



## CRIMINAL JUSTICE COORDINATING COUNCIL

Criminal Justice Coordinating Council

# Ten-Year Estimate of Justice-Involved Individuals in the District of Columbia

White Paper

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## Background

Nationwide, an estimated 20% of persons living in the United States have had brushes with the criminal justice system. According to the Brennan Center, by mid-year 2015, at least 70 million Americans – in a country of 321 million – had a record in the FBI’s Interstate Identification Index (III), showing they had been arrested and fingerprinted at some point.<sup>1</sup> The Brennan Center notes that more people in the US are in III than there are military veterans, and there are as many persons in the US with a 4-year degree as persons with a record in the III. Brame, Turner, Paternoster, and Bushway (2012) estimated that nearly 1 in 3 people in the US will be arrested by age 23.<sup>2</sup>

There are various estimates of the number of justice-involved individuals residing in the District of Columbia (DC). In 2007, the Washington Post<sup>3</sup> printed an estimate of 60,000. Since that time, another calculation estimated 67,000 persons with a criminal conviction were residing in the District.<sup>4</sup> This updated estimate included persons “with a criminal record,” but the term “criminal record” was not defined, in which case it is uncertain who was included in this estimate. Cognato, Raderstrong, and Sager (2015) reasoned that if 29% of persons in the US have a record of some sort, and 41% of cases in DC have a conviction, the estimate is made by taking the DC population in 2012 (552,871), and assuming that 29% have a record (29% of 552,871 = 160,333). The assumption is made that 41% of those with a record would have a conviction (41% of 160,333 = 66,500). These are very broad terms, and although they do offer more detailed information than the original 60,000 estimate, they do not rely on District-specific information – a very important consideration in such a unique city, where from 2008 to 2016, the adult population increased by 14.2% and total population increased by 12.4%.<sup>5</sup>

## Purpose

Because continued questions have arisen regarding the number of individuals living in DC who are “justice-involved,” this white paper is intended to better inform justice system stakeholders and the community as they develop policies, strategies, interventions, and services to help improve outcomes for justice-involved persons in DC. Having an up-to-date estimate of the number of persons involved in the justice system allows stakeholders to tailor their programs and services with a greater degree of specificity.

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<sup>1</sup> <https://www.brennancenter.org/blog/just-facts-many-americans-have-criminal-records-college-diplomas>

<sup>2</sup> Brame, R., M.G.Turner, R.Paternoster, & S.D.Bushway (2012). Cumulative prevalence of arrest from ages 8 to 23 in a national sample. *Pediatrics*, 129 (1): 21-27.

<sup>3</sup> Pierre, R.E. (2007). Back from Behind Bars. *The Washington Post*, September 2 [Metro]. Retrieved from: <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/01/AR2007090101344.html>

<sup>4</sup> Cognato, B., Raderstrong, J., & Sager, J. (2015). A data needs assessment for the Mayor’s Office on Returning Citizens Affairs: Identifying, collecting, connecting key data for D.C.’s returning citizens. Washington, D.C.: The George Washington University.

<sup>5</sup> 2017 Population estimates have not been published by the American Community Survey to complete the ten year examination presented here.

In this white paper, we estimate the number of adults in DC who have been involved in the justice system over the last ten years (2008-2017), based on the following categories: those who have been arrested, those who have been convicted of an offense, and those who have been incarcerated, with or without a conviction. The three definitions address different questions, and therefore do not offer a single count of justice-involved persons.

## Defining “Justice-Involved”

### Ever Arrested, Ever Convicted, and Ever Incarcerated

In February 2016, the Criminal Justice Coordinating Council (CJCC) began discussions with justice system stakeholders (government partners, community members, and returned citizens) to establish a framework for this white paper. The stakeholders identified three equally important populations that must be measured when discussing justice-involved individuals: persons who have been arrested; persons convicted of an offense; and persons who have been incarcerated.

### Ten-Year Span

Broad assumptions are necessary to estimate the number of individuals living in DC who have ever been arrested, convicted, or incarcerated. In order for the estimates relied upon in this white paper to be maximally useful, they needed to include the number of individuals who were DC residents when they were system-involved in a period of time that would reasonably capture potential threats to public safety, as well as those who are most likely to be dealing with impacts of the system involvement on their lives at present. Thus, the stakeholders concluded a ten year measure was most appropriate.

According to the National Institute of Justice (NIJ) and Blumstein (2009),<sup>6</sup> those who commit less serious offenses are unlikely to commit additional offenses if they do not reoffend for three years. Persons with more serious offenses are unlikely to reoffend if they do not reoffend for eight years. After considering this finding, stakeholders agreed that an estimate of persons in DC who have been arrested, convicted, or incarcerated in the last ten years would present a reasonable and useful picture of justice involvement – accounting for both the utility of the information and the supporting national research.

The task of creating a broader estimate than ten years is a daunting one. In 2003, Bonczar created an estimate for the Bureau of Justice Statistics<sup>7</sup> of the number of US residents who had ever been incarcerated, which presents a good example of the methodological challenges of estimating involvement beyond a set time frame. The estimate was based upon the number of first time incarcerations, as well as age and life expectancy estimates for persons in every prison cohort since 1926 (75 years prior to the study date). While counting only first time

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<sup>6</sup> <https://www.ncjrs.gov/pdffiles1/nij/226872.pdf>

<sup>7</sup> <https://www.bjs.gov/content/pub/pdf/piusp01.pdf>

admissions in those cohorts, expected deaths were subtracted to reach a number of persons incarcerated at least once – and who were still alive – since 1926. While exhaustive, such an analysis would not be relevant to the conversations in DC today. Instead, the intent here is to understand who is returning to DC, who needs services, and who is dealing with the aftermath of system contact. While it is understood that the ramifications of incarceration are potentially lifelong, the assumption made here is that the greatest impacts would be in the ten years following release. For incarceration, basing the estimate upon ten years of unique persons<sup>8</sup> released to the community yields a more useful picture of this population. As such, a consistent methodology is employed in this analysis for those arrested and for those convicted of a crime in the last ten years.

In addition to unpacking the ten year analysis, an important caveat is that a significant number of those held in custody are awaiting trial or sentencing. They are incarcerated but not convicted of a crime, and if their case is dismissed or they are found not guilty, they are then released – and may be in need of some of the same services and attention as those who are held in jail or prison after having been found guilty and sentenced to incarceration for any length of time. The information presented in this paper offers such distinctions.

## Methodology

To measure the population of DC residents who have been arrested in the last ten years, the Metropolitan Police Department (MPD) created an estimate of the unique persons who reported a DC address at the time of arrest. The DC Superior Court (DCSC) Criminal Division, which handles adult criminal cases, estimated the number of unique people with a conviction in the last ten years who also reported a DC address at the time the case was filed. The DC Department of Corrections (DOC) then estimated the number of unique persons released to the community in the last ten years,<sup>9</sup> though they were unable to delineate those with a DC address from those who reside outside of DC. And finally, the Federal Bureau of Prisons (BOP) estimated total persons released to a DC address, both for those with a DC offense and for those with a federal offense. Each agency investigated this question independently, as data systems are not linked.

## Limitations

This presents some limitations. First, this does not account for how many of these persons later moved away from DC during the ten year time frame. For example, these numbers cannot be used to estimate how many people living in DC today have been arrested in the last ten years. This is because an unknown number of the persons who lived in DC when arrested may have

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<sup>8</sup> A 'unique person' refers to a single person being counted only once in the given agency's measure. For example, if one person is committed several times to the Department of Corrections over the ten year period, that person is counted only once. However, the data sets were not matched with one another, so this same person may be counted in other agencies' analyses, such as having been arrested or convicted.

<sup>9</sup> The DOC was unable to estimate how many of their releases were to a DC address, and therefore their estimate includes anyone released from the DOC to the community.

moved away. The same logic applies when considering estimates of the numbers of convicted persons and incarcerated persons. Second, this does not account for today's DC residents who were arrested, convicted, or incarcerated in another jurisdiction. The shared borders of DC, Maryland, and Virginia make this estimate particularly challenging, as people move from one to the other, and may also be justice-involved in a jurisdiction in which they are not a resident.

Finally, the populations counted in each identified category are not independent of one another because the data utilized is not tied to specific individuals, and thus cannot track specific persons through the system. Because the system is not a funnel, nor is it linear in operation, each definition can lead to its own conclusion and a different count of persons. The data presented here are simple and descriptive estimates, necessitated not only by the nature of the data available, but also because this white paper is not intended to infer or predict. Rather, the goal is to provide nuanced context for those operating DC's justice system.

## Justice System Trends over the Last Ten Years

Before delving into the number of justice-involved individuals, the last ten years of system trends must be considered. The criminal justice system in DC is multi-faceted and is not linear. For example, not all arrests result in a case being filed in court. Further, not all court filings are the result of an arrest. Therefore, it should not be presumed that each point on the continuum is a subset of the preceding touch point, as there are many points of entry into the system. A brief examination of the trends of the DC justice system over the last ten years is presented to provide context for the number of persons experiencing system involvement.

### Arrests

According to MPD annual reports,<sup>10</sup> citywide adult arrests averaged 43,305 per year in the last ten years. This includes arrests by any agency in the city, and includes multiple arrests of some persons. This count, therefore, is not the same as a count of unique persons, and instead reflects any arrest event of any adult. As an average, it is important to bear in mind variations from one year to the next. Figure 1 below shows that there was a decline in total adult arrests until 2015, followed by an uptick since that time.

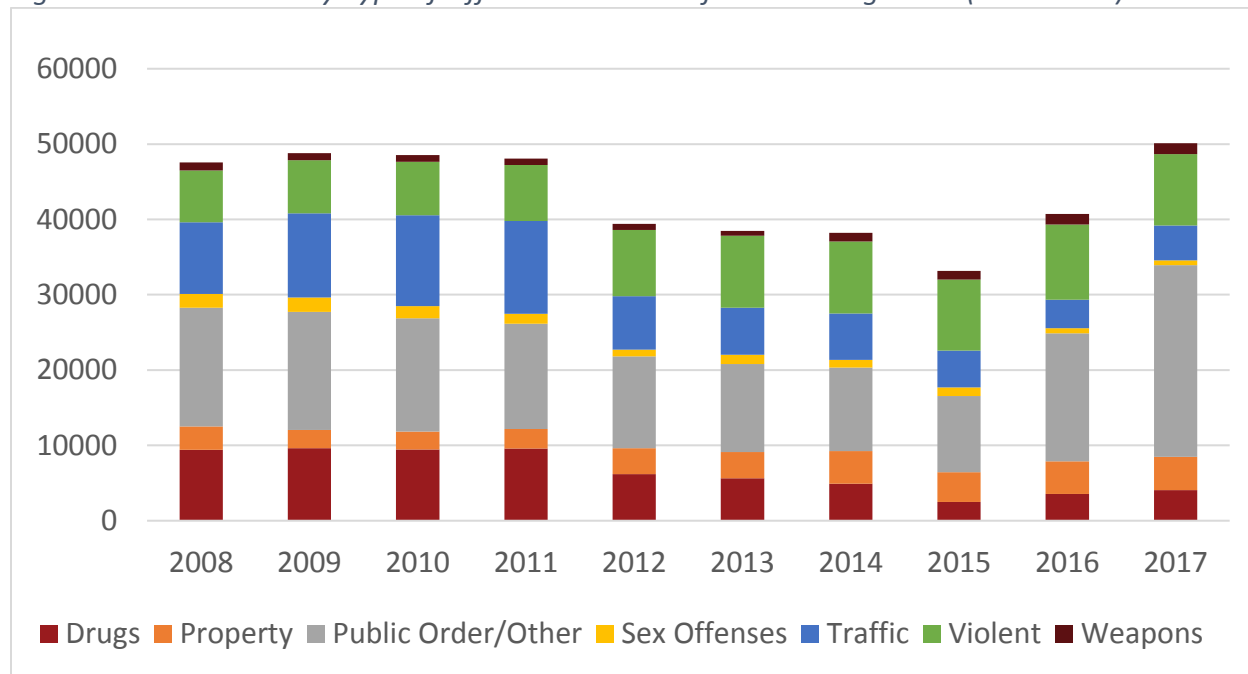
Arrests must also be considered in the context of the offenses alleged. There have been some pattern shifts in DC over the last ten years that may be the result of changes in offending, or may in fact result from legislative changes not examined here. The raw number of adult arrests made between 2008 and 2017 has declined for drugs (57%), sex offenses (66%), and traffic offenses (51.5%). At the same time, there have been 38.2% more arrests for violent offenses, 34.8% more arrests for weapons-related offenses, and 43% more arrests for property crime. To look at this a little differently, violent offense arrests made up 14.4% of all arrests in 2008 and increased to 23.2% of all arrests made in 2017. We should note another important trend. In

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<sup>10</sup> <https://mpdc.dc.gov/page/mpd-annual-reports>; 'arrests' include both immediate seizures and field arrests, where the person is given a citation and they must appear at the station within 15 days to complete the arrest process.

2008, drug arrests accounted for 19.8% of all arrests, while in 2017, drug offenses were just 10% of all arrests. The legalization of marijuana in 2014, for personal consumption likely impacted these numbers.

Figure 1. Adult Arrests by Type of Offense - All Law Enforcement Agencies (2008-2017)



Source: MPD Annual Reports

Recent increases in total arrests are not entirely attributable to MPD activity. In the last two years, the number of arrests by the MPD and the number made by other policing agencies in DC has changed. In 2016, there were 40,341 adult arrests by the MPD and an additional 10,388 by other agencies; MPD arrests of adults grew by 12.5% from 2016 to 2017, while adult arrests by other agencies grew by 78.6% in 2017 – much of it due to an increase in the number of public order arrests.<sup>11</sup>

### Convictions

Court activity parallels activities of other agencies. Misdemeanor and traffic cases filed in the DCSC Criminal Division accounted for 81.4% of new filings in 2008,<sup>12,13</sup> compared to 76.9% of new cases<sup>14</sup> in 2017. This shift is due to a reduction in all filing types. From 2008 to 2017, the

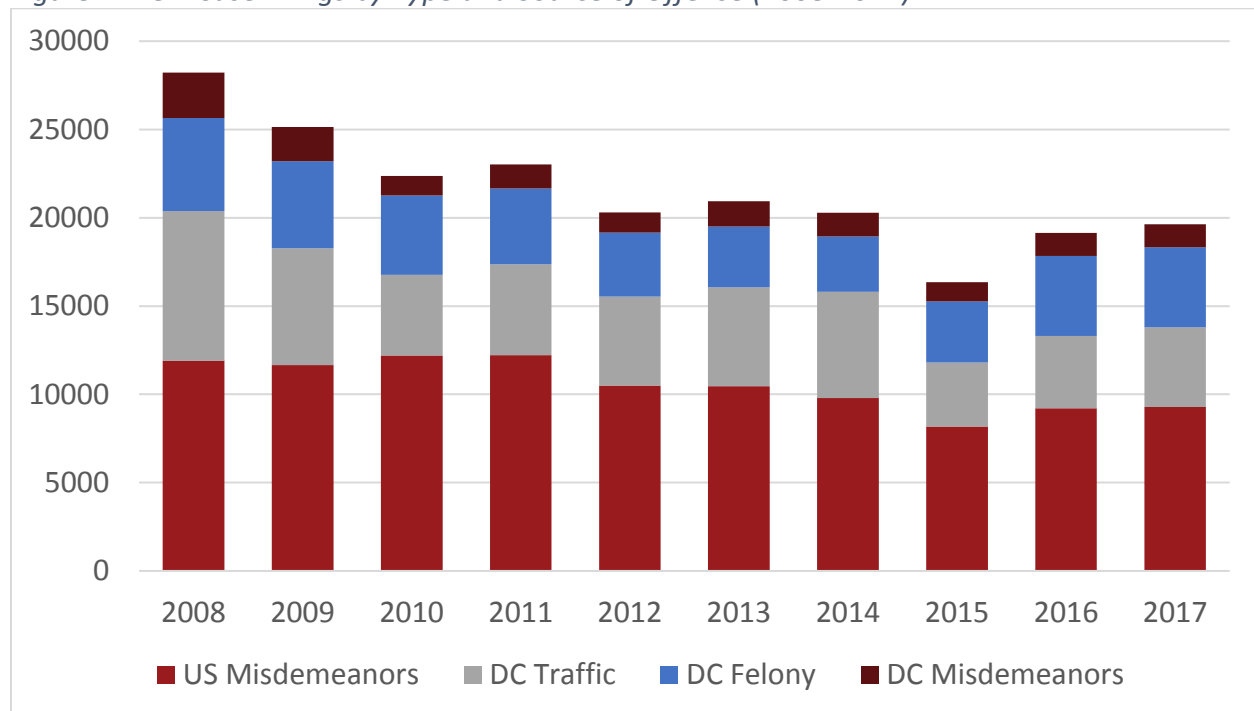
<sup>11</sup> Public Order and Other offenses for this analysis include disorderly conduct, driving or boating while intoxicated, gambling, liquor law violations, release violations, vending violations, and those termed “other crimes.”

<sup>12</sup> Source DCSC Annual Report: <https://www.dccourts.gov/sites/default/files/matters-docs/DCCourts-Statistical-Summary-CY-2017-Final.pdf>

<sup>13</sup> When a person is arrested, the prosecutor may file one or more of the following types of charges: felony, US misdemeanor, DC misdemeanor, or criminal traffic. US misdemeanors are the more serious misdemeanor charges and may include: misdemeanor drug possession, simple assault, threats to do bodily harm, prostitution, and a variety of other charges. All felonies, and US Misdemeanors are prosecuted by the US Attorney (USAO), while DC traffic and DC misdemeanors are prosecuted by the Office of the Attorney General (OAG).

number of total misdemeanor and traffic filings declined by 34% and new felony cases filed declined by 14%. The largest reductions were a 49% drop in the number of DC misdemeanor cases filed, and a 47% drop in DC traffic cases. As with the citywide arrest trends shown above, there has been an uptick in cases filed since 2015 (Figure 2). Case filing activities do not perfectly mirror arrest activities by the city’s law enforcement agencies, but do rely heavily on them.<sup>15</sup>

Figure 2. New Case Filings by Type and Source of Offense (2008-2017)

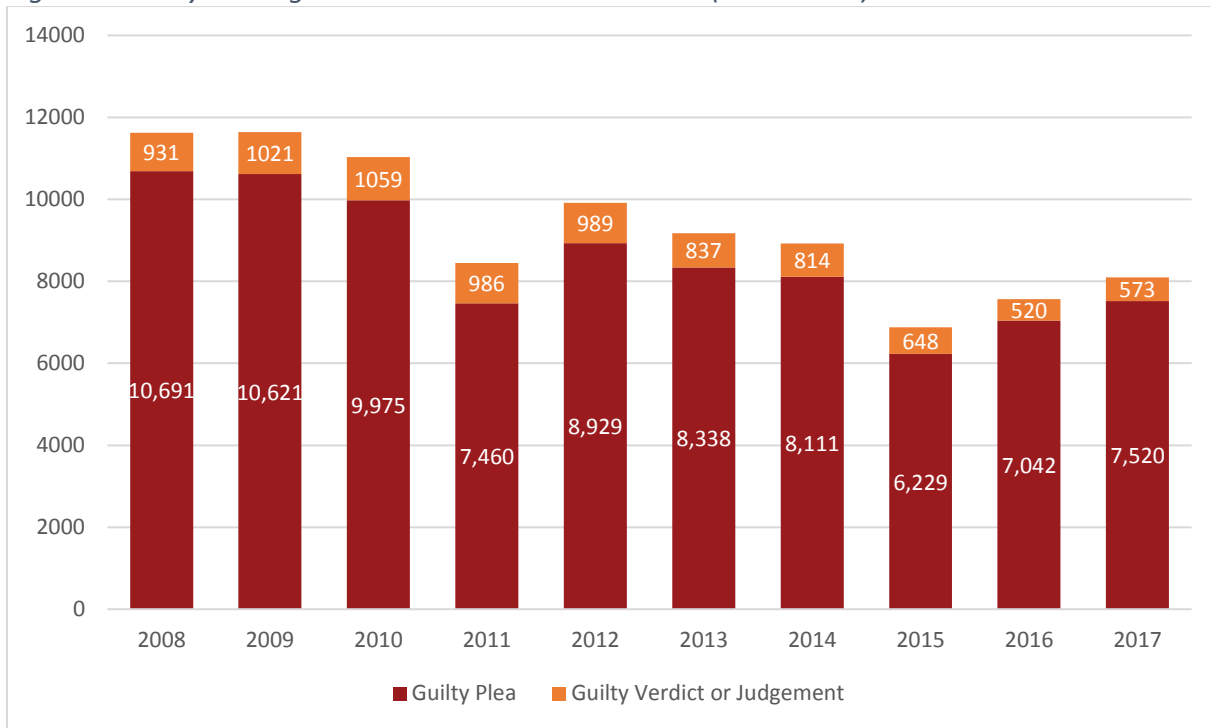


Source: DC Courts Annual Reports

The number of convictions presents another look at court activity. There has been little shift in the percentage of cases resolved with a guilty conviction determined by a judge or jury, versus ones in which a guilty plea was entered. Most cases over the ten years were resolved through a guilty plea. More notable is the number of cases that resulted in a conviction. There has been a reduction of 30.4% in the total number of convictions – matched with similar reductions in the overall number of cases being filed and disposed in any manner (Figure 3). The number of cases resulting in a conviction is down overall, but there have also been small increases since 2015, as is reflected in arrests and in new court filings.

<sup>15</sup> Two processes worth noting include the post and forfeit procedure and the deferred sentencing agreement process (DSA). Pursuant to D.C. Code § 5-335.01(3), “Post-and-forfeiture procedure’ means the mechanism in the criminal justice system in the District of Columbia whereby a person charged with certain misdemeanor crimes may post and simultaneously forfeit an amount of money and thereby obtain a full and final resolution of the criminal charge.” In a DSA, both the USAO and the OAG regularly negotiate plea bargains where after the plea is made, the defendant serves some period of supervised release and then the case is dismissed if the defendant complies with all terms of the agreement. Both processes have an impact on the differential between arrests, filings, and convictions, while still holding persons accountable.

Figure 3. Guilty Findings and Pleas in Criminal Division (2008-2017)



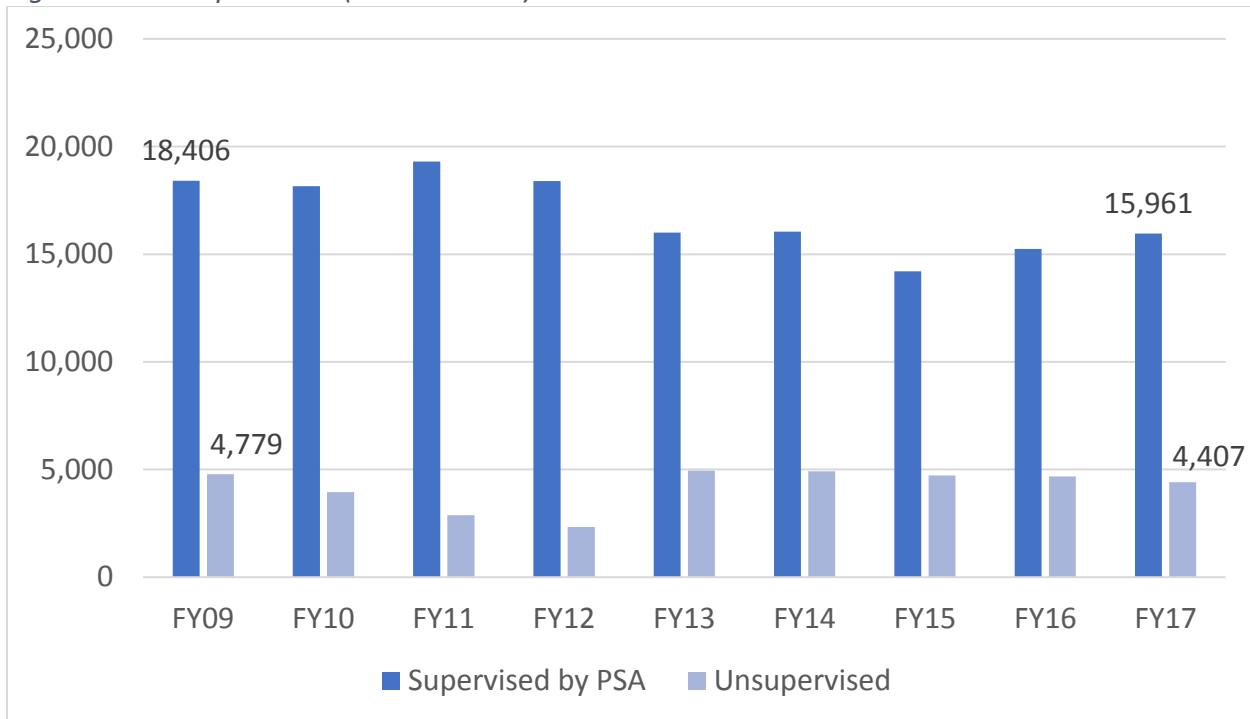
Source: DC Courts Annual Reports

Another measure of justice system activity includes pre- and post-conviction community supervision. After a case is filed and while the Court is reaching a decision in that case, a person may be released on their own recognizance, or they may be supervised in the community by the Pretrial Services Agency for the District of Columbia (PSA). The Court Services and Offender Supervision Agency (CSOSA) is the federal agency charged with supervising DC offenders who are placed on probation, parole, or supervised release. In addition to supervising these persons, both the PSA and CSOSA manage each person’s case and ensure the provision of services such as education and substance use disorder programs.

Over the last nine years, the number of persons under PSA supervision has decreased by 13.7% (18,492 in 2009 to 15,956 in 2017). The number of persons released without supervision while the Court reached adjudication was down by 6.6% (4,754 in FY09 to 4,440 in FY17) (Figure 4). Much like police and court activities, PSA supervised populations decreased until 2015, followed by minor increases since that time.



Figure 4. PSA Populations (FY2009-2017)



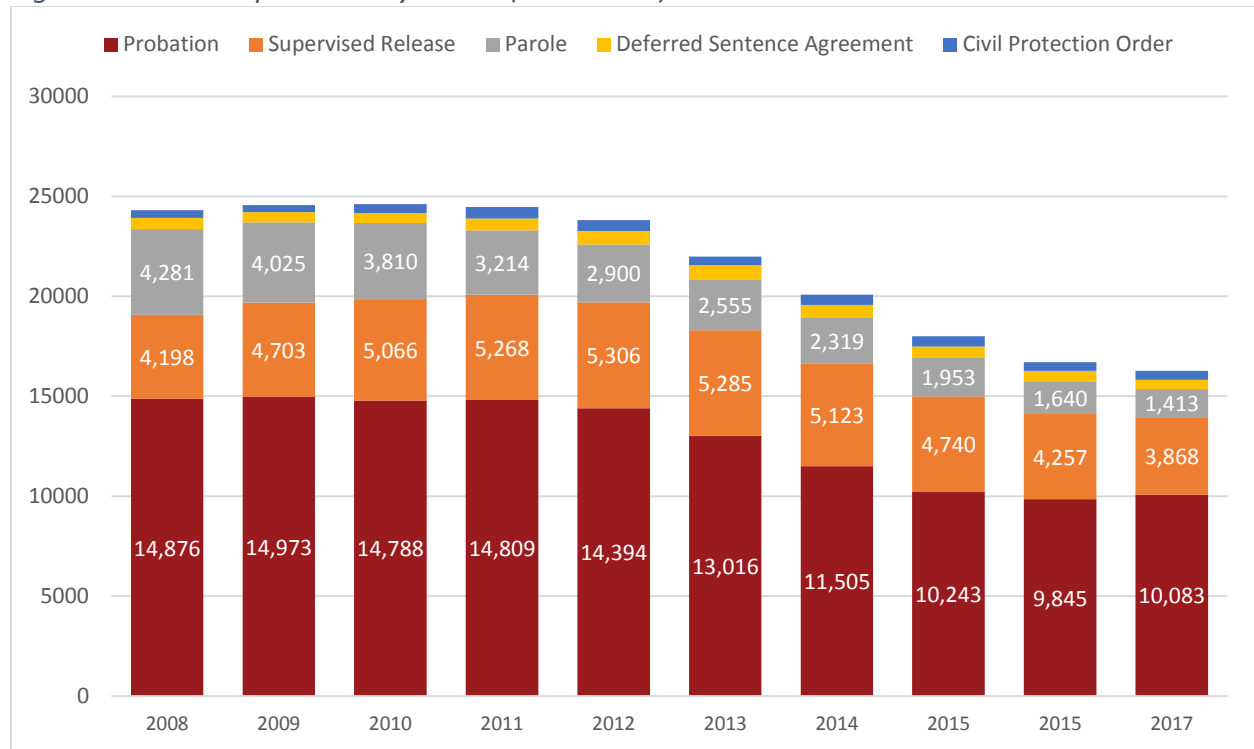
Source: Pretrial Services Agency for the District of Columbia

Populations supervised by CSOSA have also decreased (Figure 5). Since 2008, the number of those supervised on probation in a given year reduced by 32.2%, those supervised on parole reduced by 67%,<sup>16</sup> and those on supervised release reduced by 7.9%.<sup>17</sup> Like other justice system partners, the number of persons supervised on probation has leveled off in the last few years. In contrast, it is unsurprising that the number of persons on supervised release has not yet leveled off. Were we to see a leveling, it would likely show up in years to come, because this population is a post-release group, and therefore, any law enforcement, conviction, or incarceration trends will take longer to impact this group. Unlike other measurements, which reflect entry to the system, supervised release reflects an exit point from the system which necessarily occurs further down in a timeline, and therefore, a leveling in the numbers would also occur later down the line.

<sup>16</sup> The change seen in parole supervision is not by itself indicative of fewer persons supervised after release from incarceration. Rather, the change across both parole and supervised release collectively indicates a shift to smaller populations as a whole. Legislative changes in supervision following incarceration resulted in persons sentenced after the legislative change on August 5, 2000, potentially receiving a term to include 'supervised release,' while existing supervisees and those sentenced prior to the change could still have 'parole.' Parole is a release prior to the end of a term of incarceration, where the individual serves the remainder of his term in the community; supervised release occurs at the end of the sentenced term of incarceration, and is served in the community. <https://scdc.dc.gov/sites/default/files/dc/sites/scdc/publication/attachments/DCAct13-406.pdf>

<sup>17</sup> Source: CSOSA electronic communication.

Figure 5. CSOSA Populations by Status (2008-2017)



Source: Court Services and Offender Supervision Agency

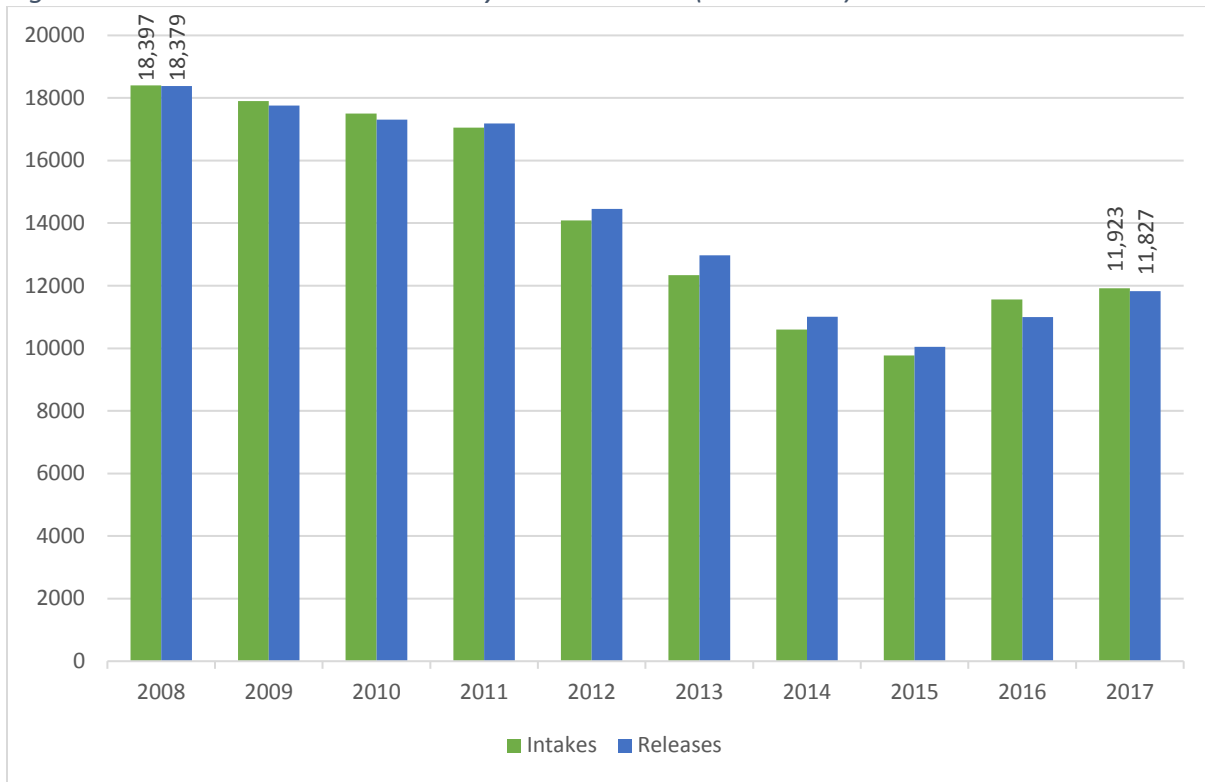
Population trends of incarcerated individuals are also an important gauge of system trends. The DC Department of Corrections (DOC) houses persons detained while cases are being adjudicated (pre-trial and pre-sentence), persons sentenced to terms of less than a year, persons held for parole and supervised release violations, those with writs or holds, and short-term sentenced felons. Those convicted of felonies with more than one year left to serve on their sentence are housed by the Federal Bureau of Prisons (BOP).

Pre- and post-conviction populations at the DOC have fluctuated over the same ten years. Total intakes and releases by the DOC shrank by 35% during this period overall (Figure 6), though with a small increase in the numbers since 2015.<sup>18</sup> More specifically, intakes and releases shrank from the 2008 level by 47% through 2015, and then, by 2017, climbed from the 2015 level by 22%.

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[https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC\\_Department\\_of\\_Corrections\\_Facts\\_and\\_Figures\\_January\\_2018.pdf](https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC_Department_of_Corrections_Facts_and_Figures_January_2018.pdf)

Figure 6. DOC Intakes and Releases by Calendar Year (2008-2017)



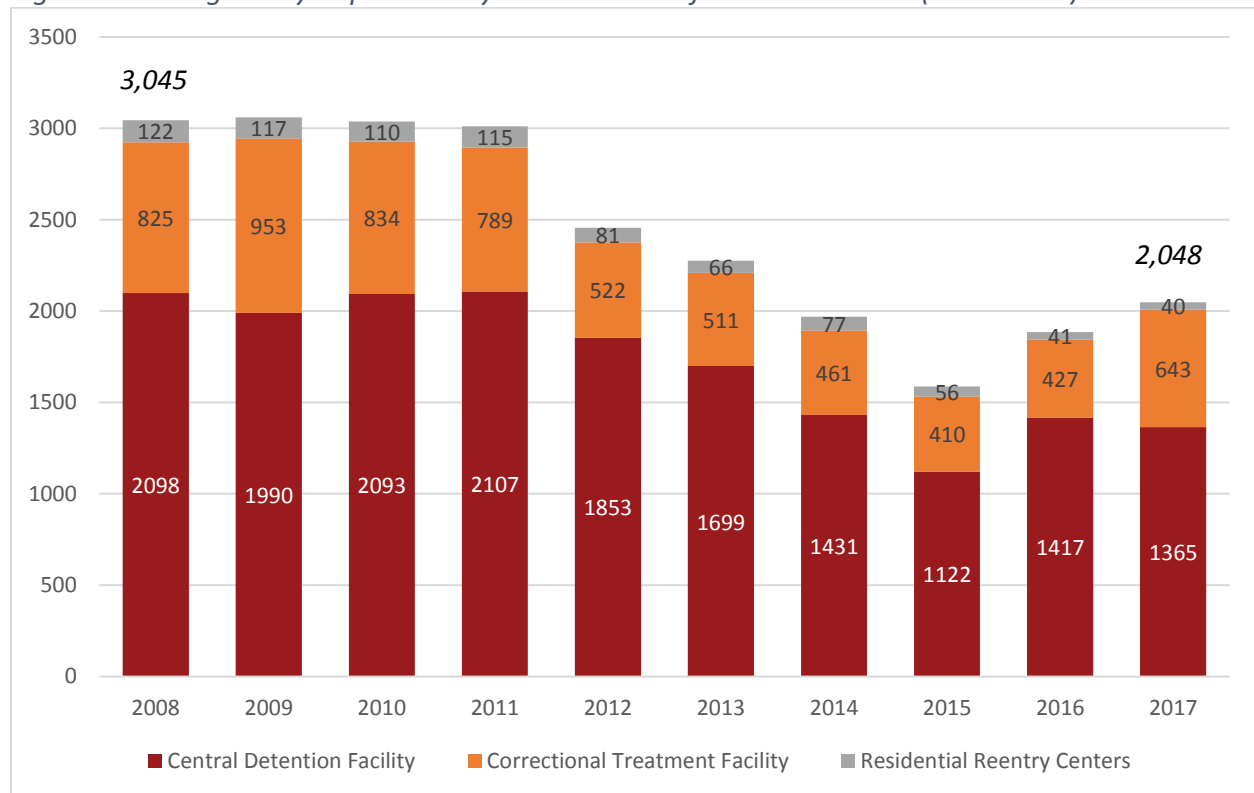
Source: DC Department of Corrections Annual Reports

Trends in the average daily population of DOC facilities (Figure 7) result from the activities of various police departments—in particular, reflecting the uptick in arrests seen citywide since 2015. Trends are also affected by PSA and CSOSA populations’ compliance with the terms of their supervision. Average daily populations are determined by both the number of admissions and the amount of time people are held there. Fewer arrests, and the resulting number of admissions, parallel DOC populations.<sup>19</sup> The overall average daily population supervised by DOC has decreased by one third from 2008 to 2017.<sup>20</sup>

<sup>19</sup> This analysis did not include an individual level calculation of the impacts of admissions and lengths of stay for those held at the DOC. Rather, the parallels drawn here are only comparisons in the trends that are evident.

<sup>20</sup> The DOC houses both pre-trial and convicted persons at the Central Detention Facility (CDF) and the Central Treatment Facility (CTF), as well as a small number of persons at Residential Reentry Centers (or halfway houses).

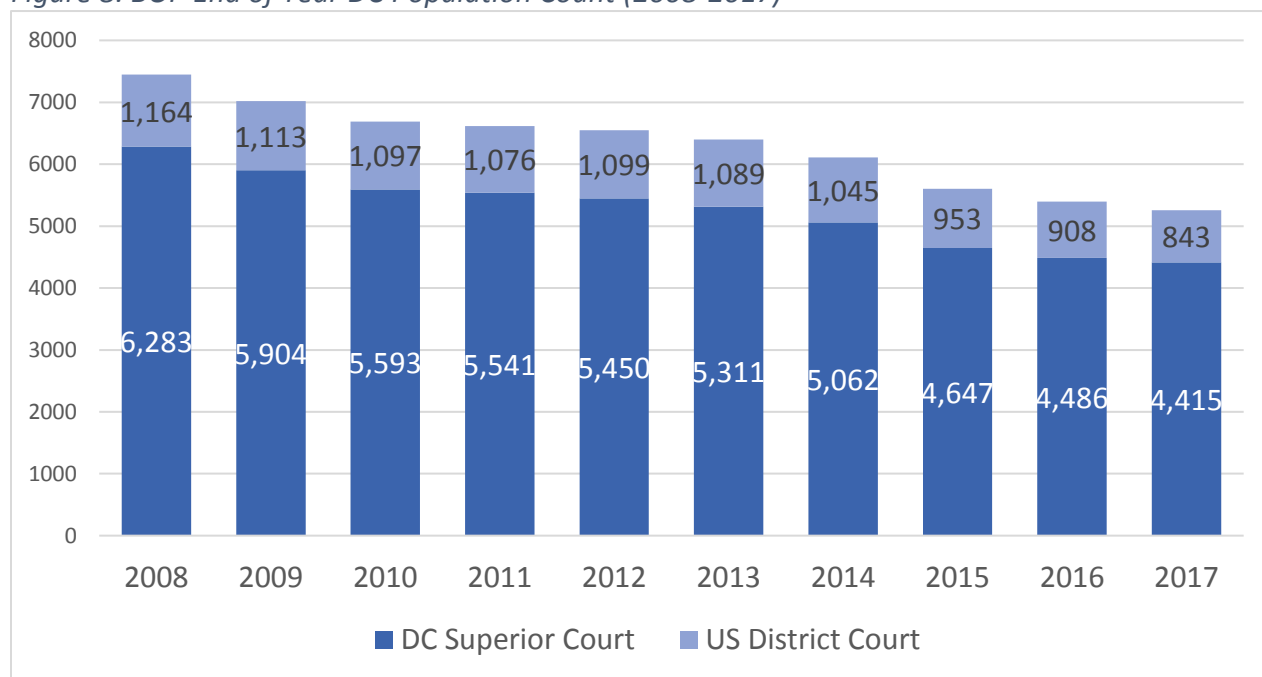
Figure 7. Average Daily Population by Calendar Year for DOC Facilities (2008-2017)



Source: DC Department of Corrections Annual Reports

The BOP houses most persons convicted of a felony with more than one year left to serve on their sentences. Some offenders who have less than a year remaining may qualify to serve their sentence at DOC facilities. The BOP numbers reflect the same pattern of declines as the rest of the system, with a 29.4% reduction in the population of persons with a DC address who were housed with the BOP over the last ten years (Figure 8). The BOP population is a longer-term custodial group, like the parolees and those on supervised release, so shifts or trends seen in other parts of the system since 2015 take longer to manifest.

Figure 8. BOP End of Year DC Population Count (2008-2017)



Source: Federal Bureau of Prisons

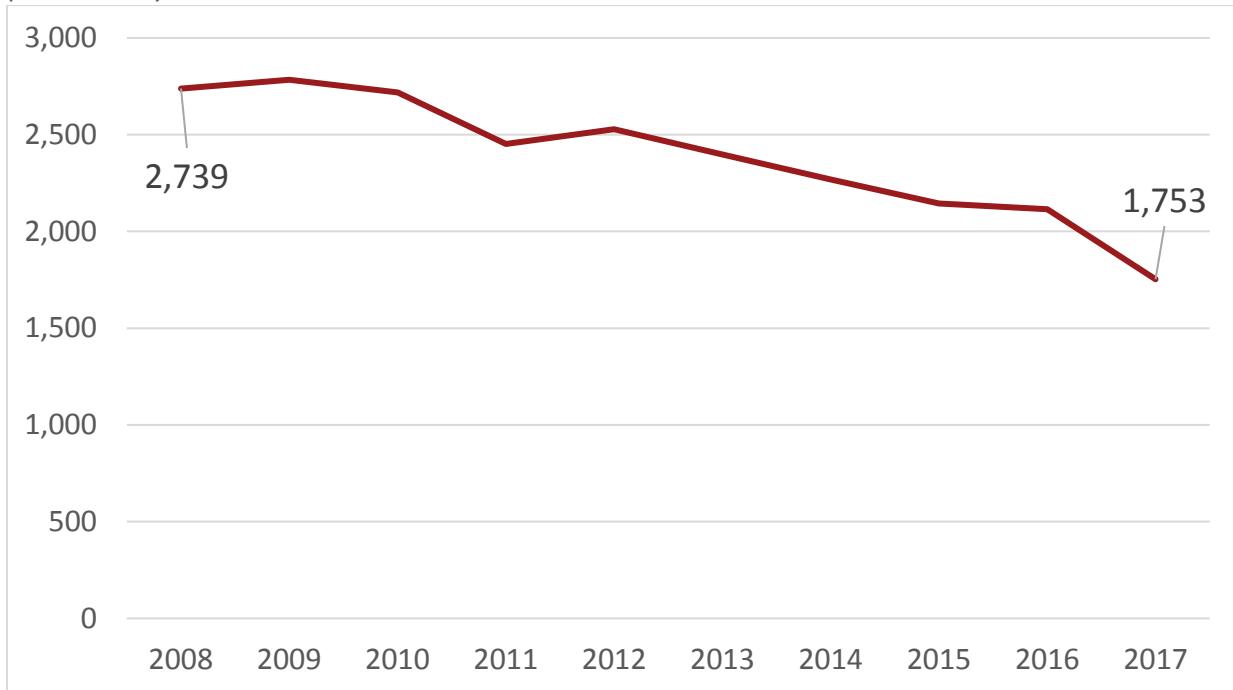
Releases back to DC from the BOP have been slowly declining as well. Over ten years, the number of persons released annually to DC (Figure 9), including those serving a sentence for a DC offense as well as those serving a sentence for a federal offense,<sup>21</sup> has decreased by 36%. Of the 1,753 released in 2017, 1,378 (78.6%) were released to community supervision.<sup>22</sup> Those released from the BOP in 2015 can serve as a point of comparison to current populations. The 2015 release cohort was 93.5% male and 95.7% black, and 47.2% of those released were under the age of 35. The largest group, 32%, were released after serving a sentence for a drug offense; the second largest group, 17%, were released after serving a sentence for a robbery.<sup>23</sup>

<sup>21</sup> Those in the figure who are noted as “DC Superior Court” are sentenced for a DC offense, while those noted as “US District Court” are serving a sentence for a federal offense.

<sup>22</sup> Of the 1,378 who were released to supervision, 1,178 were cases adjudicated in the DC Superior Court and 200 were from US District Court.

<sup>23</sup> Source: Direct Communication with the BOP.

Figure 9. BOP Releases to DC including both US District Court Offenders and DC Code Offenders (2008-2017)



Source: Federal Bureau of Prisons

## Justice Involvement at Any Point within the Last Ten Years

While the total number of persons arrested, convicted, or incarcerated in the last ten years allows a consideration of the yearly averages and total numbers, it is important to understand that this is not a number that held constant each year during that time. Evaluating this analysis in the context of the ten year trends allows us to consider how many DC residents have experienced system involvement in the last ten years.<sup>24</sup>

The number of persons progressing through the justice system, from the entry point of arrest to the exit point of release from a facility or supervision, has generally declined until recently, with some increases in the front end of the system and some leveling off in longer term populations. Each shift has effects on other parts of the system – though not always immediate and direct – and in recent years the reductions across the system have begun to level off and climb in the earlier entry points. Changes seen at the earlier points in the system are impacts that take time to be seen across the system.

<sup>24</sup> An important point to consider is that the count of persons arrested in the last ten years may include persons convicted or incarcerated in the last ten years. These groups overlap and no count included in this white paper is independent of the others. Rather than totaling all three measures, each metric can be considered as a count of ‘justice-involved’ persons in the District, depending on how one defines ‘justice-involved.’

### Arrested within the Last Ten 10 Years

District of Columbia residents with an arrest in the last ten years embody the first part of the definition of justice-involved, as these conversations often refer to “justice-involved” as those with an arrest record. It is important to drill down more specifically the number of arrests of unique adults who reported a residence in DC at that time. The MPD estimates that from 2008-2017, there were 106,000 unique DC residents arrested—an average of 10,600 unique DC residents arrested per year for the last ten years. These are individuals who were arrested and: 1) self-reported or had a government ID that reflected an address in DC; 2) were assigned a police department identification number (PDID) at arrest, and; 3) may have been arrested more than once during a given year. To summarize, as a conservative estimate, 106,000 adults were arrested at least once in the last ten years and had a DC address at the time of their arrest.

When the MPD calculated the total number of unique individuals who were arrested, the calculation included many people who either: reported a non-DC address; falsely reported a DC address; or did not report an address at all. Consequently, in a variety of ways, a miscount may occur for the arrests counted in the total presented here. The estimates exclude persons who were not issued a PDID at arrest, which may account for as much as 10% of all arrests. And, as previously noted, although these were persons who had a DC address at the time of their arrest, it is not guaranteed that they continued to reside in DC.

### Convicted within the Last Ten Years

Conversations discussing those “with a record” may also mean those who are convicted of an offense, and as such, those who have been convicted in the DCSC Criminal Division within the last ten years are another justice-involved segment of the population. The Criminal Division is responsible for processing all local criminal matters including felony, misdemeanor, DC code violations and criminal traffic cases, so a conviction can be for any of these types of cases. Bearing in mind the 14% drop in the number of felony case filings from 2008 to 2017, the recent leveling off in the number of convictions indicates that while it is valuable to know the number of DC residents who have been convicted within the last ten years, the average per year does not indicate a static annual number. Within the last ten years, the DC Superior Court (DCSC) reports that there were more than 70,000 convictions of DC residents in the Criminal Division, representing approximately 40,000 unique persons, yielding an average of 4,000 persons convicted each year who had a DC address at that time. Over the last ten years, more than three-fourths of cases filed in the Criminal Division were traffic and misdemeanor cases (See Figure 2, p.6).

The count presented here included all cases resulting in convictions in the DCSC Criminal Division during Calendar Years 2007 through 2016. In order to capture the number of DC residents, the count excluded persons without a DC address at the time the case was filed, as well as those with no ID number reported or linked to the case, and it included only those cases that were both filed and disposed during that time period. Much like the MPD data, the DCSC estimate of persons who were DC residents is a conservative estimate of residents who had a

conviction in the ten years calculated. This limitation was necessary to ensure persons were not counted more than once resulting in a less than perfect estimate.

### Incarcerated in the Last Ten Years

In the context of some conversations, “justice-involved” may refer to those who have been incarcerated. Incarceration takes several forms in DC. A person may be detained at the DOC facility while awaiting trial, awaiting a parole or supervised release revocation hearing, awaiting extradition to another jurisdiction, or on a writ or hold. As mentioned previously, persons who must serve a term of imprisonment of less than one year at the time of sentencing serve their sentence at the local DOC facility. Alternatively, if an individual has more than one year remaining to serve on his or her sentence after being convicted, he or she will typically serve that time at BOP facilities.<sup>25</sup> When discussing individuals who have been incarcerated, one might refer to any of these statuses.

During 2017, the DOC housed an average daily population of 2,054 people, and on the last day of 2017, the BOP housed 5,307 DC inmates. In the absence of parallel measures (here DOC’s average daily population and BOP’s one day count are presented), an imperfect yet helpful takeaway is that, on a given day during 2017, roughly 7,300 people were incarcerated in either DOC or BOP facilities.

Over the last ten years, the DOC has released a total of 40,340 people from its facilities to the community.<sup>26</sup> It is important to remember that within the population of incarcerated persons, there is a subset who are released without being convicted of an offense. Of the 40,340 released from the DOC to the community in the last ten years, 19,388 persons were released but were not convicted of an offense. That is an average of 1,939 people each year being released from the DOC who do not have a conviction. During that same time, there were 20,952 people released by the DOC who were convicted of an offense and spent at least part of their stay with the DOC as a sentenced inmate. This averages out to 2,095 released sentenced inmates per year who served a sentence at the DOC over the last ten years.<sup>27</sup>

Other individuals serving sentences are released from the BOP and return to DC, including those sentenced by federal District Courts for federal offenses as well as those sentenced to a term of greater than one year for DC Code offenses. The BOP released 18,167 persons to DC in the last ten years. This yields an average of 1,817 people per year returning from a BOP facility

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<sup>25</sup> Some offenders are allowed to complete longer terms at the DOC, but it is unusual.

<sup>26</sup> This number includes only those persons released to the community, as opposed to all persons who leave the custody of the DOC. The DOC was not able to separate out those released to DC as opposed to having been released to any home address. The assumption made here is that there is a subset of persons released from the DOC to a nearby state, but that there are also people housed in nearby state facilities who return to DC – making the difference balanced.

<sup>27</sup> It is important to bear in mind that approximately half of all individuals released from the DOC return to custody at some point within 3 years of release (and 1 out of 5 within 12 months of release), so the actual annual releases of both convicted persons and those not convicted are often greater than the average numbers presented here.



to DC. As previously noted, they may or may not remain in DC today; this measure indicates that at the time of their release these persons reported a DC residence.

Combining all of the unique persons returning from a facility within the last ten years, there were 39,119 individuals released from the DOC or the BOP after serving a sentence, and an additional 19,388 individuals who were released from the DOC who were not convicted, yielding a total of 58,507 released persons. This highlights the need to contextualize the definitions of justice-involved persons, and more specifically, the definition of incarcerated.

## Conclusions

Justice-involved individuals in DC are defined in this white paper as persons who have been arrested, convicted, or incarcerated in the last ten years. Each point along the continuum, from arrest to release, provides an opportunity to implement tailored supports in order to achieve successful reintegration.

Existing research and system stakeholders posit that measuring the populations of those who have had an interaction with the system within the last ten years is an imperfect but reasonable proxy for measuring the breadth of resident system involvement. And, estimating this also necessitates an examination of the behavior and interaction trends among the different system elements within those same years. Over 100,000 unique persons have been arrested while residing in DC in the last ten years, 40,000 have had a conviction in the last ten years while living here, nearly 20,000 have been released from the DOC without having been convicted on an offense, and nearly 40,000 have been released to DC at some point in the last ten years after serving a sentence with either the DOC or the BOP.

During the last ten years, the justice system in DC has seen significant declines in the number of cases and persons involved, with some recent upticks at the front end of the system. The MPD and other policing agencies have seen decreases in some categories of arrests, with the greatest reductions in arrests for drugs and for sex offenses. At the same time, there have been increases in arrests for violent offenses and weapon offenses, which today make up a larger portion of total arrests. The DCSC has reported decreases in all filing types and total convictions. There are also some reductions in pretrial supervision populations, probation populations, and post release community supervision populations, with all forms of community supervision population numbers leveling off since 2015. The trend of persons committed to the DOC and held there has been declining over the last ten years, with small increases in both annual intakes and average daily populations since 2015. The BOP has seen reductions over this time, but, as a longer-term group which, while subject to the same fluctuations as the others, takes longer to emerge, has not yet seen a trend that matches the increases in populations since 2015 seen by other agencies.