



## **Report of the ANC6B Public Safety Committee Meeting**

**April 24, 2024, 6:30 – 8:00p.m.**

### **Commissioners Present:**

Edward Ryder, ANC Chair (6B08), David Sobelsohn (6B03); Frank D'Andrea (6B04)

### **Resident Members Present:**

Lisa Matsumoto, Chair; Ann Keep; Michelle Strizever, Eric Miller, Frank Boudra, Chuck Schmoyer, Elliot Mamet, John Schwab, Jody Kent Lavy,

### **I. Agenda Item #1; Introductions**

Introductions of Commissioners and resident members.

### **II. Agenda Item #2; United States Attorney for D.C., Matthew Graves**

USA Matthew Graves was introduced. Referencing his slides, he first discussed the violent crime landscape, providing current statistics on violent crime. According to his presented statistics, most violent crime was down compared to the same period last year. He was optimistic, but acknowledged we are only a third of the way through the year.

He said that prosecution is a necessary ingredient to public safety, it can influence the numbers, but it cannot control the numbers. He indicated that more is needed, so he looks at what his office can do to have an impact. First, he wants to proactively building federal cases to impact gun violence – federal drug and gun cases. Second, aggressively prosecute, as much as facts permit, those carrying illegal firearms with committing crime of violence. He doesn't see a distinction between a person who chooses to carry an illegal firearm from a person who commits actual acts of violence. This person has made a decision to break the law by carrying the illegal firearm and has exhibited a willingness to use this illegal firearm. He noted they are seeing more cases where firearms are used in petty disputes. Third, he wants to identify persons who are drivers of gun violence when they are arrested and aggressively prosecute them.

Resident Member (RM) Kent Lavy asked a question regarding the statistics from the previous slide and how they compare with national trends. USA Graves acknowledged that DC was an outlier in 2023 where our violent crime went up when it was going down nationally. There was an unprecedented spike in violent crime categories. He remarked that

although numbers are coming down, the community doesn't feel it because the numbers had spiraled so high in these categories.

USA Graves then went through some examples of proactive investigations. He highlighted an increase of 58% increase in federal prosecutions. Regarding cases in Superior Court, he wanted to provide context. The USAO hired a data scientist in early 2023 to pull and analyze data from Superior Court cases, from the outdated case management system (getting new system next year). The year-end snapshot showed they charged 7400 case in Superior Court alone. With federal cases, that is nearly 8000 cases charged. This is more than 1% of the population. He submits this shows they are charging the right people. RM Schmoyer asked, this is out of how many cases that were brought into the USAO? USA Graves responded that for fiscal year 2023, it was 44% of arrests. They are now charging approximately 60% of arrests. He noted this increase is partially because of the change in status of Department of Forensic Sciences accreditation.

RM Miller asked if USA Graves could you get in more detail about what other things, other than crime lab, have impacted papering rate. USA Graves noted the crime lab was a large part of the change. For context he discussed the history of issues with the lab. He said that DNA is critical in bringing many violent crime cases, but they had a difficult time finding replacement labs. The lack of accreditation also severely limited their ability to have drugs analyzed. They tried to engage the DEA, which formerly provided this analysis and expertise for the District, but they no longer had resources to take on all DC cases. The USAO was able to broker a deal for them to analyze drugs for felony drug cases. He said when one looks at the office historically, the charging rate has been 60 – 70% and said the rate has always historically been low because of mandatory arrests in domestic violence cases, which are often not charged. Following up on earlier an earlier question regarding whether the crime lab situation is stable, USA Graves responded that it is better. They have gotten accreditation back in drug and DNA analysis. The USAO will be sponsoring analysts to get admitted as experts in drug cases, probably beginning in the next month.

Commissioner Sobelsohn asked for more context regarding the impact of domestic violence cases on the overall low charging rate. How many of uncharged cases are domestic violence cases. USA Graves said he did not have those numbers. Commissioner Sobelsohn also asked, of the 8000 charged cases, how many are DC residents? USA Graves did not have those numbers. Commissioner Sobelsohn emphasized how helpful this additional context would be to understanding the impact on the charging rate and the impact of outside offenders on the District.

Regarding the omnibus legislation from last summer, USA Graves noted they are working with the DC Criminal Justice Coordinating Council to collect statistics. In cases involving crimes of violence, the USAO charged 88% of adult violent gun crime cases and 100% of homicides are charged. He also gave an overview of case outcomes as well as an overview of how gun possession cases are charged and the challenges of attaching firearms to specific individuals.

He then discussed efforts to target firearms and gain "firearm intelligence." In particular, he discussed Project Safe Neighborhoods, sweeping in people who are arrested for other offenses and firearms are recovered. Community members asked about the flow of guns into DC and where they are coming from? USA Graves indicated most are coming up the I-95 corridor, and there are also straw buyers, and further, there is an increase in untraceable (ghost) guns.

He then discussed outcomes for firearms charges. Very few persons who are charged with carrying a pistol without a license (CPWL) are sentenced to more than probation. When they are, it is because there is another, more serious charge. He said this has been frustrating for the USAO and has an impact on the perception that there are no consequences. He is of the opinion that possessory gun offenses are violent offenses and should be treated as such.

Beginning a discussion about legislation, he noted that Secure DC filled some gaps, but there is some legislation that the USAO would like to see amended. First he discussed proposed changes to the Youth Rehabilitation Act. They would first like to limit availability of the YRA to one time per individual, and they would also like to see carjacking removed as an offense for which the YRA applies. He was asked by RM Kent Lavy whether there is data which shows that this change to the YRA regarding carjacking will deter recidivism? USA Graves said the accountability and length of sentence would address data which shows that the individual will age out of crime and it would send a deterrent message to youth carjackers. RM Kent Lavy and others asked for more clarification and data supporting that the proposed YRA amendment would have a deterrent effect. USA Graves said that it is primarily anecdotal. He indicated that the word is out among youth that they will have access to the benefits of the YRA and this increases a sense of impunity. He didn't have any specific data. He stated he wants more consistency with regard to sentencing on carjacking charges and more prosecutorial discretion because sentencing is inconsistent and subjective dependent upon which judge the case comes before. He emphasized the number of cases in which individuals have multiple carjacking cases is indicative that there is a sense of impunity. Several community members spoke and were skeptical that this amendment to the YRA would have a positive impact or any deterrent effect.

He next discussed proposed amendments to DC's Second Chance Act (IRAA). He said he supports the act but wants "common sense reform." He discussed the inconsistency in application of this law because of limitations in information that can be considered by the courts. He first wants to require courts to consider the remorse of the petitioner and noted that the hearings retraumatize victims and victim families. Second, he doesn't want sentences served in other jurisdictions to be credited under the Act. Third, and to address the greatest concern to the USAO, is to limit the ability of persons to use the Act to reduce supervision/parole.

Several members of the community spoke in response to USA Graves proposals. Some who spoke have benefitted from this specific Act and are now working in the community to make positive change. They challenged whether these changes would have an impact on deterrence and whether these amendments would actually do more damage than good. They discussed the hardships they experience, when they have already served their sentences and are trying to give back to the community. They emphasized that they have now taken on roles working in the community to help to prevent crime and prevent youth involvement in criminal activity. Also, RM Kent Lavy responded to the point concerning limitations on what information the judges can consider. She noted that there is nothing in the law that precludes the judge from considering the underlying facts and the level of remorse of the petitioner, and further emphasized that there are many examples of courts considering those factors and denying the petitioner's request under this law.

Several community members made the point that the effort by the USAO to reform this law is misplaced in the current public safety environment and state of gun violence in this city.

There is no evidence or data that shows that these reforms will have any positive impact on current violence in the city. USA Graves said the USAO is supportive of these laws, but they believe there need to be these common sense reforms. He has the view that these reforms are an essential response to change the myth that there are no consequences. However, his evidence is only anecdotal that he is hearing this from defendants. Several community members asked why there aren't resources being put toward stemming the flow of guns into the District and implementing a strategic, evidence-based response to violence prevention.

The meeting was running extremely long, so Chair Matsumoto unsuccessfully tried to conclude the meeting with a final question regarding what preventive efforts or initiatives the USAO is engaged in, particularly related to firearms? USA Graves emphasized the role of the USAO as a prosecutor and working in their lane. He said that they have a robust external affairs office doing outreach to other organizations providing services. He returned to the issue of trying to "bust the myth" among youth that there are no consequences. He did not discuss any initiatives or prevention efforts of the office.

Chair Matsumoto allowed two additional questions. Commissioner Sobelsohn asked about Councilmember Charles Allen's criticism that officers aren't hearing back from the USAO why certain cases aren't charged. USA Graves indicated it is because of the number of officers on a case. There is follow up with the lead officer, but it may not be communicated to the rest of the officers involved in the case.

RM Schmoyer asked about monthly reporting on the status of cases. USA Graves indicated they cannot do this at this point with the current case management system, but his staff indicated that there is a monthly court report. USA Graves noted that the community will not get information about failures in specific cases, but there is some information available in the outcome statistics such as percentage dropped because of insufficient evidence.

### **III. Adjournment:**

The meeting was adjourned at 8:50 PM. The next meeting is May 20, 2024.