



Submitted via electronic mail

Committee on the Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Ave, NW Ste. 110
Washington, DC 20004

October 12, 2022

Dear Members of the Committee on the Judiciary and Public Safety:

The Network for Victim Recovery of DC (“NVRDC”) is a community-driven victims’ rights organization that aims to create survivor-defined justice through trauma-informed direct advocacy, legal, and therapeutic services.

We write to you today to convey how critical it is that the Revised Criminal Code Act of 2021 (“RCCA”) be approved by the full Council and enacted in the District of Columbia, especially as it pertains to **eliminating all mandatory minimum sentences**. Despite the President and the Attorney General of the United States calling for an end to mandatory sentencing, the U.S. Attorney for the District of Columbia has [opposed](#) some of these reforms. It is precisely in these most serious cases that judicial discretion is most important.

First, eliminating mandatory minimums protects victims’ rights and responsibilities at sentencing. D.C. Code § 23-1901(b) confers upon victims of crime a number of rights, including the right to provide a victim impact statement prior to sentencing. When a judge is afforded the opportunity to consider a victim’s experience with and perspective on a crime committed against them, the victim is afforded some measure of closure after having been aggrieved. The RCCA’s elimination of mandatory minimum sentences is integral to preserving victims’ rights, as it allows courts to consider how a victim defines justice, rather than being forced to hand down a sentence as prescribed by a 121-year-old statute. By eliminating mandatory minimum sentences, the RCCA empowers victims to advocate for the justice they seek, rather than to accept justice as prescribed. In so doing, it encourages our courts to treat victims of violent crimes with fairness, dignity, and respect.

In the District, crime victims have powerful substantive and procedural rights that derive from the federal Crime Victims Rights Act (CVRA) and the DC Crime Victims’ Bill of Rights (DCCVBR). The CVRA is specifically applicable to criminal cases in DC courts, and combined with the DCCVBR, provides victims with the right to participate in criminal proceedings, on their own standing, at both the trial and appellate levels. Under either the federal or District law, victims have a right to be *heard* throughout all phases of the criminal legal process, including at sentencing. That right, however, is not satisfied simply by permitting victims to submit a statement or speak

at sentencing. Being “heard” is more than merely delivering words, inherent in this right is the promise that the victim’s statement is *meaningful* - that it has an opportunity to impact the outcome. Due process requires an opportunity to be heard at a “meaningful time and in a meaningful manner.” Mandatory minimum sentences deprive victims of their right to be heard in a meaningful manner by preventing victims from having any opportunity to impact the court’s decision or consideration at sentencing.

Second, eliminating mandatory minimums protects victims who commit crimes against abusers who have caused them grievous harm. Three of the most well-known cases involving victims of abuse who committed crimes against their abusers are those of [Zephaniah Trevino](#), [Chrystul Kizer](#), and [Cyntoia Brown](#). All of them, victims of child sexual and physical abuse and sex trafficking, killed their abusers. Though they did, in fact, commit murder, each acted under provocation and duress, in response to extraordinarily violent past abuse at the hands of the deceased. These cases gained notoriety because each teenager faced disproportionately punitive sentences in light of the circumstances attendant to those crimes.

In cases like the aforementioned, the RCCA allows the Court to sentence defendants who are survivors of abuse more leniently in light of mitigating circumstances. Alternatives to incarceration and restorative justice also become viable options for the Court to exercise when mandatory minimum sentences are eliminated under the RCCA.

Courts have long-recognized [mitigating factors](#) to support leniency in sentencing a criminal defendant. In [Lockett v. Ohio](#), the Court held that evidence relating to a defendant’s character may be submitted for the Court’s consideration during the sentencing process. Common [mitigating factors](#) include past circumstances, such as abuse that resulted in criminal activity; circumstances at the time of the offense, such as provocation, stress, or emotional problems that might not excuse the crime but might offer an explanation; and mental or physical illness, among others.

Third, eliminating mandatory minimums is broadly supported by experts, stakeholders, and Washingtonians. USAO-DC’s stance is in staunch opposition to well-informed and broadly-supported views expressed by leading legal organizations, and it contradicts the political opinions of citizens of the District. Support for the elimination of mandatory minimum sentences is evident and universal. During last year’s hearing’s on the RCCA, Kevin Ring of FAMM testified that “it can be difficult to find agreement on anything in criminology, but opposition to mandatory minimum sentencing laws is one area that appears to enjoy unanimous agreement among experts.” Earlier this year, the American Bar Association passed [a resolution](#) calling for mandatory minimums to be abolished. And, [77% of District voters](#) agreed.

Though the Court is assigned various important duties and is granted a number of powers, its most essential function is as a thoughtful and impartial decision-maker. To effectively carry out this





function, the Court must exercise broad discretion when sentencing those convicted of violent crimes without being influenced by the limitations that mandatory minimum sentences impose.

Your diligence and conscientiousness as you consider the RCCA for approval by the full Council is appreciated. I am available to answer any questions you may have about the importance for victims of removing all mandatory minimums.

Respectfully yours,

A handwritten signature in black ink that reads "Bridgette Stumpf".

Bridgette Stumpf
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