

# PRIOITIZING A PUBLIC HEALTH OVER A PUNITIVE APPROACH:

#### RESPONDING TO A SPIKE IN VIOLENT CRIME IN THE DISTRICT OF COLUMBIA

September 2016

#### Local trends draw national attention.

An analysis by the Brennan Center for Justice showed the homicide rate nationally in 2015 was about 13 percent higher than 2014 in the 30 largest cities. But just three cities—Chicago, Baltimore and Washington, D.C.—accounted for almost half of the increase in homicides in these 30 cities.<sup>1</sup>

In 2015, the number of homicides in Washington, D.C. had increased by 54 percent over year-end 2014, ending a nearly uninterrupted twenty year trend of declining lethal violence. The increase in homicides in the District was so pronounced, it garnered national headlines, and was noted by one of the candidates for president.<sup>2</sup>

Public opinion surveys of District residents showed that, about half of residents polled said they thought the police response to the homicides was "not tough enough," and nearly two thirds of residents polled said they thought the Mayor's response to the increase in crime was "not good" or "poor.3"

Policymakers were at a crossroads: would elected officials rely on policies that would increase justice system involvement, or would they choose more holistic policies that can respond to violent crime largely outside of the justice system?

## Crime challenges in context: most impacted communities and people.

In response to concerns about rising crime, the city analyzed the most recent crime statistics which show, some parts of the D.C. community were more impacted by the rise in homicides than others.

Data from the Metropolitan Police Department showed, three police districts accounted for most of the growth in homicides in Washington D.C.: the police districts covering Ward 7 and Ward 8 in Southeast D.C., and Ward 5 in Northeast D.C. accounted for 74 percent of the growth of homicide arrests in 2015.4 One of those districts, the seventh district in Ward 8, accounted for nearly 40 percent of the citywide growth in lethal violence, with homicide arrests increasing by more than 67 percent over the previous year. The parts of the city most impacted by the spike in violence are also places where a larger proportion of residents are African American, where unemployment is higher, and where greater challenges exist around

employment, school success, and raising residents' income.<sup>5</sup>

Data analyzed by the D.C. Chief Medical Examiner of homicide victims in 2014 showed that while just under half the residents in the city were African American, more than eight out of 10 homicide victims in the city were African American. A third of homicide victims were between the ages of 18 and 24.6 In nearly two thirds of D.C. homicide deaths reviewed by the medical examiner, firearms were listed as the "cause" of death.

#### **Different Public Safety Proposals**

In the wake of the first significant increase in homicides seen in decades, local policymakers in Washington D.C. were offered two starkly different approaches to address the problem.

The Mayor introduced legislation in 2015 that would have expanded the authority of police officers to conduct warrantless searches of homes in which those on parole or probation reside. The Mayor's bill also proposed lengthening some sentences, and increased the ability to detain people pretrial. While the increase in lethal violence in D.C. was not associated with the public transportation system or parks, the Mayors proposal would have enhanced penalties for several dozen offenses if committed against a public transit passenger or worker, or against any person while located in or near a public park.<sup>7</sup>

At a hearing on the Mayor's bill in the fall, dozens of organizations testified in opposition to the proposal, ranging from the ACLU of the National Capitol Region, to the Court Services and Offender Supervision Agency (the federally run probation and parole agency which would have received broader authority to search and detain their clients under the proposed legislation). On several different occasions, Black Lives Matter disrupted Mayoral press conferences designed to promote the crime bill.<sup>8</sup>

While the Mayor's crime bill failed to move forward, the Washington D.C. City Council in the spring unanimously endorsed a public health approach to violence prevention that was focused on responding to the spike in homicides with strategies largely outside the justice system.

The D.C. City Council unanimously passed the Neighborhood Engagement Achieves Results Amendment Act (The NEAR Act) in 2016. Among a number of provisions, the law would establish offices that will coordinate city agencies' responses to violent crime, and places clinicians in emergency rooms to respond to the needs of victims and to help prevent the escalation of violence. Building on an approach used to curb violence in Richmond, California, the NEAR Act also calls on the city to identify teenagers and young adults at the highest risk for committing or being a victim of violent crime to participate in a stipendbased program to assist them in life planning, provide trauma-informed therapy, and offer mentorship services.9

The NEAR Act included criminal justice reforms, including community-policing training, requirement of the collection of data around "stop and frisk" and police use of force, and trainings to help police avoid bias-based profiling. The NEAR Act also amended D.C.'s Assault on a Police Office

law, with language that would result in reducing the number of people charged with this offense, thereby limiting justice system involvement for people coming into contact with a police officer.

As various legislative proposals were being considered, the Mayor charged the Director of the city's Department of Health and it's Chief Medical Examiner to convene an Advisory Committee that would study and recommend ways to develop and implement a public health violence prevention approach for the District. The final report<sup>10</sup> of D.C.'s Safer, Stronger Advisory Committee notes that, "we cannot arrest our way out of the problem of community violence." Among the 50-plus recommendations offered to the city, the committee recommended establishing an office of violence prevention and neighborhood safety, the hiring of 50 community violence outreach workers (called, "credible messengers"), and urged

that the District focus on expanding "economic opportunity through community driven investments, job growth and entrepreneurship" in the communities most impacted by violence.

### The ongoing need to target resources to violence prevention.

The promise of the various public health approaches being offered to District residents have yet to be fully realized: While the changes to some criminal justice laws (and rejection of others that would have made laws more punitive) are designed to reduce residents' justice system involvement, thus far the Mayor and D.C. policymakers have not appropriated the funding needed to fully implement the violence prevention approaches that have been recommended.

For more information, see, <u>Defining Violence</u>: <u>Reducing Incarceration by Rethinking America's</u> <u>Approach to Violence</u> (Washington, D.C: Justice Policy Institute, August, 2016).

<sup>1</sup> Ames Grawert and James Cullen. Crime in 2015: A Final Analysis. (New York City: The Brennan Center for Justice, 2016)

<sup>3</sup> Aaron C. Davis, "Residents Say Crime is Washington's Number One Problem," *The Washington Post*, November 18<sup>th</sup>, 2015. <a href="https://www.washingtonpost.com/local/dc-politics/crime-is-washingtons-no-1-problem-poll-finds/2015/11/18/8462efe4-8cbc-11e5-ae1f-af46b7df8483">https://www.washingtonpost.com/local/dc-politics/crime-is-washingtons-no-1-problem-poll-finds/2015/11/18/8462efe4-8cbc-11e5-ae1f-af46b7df8483</a> story.html

<sup>4</sup>Katharine Huffman, "The NEAR Act would help protect D.C. Residents from violence," *The Washington Post*, March 11<sup>th</sup>, 2016.

<sup>5</sup> PowerPoint presentation, "Safer, Stronger D.C. Advisory Committee Kick-Off Meeting," Executive Office of the Mayor, December 1<sup>st</sup>, 2015.

<sup>6</sup> PowerPoint presentation, "Safer, Stronger D.C. Advisory Committee Kick-Off Meeting," Executive Office of the Mayor, December 1<sup>st</sup>, 2015.

<sup>7</sup>See, "B21-0357, the Public Safety and Criminal Code Revisions Amendment Act of 2015. http://lims.dccouncil.us/Download/34486/B21-0357-Introduction.pdf

<sup>8</sup> Abigail Hauslohner and Aaron C. Davis, "Black Lives Matter activists disrupt Bowser speech on how to stop killings," *The Washington Post*, August 27<sup>th</sup>, 2015.

<sup>9</sup> A 2015 process evaluation of the Office of Neighborhood Safety in Richmond, CA, found there was a drop in gun homicides in the community where a version of a "credible messenger" was being used, and where high-risk young people who participated in the intensive mentoring intervention avoided being rearrested on new gun charges. Some of these youth were eligible for a stipend. Process evaluation for the Office of Neighborhood Safety. (Oakland, CA: National Council on Crime and Delinquency, 2015). <sup>10</sup>Safer, Stronger D.C. Final Report (Washington, D.C.: Department of Public Health, June, 2016). See, <a href="http://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">http://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</a>

<sup>&</sup>lt;sup>2</sup> "In our nation's capital, killings have risen by 50 percent," Republican Presidential Nominee Donald Trump, "*Donald Trump's 2016 Republican National Convention Speech*," ABC News, July 22<sup>nd</sup>, 2016, <a href="http://abcnews.go.com/Politics/full-text-donald-trumps-2016-republican-national-convention/story?id=40786529">http://abcnews.go.com/Politics/full-text-donald-trumps-2016-republican-national-convention/story?id=40786529</a>