THE SENTENCING PROJECT
RESEARCH AND ADVOCACY FOR REFORM

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The Youth Rehabilitation Amendment Act of 2017 (B22-451)

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Thank you, Chairman Allen and Councilmembers for holding this hearing. And thanks to everyone who's here to participate.

My name is Nazgol Ghandnoosh and I'm a resident of Ward 6, where I've been living for five years. I am raising two daughters there while also working as a Research Analyst at The Sentencing Project – a criminal justice research and advocacy organization. I have a PhD in Sociology from the University of California, Los Angeles; my dissertation addressed sentencing for very serious crimes. So I'm here to speak both as a constituent and a criminologist.

My main message to you today is this:

1. Our city has a moral objective to end mass incarceration. Ending mass incarceration cannot occur while excluding serious crimes from sentencing reforms.

2. Mandatory minimum sentences are ineffective and unfair. This is true for all crimes, including sex offenses and crimes of violence.

I commend Chairman Allen's bill (the Youth Rehabilitation Amendment Act of 2017) for strengthening the rehabilitation component of the Youth Rehabilitation Act ("YRA") and for setting eligibility on age at the time of the offense rather at the time of plea or finding of guilt. I would encourage the Council to go even further in these regards by:

- Increasing investments not just in rehabilitation but also in prevention. For example, the Centers for Disease Control and Prevention recommend bystander-focused prevention programs to change norms around sexual violence.

- Raising the age of YRA eligibility to 25, especially given that recidivism rates are not higher under the YRA. This shift would be based on the research on brain development referenced in the CJCC report, would echo reforms supported by DC's former Juvenile Justice chief, Vincent Schiraldi, and would parallel reforms already underway in Connecticut.

But two aspects of this bill are problematic because they retreat to the disproven policies of mass incarceration. Those are: excluding more crimes from YRA sentencing and interfering with judicial discretion.

1. Making more crimes ineligible for YRA sentencing

According to David Cole, National Legal Director of the ACLU and Marc Mauer, Executive Director of The Sentencing Project:

"We could cut sentences for violent crimes by half in most instances without significantly undermining deterrence or increasing the threat of repeat offending."

By preventing judges from departing from mandatory minimum sentences for certain offenses, this bill would increase prison terms but it wouldn't improve public safety or fairness. The National Academy of Sciences, in its recent review of criminal justice research, explained that mandatory minimum sentences "have little or no effect on crime rates" and "shift sentencing

power from judges to prosecutors." Mandatory sentences are ineffective because most people do not expect to be caught, aren't aware of the details of sentencing policies, and often commit crimes in a mental state in which they cannot objectively weigh the consequences.

Given these facts, what is the public safety benefit of excluding more offenses from YRA sentencing and how would such an approach compare with increasing investments in prevention and rehabilitation?

2. Interfering with judicial discretion

Adding guideposts and a written requirement for judges to implement the YRA echoes the federal sentencing guidelines and their problems: once lawmakers encourage judges to be more punitive, judges grow fearful of using their discretion to customize sentencing.

For example, this bill instructs judges to consider, among other factors, input from victims at the time of sentencing and in the set-aside decision. Criminal justice policies should prevent victimization and give victims a sense of justice. However, as Joan Petersilia and other experts have written about parole, another post-conviction decision:

"In cases of serious violence, when the offender has been sentenced to a long period of custody, the victim and the offender have probably had no contact for years. The victim probably does not know of the programs the inmate has participated in."

Why then is the Council directing judges' attention to past suffering, rather than allowing them to make assessments of future risk?

Judges are neither neglectful nor forgetful—I encourage the Council to not interfere in their sentencing and set-aside decisions under the YRA.

For those who are serious about reducing victimization—and I speak as someone who's had my house burglarized—then the way to do this is by investing in prevention and rehabilitation. That's what works in middle class and affluent white communities and that's what everyone's family deserves.

A final thought: The Bureau of Justice Statistics has estimated that if recent trends persist, one in three black teens will end up imprisoned at some point in their lives. Decisions like the ones before you today will help to determine how soon we can put this shameful statistic to rest.

Thank you.

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