https://doh.dc.gov/sites/default/files/dc/sites/doh/page_content/attachments/SSDC%20Advisory%20Committee%20Final%20Report%20May%202016%20v%206%2021%2016_new.docx.pdf.

³ Colleen Grablick, *A D.C. Task Force Meant to Reduce Murders Fell Apart. Some Say It's Part of a Broader Pattern*, DCist, Mar. 22, 2023, at <https://dcist.com/story/23/03/22/dc-homicide-task-force-dissolves/>.

⁴ National Institute for Criminal Justice Reform, *Washington, D.C. Gun Violence Reduction Strategic Plan*, May 2022, at <https://web.archive.org/web/20220516065154/https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/DC%20Violence%20Reduction%20Strategic%20Plan%20-%20April%202022%20-%20Final.pdf>.

⁵ Justice Policy Institute, D.C. Youth Rehabilitation Act (YRA) Strategic Plan, at <https://justicepolicy.org/research/dc-yra-strategic-plan/>.

⁶ Criminal Justice Coordinating Council, *A Study of the Root Causes of Juvenile Justice System Involvement*, https://web.archive.org/web/20220515023900/https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/CJCC%20Root%20Cause%20Analysis%20Report_Companded.pdf; Criminal Justice Coordinating Council, *A Study of Factors that Affect the Likelihood of Juvenile Justice System Involvement*, at <https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/CJCC%20-%20A%20Study%20of%20Factors%20that%20Affect%20the%20Likelihood%20of%20Juvenile%20Justice%20System%20Involvement%20%28October%202022%29.pdf>.