

Committee on the Judiciary and Public Safety
B25-0479 Addressing Crime Through Targeted Interventions and Violence
Enforcement “ACTIVE” Amendment Act of 2023
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Washington Lawyers’ Committee for Civil Rights and Urban Affairs
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We are at an inflection point in our political discourse on race in this country. Locally, violence and public safety have been a major focus of that conversation. Street violence in the District is up. Youth violence is up. Carjackings are up. An “emergency” has been declared.² This spike in violence affects Black and Brown DC residents worst of all. All of us in the District need to address this crisis, but the solutions that have been proposed in this legislation, and by others in District leadership, are the same retrograde solutions that are demonstrably ineffective, and will result (yet again) in the further devastation of the District’s Black and Brown communities. To be clear: the District cannot arrest and incarcerate its way out of this crisis and should instead focus on more effective ways to support Black and Brown communities to curb the increase in violence. Accordingly, the Washington Lawyers’ Committee for Civil Rights and Urban Affairs urges the D.C. Council to reject the Addressing Crime Through Targeted Interventions and Violence Enforcement (ACTIVE) Amendment Act of 2023 in its entirety.

The District of Columbia already has an aggressive criminal legal system that has failed to keep the community safe, disproportionately affects Black and Brown individuals, and will only be made worse if the ACTIVE Act passes. If the District were a state, as it should be, it would have the eighth highest rate of incarceration in the country.³ And, if each state was its own country, the District would have the eighth highest incarceration rate in world.⁴ The District of Columbia also has the greatest number of police officers per capita—by far—in a comparison of populous cities.⁵ None of these facts are new. Yet despite having lived through—and now legislating fixes to—the mistakes District leaders made in addressing these very same “emergencies” in the 1990s, we find ourselves on the brink of making the very same mistakes all over again.

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² Prioritizing Public Safety Emergency Declaration Resolution of 2023, July 11, 2023, available at https://legiscan.com/DC/text/PR25-0341/id/2834977/Washington_D_C_-2023-PR25-0341-Enrolled.pdf.

³ Emily Widra and Tiana Herring, States of Incarceration: The Global Context 2021 (September 2021), <https://www.prisonpolicy.org/global/2021.html>.

⁴ *Id.*

⁵ FBI. (2019, September 22). Table 78. FBI. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-78/table-78.xls/view>.

The District’s criminal laws date back to the era of Jim Crow and were written by a Congressional Committee chaired by a white supremacist from South Carolina. The cruelty and bias embedded in our criminal laws were exacerbated in the 1970s, 1980s, and 1990s, disguised as efforts in the “war on drugs” and the “war on crime.” Mandatory minimum sentences and harsh penalties for drugs and guns caused the city to grow accustomed to increasingly long sentences, and with it, the suppression of the Black community. And somehow we find ourselves here yet again: the “war on violent crimes”. The title is different. The ending will be the same.

It is not difficult to understand the urge to, as leaders, propose solutions that on their surface, bear quickly on a problem. The issue here—to put it as bluntly as we can—is that the District is putting leaches on wounds that require antibiotics. The DC Council can and must do better than the legislation before it today to treat these wounds.

I. Increased Policing Will Not Reduce Violence

In light of the current crisis, many voices are calling for more police and greater police powers. However, increased policing has never been a panacea for violence prevention. The ACTIVE Act would empower any law enforcement agent to search certain individuals on pre-trial release, and any individual on probation, parole, or supervised release for a gun offense outside their home at any time, with no requirement of a warrant, probable cause, or reasonable articulable suspicion. The ACTIVE Act’s provisions on random searches are an example of the reflexive urge to over-police that has not and will not work. The ACTIVE Act’s random search provisions would give officers from nearly thirty law enforcement agencies license to formalize their racially discriminatory stop-and-frisk practices, which, as we know, have failed to prevent or reduce gun crime in the District.

The Metropolitan Police Department (MPD) in particular has a well-documented history of disproportionately stopping, frisking, and brutalizing Black people under the guise of violence reduction. MPD’s own yearly stop data illustrates stark racial disparities; in 2021, Black people represented 73% of those stopped in DC and more than 90% of those subjected to search or pat down of their person or property, despite comprising about 46% of the population.⁶ The Gun Recovery Unit (GRU), a specialized investigative unit within MPD dedicated to seizing illegal guns, was notorious for targeting and brutalizing young Black residents of DC, especially in Wards 7 and 8.⁷ The GRU was known for its use of “jump outs”—a widely criticized practice in which several plainclothes, armed officers surround and search an individual on the street with no warning—almost exclusively

⁶ American Civil Liberties Union Analytics, *MPD Analysis 2021* 1, 11 (Apr. 13, 2022) (citing Metropolitan Police Department, *Stop Data 2019-2022*, available at <https://mpdc.dc.gov/stopdata> (updated Dec. 31, 2022).)

⁷ Upon information and belief, recently, MPD disbanded its notorious GRU and transferred its responsibilities to the Criminal Interdiction Unit (CIU). Despite this rebranding, the CIU and the larger Crime Suppression Division that “replaced” the Narcotics Special Investigation Division (NSID) still engage in many of the same tactics as the GRU with no real meaningful reforms.

targeting Black youth and men in priority enforcement areas.⁸ The GRU’s violent tactics have been the cause of numerous high-profile misconduct incidents and costly lawsuits against the District.⁹

MPD’s approach to gun recovery has been ineffective to justify its burden on communities of color. In 2021, only 2.0% of all stops by MPD led to seizure of a weapon or any other contraband.¹⁰ This number is even less during stops and searches of Black and Hispanic people, “showing officers tend to apply a lower threshold of suspicion when searching Black people.”¹¹ The yearly data has also consistently shown that stops of Black people mostly result in no warning, ticket or arrest, “suggesting a higher proportion of stops and searches for innocent conduct,” according to a report by the Office of the District of Columbia Auditor.¹² These costly failures should not be further replicated and legitimized by the Council.

The impact of the new search provisions in the ACTIVE Act would be to authorize law enforcement officers to further harass Black and Brown people. The Council’s disclaimer is a recognition of this fact. Yet the bill does nothing to mitigate this abuse nor prevent law enforcement from harassing others who may be associating with targets of the bill. The grant of power to law enforcement is broader, more punitive, and less practically tailored than other state laws which the bill’s introduction references for comparison.¹³ The legislation is silent as to measures to ensure police have adequately particularized

⁸ Black people were the subjects of 87% of stops, 91% of arrests, and 100% of use-of-force incidents, despite making up 46% of the population. White people accounted for just 5% of stops in 2020. Jacob Fenston, *D.C.’s Special Police Units Exclusively Used Force On Black People, Report Finds*, DCIST (Sep. 29, 2020), available at <https://dcist.com/story/20/09/29/dc-mpd-special-police-units-black-people-arrests-use-of-force/> (citing National Police Foundation, *Metropolitan Police Department Narcotics and Specialized Investigations Division, A Limited Assessment of Data and Compliance from August 1, 2019-January 31, 2020* (Sep. 23, 2020); see Max Kutner, ‘Jump-Outs’: D.C.’s Scarier Version of ‘Stop-and-Frisk’, NEWSWEEK (Jan. 16, 2015), available at <https://www.newsweek.com/jump-outs-dcs-scarier-version-stop-and-frisk-300151>).

⁹ *ACLU-DC Settles Case Against D.C. Police Officer for Anal Search During Stop and Frisk*, AMERICAN CIVIL LIBERTIES UNION (Dec. 6, 2018), available at <https://www.aclu.org/press-releases/aclu-dc-settles-case-against-dc-police-officer-anal-search-during-stop-and-frisk>; Rachel Chason & Peter Herman, *Two years after her son was shot by D.C. police, a mother hopes reforms bring answers*, WASH. POST (June 9, 2020), available at https://www.washingtonpost.com/local/public-safety/two-years-after-her-son-was-shot-by-dc-police-a-mother-hopes-reforms-bring-answers/2020/06/09/ea715c22-a9b7-11ea-a9d9-a81c1a491c52_story.html; *D.C.’S Gun Recovery Unit; A Means To Terrorize Black Neighborhoods*, BRUCKHEIM & PATEL (Jan. 13, 2021), available at <https://www.brucklaw.com/dc-gun-recovery-terrorizing-black-neighborhoods/>.

¹⁰ *ACLU MPD Analysis 2021*, *supra*, at 14.

¹¹ *Id.* at 17.

¹² Office of the District of Columbia Auditor, *NEAR Act Police Reforms Advance Procedural Justice but Data Initiatives Stall* 49 (Sep. 14, 2023), available at https://www.scribd.com/document/671269557/NEAR-Act-Report-Released#fullscreen&from_embed.

¹³ For example, the “similar policy” in California differentiates between those on parole and probation, and requires an individual determination by the sentencing judge to subject the latter to warrantless searches, which are confined in scope based on the circumstances of each case. *Compare United States v. Knights*, 534 U.S. 112, 116 (2001); *People v. Schmitz*, 55 Cal.4th 909, 920 (Cal. 2012) (“A probationer who is subject to a search clause has explicitly consented to that condition”) with Cal. Pen. Code § 3067.

knowledge of a person's status as an individual on pre-trial release with this condition, or as a gun offender. This silence could lead to rampant Fourth Amendment violations against innocent individuals.¹⁴ The search provisions as a condition to pre-trial and supervised release, probation and parole also appear to apply retroactively to all individuals who are currently in those release statuses.¹⁵ This severe curtailing of civil liberties, with virtually no oversight and no limiting principle, guarantees not only a discriminatory application by police, but a dangerous slippery slope by policy-makers. Indeed, the Chief Judges of our local courts have questioned this very provision in an unprecedented written statement.¹⁶ The Council must reject the urge to resort to reactionary, ineffective policies like stop-and-frisk, and support evidence-based solutions that address the causes of violence in DC.

II. More Pre-Trial Incarceration Will Make DC Less Safe

Just like we cannot police our way out of this emergency, we cannot incarcerate our way out either. Research has shown, and continues to show, that increased incarceration will not, does not, and cannot make communities safer.¹⁷ Presumptions in favor of pre-trial detention, increased punishments, and consecutive penalties for gun possession perpetuate the very problem the District is trying to solve by impairing an individual's ability to maintain employment, housing, childcare, educational and vocational training, and medical and mental health care. Formerly incarcerated individuals are more likely than the average person to face poverty, and poverty is a contributing factor to cycles of violence.¹⁸ Indeed, national studies suggest that there is no public safety benefit associated with pretrial incarceration.¹⁹ Pushing residents deeper into poverty, however, will lead to more violence in the District's future.

a. Individuals on Pretrial Release are not Driving Violence

As it stands, the District maintains a harsh and unyielding criminal legal system that, to this day, has profound and negative consequences for our Black and Brown communities. Approximately 43% percent of District residents are Black, and yet, more

¹⁴ See *Terry v. Ohio*, 392 U.S. 1 (1968) (holding that particularized reasonable suspicion is necessary for an investigative stop).

¹⁵ Again, the California law allowing for warrantless searches of parolees applies explicitly only to those whose commitment offenses occurred after its enactment, in contrast to this bill. Cal. Pen. Code § 3067 (c).

¹⁶ Letter from Anna Blackburne-Rigby, Chief Judge of the District of Columbia Court of Appeals & Anita Josey-Herring, Chief Judge of the Superior Court of the District of Columbia to Chairperson Pinto (Sep. 18, 2023), available at https://web.archive.org/web/20231102181005/https://twitter.com/DC_Courts/status/1704087853813100806.

¹⁷ See, e.g., Don Stemen, *The Prison Paradox: More Incarceration Will Not Make Us Safer*, Vera Institute of Justice, July, 2017, https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf.

¹⁸ Alexi Jones & Wendy Sawyer, *Arrest, Release, Repeat: How Police and Jails are Misused to Respond to Social Problems, Prison Policy Initiative*, August, 2019, <https://www.prisonpolicy.org/reports/repeatarrests.html>.

¹⁹ *The Hidden Costs of Pretrial Detention Revisited*, Arnold Ventures, March 21, 2022, [HiddenCosts.pdf](https://craftmediabucket.s3.amazonaws.com/HiddenCosts.pdf) (craftmediabucket.s3.amazonaws.com).

than 92% of individuals incarcerated for D.C. Code offenses are Black.²⁰ This disproportionately Black population is then subjected to higher rates of poverty and abuse as a consequence of their involvement with the District’s carceral system. As elaborated further below, this means that the District’s Black residents are less likely to have the stability and tools to help them avoid the root causes of violence in the future, and there is no evidence that this trade-off will lead to a reduction in the violence we all aim to prevent.

Current DC law already allows judges to detain people to assure the safety of the community, with rebuttable presumptions applying in eight other scenarios. The legislation offers no compelling evidence warranting a need for an expansion of current law. Rather the percentage of people who remain arrest-free while released pretrial has increased steadily over the last four years, exceeding the goals set by the Pretrial Services Agency,²¹ clearly demonstrating that people who have been released pre-trial are not the perpetrators of the current spike in violence. This reality tracks national trends—considerable national evidence also shows that pretrial incarceration does not actually prevent violence.²²

Indeed, the increased pre-trial detention brought on by the ACTIVE Act’s additional presumption is very likely to have the opposite of its intended effect. Not only will increased detention exacerbate the social inequalities that drive crime, but it will also subject an entirely new population to the D.C. Department of Corrections (DOC), an agency that already cannot protect the people currently in its custody. Just as there is an emergency of violence in the District, there is an emergency of state violence in the DOC. Subjecting residents to this state violence will push more individuals toward poverty and without the stability in their lives needed to avoid future violence.

b. More Individuals in the DC Jail will Result in Additional Violence

Over the last *fifty* years, courts,²³ this Council and myriad outside agencies have all recognized the utter failure of DOC to provide an environment consistent with the requirements of the Constitution and DC law. DOC is an institution rampant with state

²⁰ Emilia Calma and Yesim Sayin, A look at who is incarcerated in D.C.’s criminal justice system, (March 2023), available at <https://www.dcpolicycenter.org/publications/dc-code-offender-demographics>.

²¹ *Arrest-Free Rates for Defendants Released to the Community in Washington, DC: FY 2018 – 2022*, Pretrial Services Agency for the District of Columbia (January 2023), <https://www.psa.gov/sites/default/files/FY%202018-2022%20-%20Fact%20Sheet-Arrest-Free%20Rates%20for%20DC%20Defendants%20Under%20Pretrial%20Supervision.pdf>.

²² Tiana Herring, *Releasing people pretrial doesn’t harm public safety*, Prison Policy Initiative (November 2020), <https://www.prisonpolicy.org/blog/2020/11/17/pretrial-releases/>; Don Stemen, *The Prison Paradox: More Incarceration Will Not Make Us Safer*, Vera Institute of Justice (July 2017), https://www.vera.org/downloads/publications/for-the-record-prison-paradox_02.pdf (citing Paul S. Heaton, Sandra G. Mayson, and Megan Stevenson, “The Downstream Consequences of Misdemeanor Pretrial Detention,” *Stanford Law Review* 69, no. 3 (2017); Arpit Gupta, Christopher Hansman, and Ethan Frenchman, “The Heavy Costs of High Bail: Evidence from Judge Randomization,” *Journal of Legal Studies* 45, no. 2 (2016); and Christopher T. Lowenkamp, Marie VanNostrand, and Alexander Holsinger, *The Hidden Costs of Pretrial Detention* (New York: Laura and John Arnold Foundation, 2013).

²³ *Campbell v. McGruder*, 416 F. Supp. 100 (D.D.C. 1975) (on behalf of pre-trial residents); *Inmates, D.C. Jail v. Jackson*, 416 F. Supp. 119 (D.D.C. 1976) (on behalf of post-conviction residents).

violence where those incarcerated face violence from staff and other residents, a general disregard toward even their most basic healthcare needs. This long-standing culture of abuse and indifference toward those in DOC can be tracked through a long history of lawsuits and failed consent decrees that reflective of the ongoing realities today.

After years of substantial non-compliance with the consent orders in *McGruder* and *Jackson*, and the appointment of a Special Master to oversee DOC's compliance with the orders and consent decrees in those consolidated cases,²⁴ Chairman Tom Davis of the House of Representatives' District of Columbia Subcommittee characterized the Court's receivership order as a necessary response to "the physical danger [to residents] that the D.C. government's continued blatant violation of the court's previous order was tragically causing."²⁵ However, even after a decade of Court supervision, and this Council's intervention in 2003,²⁶ danger toward those incarcerated has only continued. In 2006, five plaintiffs won a combined nearly quarter million-dollar judgment against the District for inhumane, unconstitutional conditions of confinement, including inadequate medical care and the unwarranted and unjustified use of both chemical spray and physical violence.²⁷

DOC's apathy to its residents has continued in recent years. In 2020, the U.S. District Court found DOC deliberately indifferent to residents' medical needs during the Covid-19 pandemic. Chief among the violations was the complete failure to respond to sick calls from residents exhibiting COVID-19 symptoms and to facilitate medical appointments and distribute medical supplies to help stop the spread of the virus.²⁸ In October 2021, the District Court was "dumbfounded" at DOC's lack of explanation for providing urgent medical care—for months—to an individual in need of surgery for a broken wrist.²⁹ Less than a month later, the Court released this individual to obtain chemotherapy in the community because the Court had "zero confidence that the D.C. Jail will provide the treatment required by the defendant's condition and that the D.C. Jail staff will not retaliate against [him] as they recently have against other prisoners and detainees."³⁰

On November 10, 2021, the D.C. Council's Committee on the Judiciary and Public Safety held an emergency oversight round table to discuss the conditions of confinement

²⁴ *McGruder*, 1993 U.S. Dist. LEXIS 5377 at *2-3, 5-6

²⁵ Comm. on Gov't Reform, House of Representatives, 106, 2 (June 30, 2000) at 2. The receivership lasted for nearly a decade.

²⁶ In response to ongoing conditions at DOC, in 2003, the D.C. Council passed the Jail Improvement Amendment Act of 2003. Through inspections, monitoring, and reporting, the Act was supposed to address "currently unsafe, unhealthy, overcrowded and inhumane conditions at the" Jail. See Committee on the Judiciary, Committee Report, Bill 15-31, "District of Columbia Jail Improvement Act of 2003," May 22, 2003. In explaining the purpose of the bill, the D.C. Council referenced the Department of Correction's "continued noncompliance" with court orders, "which was particularly egregious in regard to medical and mental health care services." *Id.* at 2.

²⁷ *Battle v. District of Columbia*, 99-cv-01788 (D.D.C.), ECF no. 169 at 13.

²⁸ *Banks v. Booth*, 468 F. Supp. 3d 101, 113-14 (D.D.C. 2020); *Banks v. Booth*, 518 F. Supp. 3d 57, 64-65 (D.D.C. 2021).

²⁹ *United States v. Worrell*, 21-cr-00292, ECF 108 at 13-14 (D.D.C. Oct. 12, 2021).

³⁰ *United States v. Worrell*, 21-cr-00292, ECF 127 at 16 (Nov. 3, 2021 D.D.C.).

of the Jail. Councilmember Charles Allen, then-chair of the Committee, began the meeting by stating, “The situation is a crisis and I don’t use that term lightly. The District of Columbia has a moral and constitutional duty to provide dignified and humane conditions of confinement and to do so immediately, and that is not happening here. Period.” Since then, nothing has changed.

In addition to individual issues, over the past two years, there have been multiple reports from outside agencies detailing system-wide care, safety, and security issues. In 2021, the D.C. Office of the Inspector General warned that problems with DOC’s procedures were jeopardizing the safety of those in custody, resulting in unnecessary use of force by correctional officers.³¹ Later that year, the U.S. Marshals Service found multiple deficiencies threatening the health and safety of those incarcerated in DC,³² leading them to remove approximately 400 people. Even today, the U.S. Marshals will not bring individuals in its custody to DOC facilities for post-conviction hearings in Superior Court. Earlier this year, the Washington Lawyers’ Committee and Arnold & Porter filed a class action challenging (again) DOC’s unconstitutional medical care. The complaint details the repeated failure to provide individuals with medication on time, failure to provide proper and sterile medical supplies, failure to schedule and transport individuals to both on-site and outside medical appointments.

Just two weeks ago, an individual died in DOC custody at Central Cellblock. Preliminary reports suggest he was denied his medication for a seizure disorder, and later, during a seizure, fell and hit his head on a metal toilet. He is at least the fifth person to die in DOC custody this year.³³ At least eight people died in DOC custody during 2022.³⁴

Over the summer, a defense attorney told the Department of Corrections (DOC) that several individuals at the jail had flashed knives at his client and told the client there was a price on his head. The client was terrified, and the attorney asked DOC to move his client into protective custody. In response, then-General Counsel, now-Judge Eric Glover emailed back a single sentence: “Be advised that DOC cannot assure the safety of any one resident at DOC.” Instead of acting with a public safety focus that one might expect of a top law enforcement official, that statement was a reflection of the cavalier and callous indifference to the District’s constitutional duty to protect those in its custody, and a telling assessment of the reality in DOC.

The legislation before the Council will put more individuals into DOC custody and at risk of the same disastrous fates. Not only has DOC proven itself wholly incapable of

³¹ *DOC’s Current Procedures for Receiving, Investigating, and Resolving Use of Force Incidents Are Not Operating Effectively*, District of Columbia Office of the Inspector General, OIG Project No. 20-1-26FL (July 2021).

³² *Unannounced DC Jail Inspection* (Draft Report), United States Marshals Services (2022). <https://www.scribd.com/document/536987018/A-U-S-Marshals-memo-on-DC-jail-inspection>.

³³ Ryals, M. (2023, October 25). Antonio Dockery died while in custody in D.C.’s central cell block. *Washington City Paper*. <https://washingtoncitypaper.com/article/634237/antonio-dockery-died-while-in-custody-in-d-c-s-central-cell-block/>.

³⁴ <https://dcist.com/story/22/11/21/potomac-river-rapist-death-dc-jail/>

providing a constitutionally adequate and safe environment for its residents, but the significant interruption to other aspects of individual lives cannot be underestimated. Individuals will lose jobs, benefits, and housing. They will endure lapses in medical and mental health care, to say nothing of the stress on family to replace their income, child and other family support. It bears repeating that incarcerated individuals are more likely to face poverty when released, and poverty is a significant contributing factor to cycles of violence. For those held pre-trial, they face all of these severe consequences cloaked in the presumption of innocence. It cannot be worth risking their lives without any demonstrable effect on the District's crisis of violence.

III. The DC Council Should Focus Its Efforts on Evidence-Based Solutions to Combat Violence

There is a real crisis here. Children are dying from gun violence. Most of them are Black and Brown. The District needs to act. But it needs to do so in a way that will actually prevent violence and promote broader public safety. Evidence-based solutions to quickly address rising violence have been at our fingertips for years. With this, to choose policing and incarceration over real solution sends a message to this community, and it is not that this Council cares about winning the “war on violent crime”.

The recent increase in violence within the District is not a new phenomenon. Over the past six years, murders have been on the rise.³⁵ The DC Gun Violence Reduction Strategic Plan recognized that during the years that leaders failed to properly invest in evidence-based solutions, violent crimes were on the rise.³⁶ Through research and review of national effective practices, this report came to many of the same solutions to violence the District recognized in 2018. Solutions included making deeper investments in violence intervention workers,³⁷ data-driven youth interventions initiatives,³⁸ support tools for those most at risk,³⁹ and increased police accountability.⁴⁰ In addition to “long-term prevention and community transformation recommendations, the primary focus of [the] report was to achieve near-term reductions in gun violence.”⁴¹

In 2018, the Mayor sought to fight an increase in violence with evidenced-based solutions that promoted safety and reverse our city's long history of utilizing ineffective carceral strategies to disproportionately punish residents of color. Programs like Cure the Streets⁴² took lessons from other jurisdictions to apply practical solutions to the root causes of violence and provide at risk residents with tools to avoid cycles of victimization, trauma,

³⁵ 2023 Year-to-Date Crime Comparison, available at <https://mpdc.dc.gov/page/district-crime-data-glance>.

³⁶ CJCC releases “Gun violence reduction strategic plan.” CJCC Releases “Gun Violence Reduction Strategic Plan.” (2022). <https://cjcc.dc.gov/page/cjcc-releases-gun-violence-reduction-strategic-plan>.

³⁷ *Id.* at 5.

³⁸ *Id.* at 9.

³⁹ *Id.* at 10.

⁴⁰ *Id.* at 13-15.

⁴¹ *Id.* at 2.

⁴² Cure the Streets: OAG's Violence Interruption Program: <https://oag.dc.gov/public-safety/cure-streets-oags-violence-interruption-program>.

and retaliatory violence.⁴³ The District also launched programs, like the Violence Intervention Initiative, to effectively respond to immediate needs for support and intervention to reduce violent acts.⁴⁴ Collectively, these and later initiatives like Building Blocks DC⁴⁵ worked to move away from reliance on harmful systems and toward justice.

Despite this incredible vision, the District has failed to fully fund various aspects of each program, all but ensuring a lack of success. In a 2022 report, the DC Auditor highlighted some of these failures to properly invest, including inadequate support for violence interrupters,⁴⁶ the deprioritization of citywide public health initiatives to reduce violence,⁴⁷ and the complete failure to establish a Community Crime Prevention Team Program to provide law enforcement with additional support and expertise to better understand and serve individuals experiencing homelessness, mental illness or substantive abuse disorders.⁴⁸ Instead of following through with evidenced-based solutions identified by experts, this Act reverts focus toward carceral strategies demonstrably ineffective at curbing violence.

As recently as last week, the need for the above-described solutions was again reiterated to the DC Council by city and community leaders. Before the Committee on the Judiciary and Public Safety, the Office of the Attorney General⁴⁹ and leaders within Children’s National Hospital⁵⁰ reiterated the need to increase resources and coordination for violence interrupter programs across DC. The City Administrator⁵¹ and Peace For DC⁵² called on the same Committee to enhance resources to support highest-risk youth. The Network for Victim Recovery of DC demanded expansion of programs to address institutional racism that fuels violence in the District. All solutions District leaders

⁴³ Jacoby SF, Dong B, Beard JH, Wiebe DJ, Morrison CN. The enduring impact of historical and structural racism on urban violence in Philadelphia. *Social Science & Medicine*. 2018;199:87-95. doi: 10.1016/j.socscimed.2017.05.038.

⁴⁴ Office of Neighborhood Safety and Engagement - Violence Intervention Initiative: <https://onse.dc.gov/service/violence-intervention-initiative>.

⁴⁵ Building Blocks DC: <https://www.buildingblocks.dc.gov/our-story>.

⁴⁶ Office of the District of Columbia Auditor. Patterson, K. (2022). (rep.). NEAR Act Violence Prevention and Interruption Efforts: Opportunities to Strengthen New Program Models. Washington, District of Columbia. <https://dcauditor.org/report/near-act-violence-prevention-and-interruption-efforts-opportunities-to-strengthen-new-program-models/>.

⁴⁷ *Id.* at 38.

⁴⁸ *Id.* at 57.

⁴⁹ Statement of Gabrielle Breven Chief, Grant Management Unit Chief, Violence Reduction Unit Office of the Attorney General for the District of Columbia. October 30, 2023. Joint Public Roundtable on Violence Reduction Programs in the District. <https://lims.dccouncil.gov/Hearings/hearings/146>.

⁵⁰ Testimony of Katie Donnelly, MD, MPH, Children’s National Hospital. October 30, 2023. Council of the District of Columbia Judiciary & Public Safety, Committee of the Whole, & Executive Administration & Labor Joint Roundtable The Mayor’s “Districtwide Review of Violence Reduction Programs.” <https://lims.dccouncil.gov/Hearings/hearings/146>.

⁵¹ Testimony of Kevin Donahue, City Administrator. October 30, 2023. Joint Public Roundtable on Violence Reduction Programs in the District. <https://lims.dccouncil.gov/Hearings/hearings/146>.

⁵² Testimony of Roger Marmet, Peace For DC. October 30, 2023. Joint Public Roundtable on Violence Reduction Programs in the District. <https://lims.dccouncil.gov/Hearings/hearings/146>.

previously recognized as essential to address violence in DC.⁵³ All solutions that, despite being deprioritized, remain necessary to effectively reduce the recent spike in violence.⁵⁴

District leaders have at their disposal solutions that will meaningfully reduce violence in the District. Despite having knowledge of these solutions for years, and expansive reports to support them, leaders have been distracted by failed strategies of the past. As described above, the District's renewed focus on strategies that reinforce structural racism and harmful carceral strategies will only exacerbate the root causes of violence in the future. District leaders have an opportunity to recommit to evidence-based solutions that will heal and reduce the drivers of violence for generations to come. The Council cannot just add more MPD officers, empower them to stop more Black and Brown people, and lock more people up in pre-trial and expect the crisis to end without taking steps to end discrimination, poverty, and lack of mental health services.

The Washington Lawyers' Committee for Civil Rights and Urban Affairs agrees that immediate action is needed to address this crisis. But those actions need to actually treat the infection of violence. More policing and incarceration have not worked before and will not work now. The Council should reject the Active Amendment Act in its entirety and should instead work on building an equitable and healthy community where violence cannot thrive.

⁵³ Testimony of Benny Del Castillo, Network for Victim Recovery of DC. October 30, 2023. Joint Public Roundtable on Violence Reduction Programs in the District. <https://lims.dccouncil.gov/Hearings/hearings/146>.

⁵⁴ The D.C. Jails and Justice Task Force also made substantial recommendations for making DC's criminal system more equitable and effective, including working to prevent violence before it occurs. One such suggestion is focusing efforts on at risk youth with behavioral professionals in DC Public Schools. Investments into supporting youth so that they do not succumb to violence would be far more valuable to the District than spending resources to arrest and incarcerate youth who were never given support at the start.