



**Statement of Elizabeth A. Wieser  
Chief, Juvenile Section - Public Safety Division  
Office of Attorney General for the District of Columbia**

**Before the**

**Committee on the Judiciary and Public Safety  
The Honorable Charles Allen, Chairperson**

**Public Hearing**

**on**

**Bill 23-127, the “Second Look Amendment Act of 2019”**

**March 26, 2019**

**1:00 pm**

**Room 123**

**John A. Wilson Building**

**1350 Pennsylvania Avenue, NW**

**Washington, District of Columbia 20004**

Greetings Chairman Allen, Councilmembers, staff, and residents. I am Elizabeth A. Wieser, Chief of the Juvenile Section in the Public Safety Division at the Office of the Attorney General (“OAG”). I am pleased to appear on behalf of Attorney General Karl A. Racine to testify in favor of Bill 23-127, the “Second Look Amendment Act of 2019.” Attorney General Racine cares deeply about improving the public safety of our city, and he is committed to seeking alternatives to traditional prosecution models which offer data driven results for improved recidivism rates and community safety outcomes.

The Juvenile Section of OAG prosecutes most children who are arrested and charged with criminal offenses in the District of Columbia. When OAG prosecutes children, it is our duty to fully consider the harm to public safety as well as the care and rehabilitative needs of the child who is charged with a criminal offense. OAG is mindful of our unique responsibility to weigh these interests to pursue the greatest public safety outcomes. OAG is pleased to work with partners in the Executive and the Council who understand that children in the juvenile justice system should be treated differently from adults in the criminal justice system.

It is with this principle in mind that we must address the needs of emerging adults in our prison population. Emerging adults are generally defined as the population of young people between the ages of 18-25 years old. Mounting neuroscientific research and evidence shows that youth between these ages are developmentally distinct from older adults and should be treated as such by the justice system. In fact, in 2017, the American Academy of Pediatrics commented that “the age of 21 years is an arbitrary demarcation line for adolescence because

there is increasing evidence that brain development has not reliably reached adult levels of functioning until well into the third decade of life.” Thus, our sentencing practices should reflect the recognition that these young people are not fully formed, mature adults. They still need services and support, care and rehabilitation.

With this principle in the forefront, the *Incarceration Reduction Amendment Act of 2016* took effect in April 2017. It gave prisoners who had been sentenced as adults for crimes they committed under the age of 18 the opportunity to petition the District of Columbia Superior Court for a review of their sentences. To make this application, the prisoner had to have served at least twenty years of his or her sentence. If the request is denied, the petitioner must wait five more years to apply again, and if denied, he or she would have to wait another five years to apply a third time. If the third application fails, the petitioner is barred from applying again. This rigorous process ensures that only the most committed and worthy applicants would mount a successful application. The *Incarceration Reduction Amendment Act* was amended a few months ago in the *Omnibus Public Safety and Justice Amendment Act of 2018* to reduce from 20 years to 15 years the amount of time persons must serve before petitioning the DC Superior Court to have their sentences reviewed. It also allows individuals who have come up for parole an opportunity to have their sentences reviewed.

Now, the *Second Look Amendment Act of 2019* seeks to amend the *Incarceration Reduction Amendment Act* in a small but meaningful way. The *Second Look Amendment Act of 2019* is an important step forward toward recognizing that a person who committed a crime as an

emerging adult should be given the opportunity, after serving a substantial sentence, to petition the court for review of their sentence. It aims to make such judicial review available to those individuals who were sentenced for crimes committed when under the age of twenty-five. By raising the age to 25, we are aligned with many other jurisdictions that are contemplating “raise the age” legislation in charging, prosecuting and sentencing emerging adults. Because the data and science support the theory that this population of individuals have not yet attained “adulthood,” we must consider the context within which they committed their crimes as well as the development that has occurred during fifteen years of incarceration.

By raising the age from 18 to 25, the *Second Look Amendment Act* will allow more individuals who committed crimes when they were emerging adults the opportunity to have their sentences reviewed. The process remains rigorous and will continue to require the petitioner to convince the Court that they are not a danger to any person or the community and that the interests of justice warrant the modification of a sentence. These petitioners will have to show the rehabilitative efforts and successes they achieved through fifteen years of incarceration to prove that they are ready to have their sentences reduced and to return to our community. Research shows that the biggest risk of adult recidivism occurs in the emerging adult population. Once an incarcerated-individual move beyond young adulthood, recidivism rates decline. We can no longer think of long, punitive sentences as the only response to crime. It is time to acknowledge the futility of long sentences as the only answer to crime and forge a new path,

guided by science and data, towards just sentences that serve the greatest public interest of District residents.

OAG urges the Council to approve Bill 23-127, and we look forward to working with the Committee on Public Safety and Justice throughout the legislative process. This concludes my testimony, and I am happy to answer any questions.