

IRAA: Second Chances in DC

THE PROBLEM

Locking young people away for decades weakens community safety and ignores decades of neuroscientific research.

- **Lengthy prison sentences do not deter crime.** Instead, they misdirect government resources that could support proven and promising solutions to address the root causes of lawbreaking and offer true healing to harmed community members.
 - Leveraging credible messengers and individualized service plans, expanding housing for housing-insecure youth, providing early and accessible behavioral health supports for youth, diverting youth to appropriate treatment and services, and integrating restorative justice practices into a community's response to harm have **yielded positive individual and community outcomes.**
- For young people, lengthy terms of incarceration ignore what well-established science tells us - our brains are developing well into our mid-twenties. Framing adolescence and early adulthood as a period of "transient immaturity" has **undergirded twenty years of Supreme Court caselaw** regarding the criminal legal system's treatment of youth accused of even the most serious crimes.
- Incarcerating young people leads to more and escalating contact with the criminal legal system, poor educational outcomes, and **limited positive social opportunities.**

THE SOLUTION

Keep DC's Incarceration Reduction Amendment Act (IRAA) intact as an evidence-based, locally tested and proven, and nationally accepted strategy for achieving community safety, healing for victims, and accountability for youth convicted of crimes.

- DC's Attorney General said in 2023, "The vast, vast majority... [of people released under IRAA]...have not been charged with a crime and are contributing in important ways to our city," including as credible messengers intercepting youth at risk of criminal legal system involvement. Free Minds Book Club, an organization that has served hundreds of IRAA recipients in the community, reports that 97 percent of these individuals have not been convicted of a new crime. This 3 percent recidivism rate is much lower than the 20 percent recidivism rate reported by national entities about the prison population.
- The 15-year minimum ensures individuals serve significant time before review, while requiring evidence of rehabilitation before release.
- After someone serves at least 15 years, IRAA requires judicial review of: the report or recommendation of the US Attorney's office, any statement by the victim or victim's family members, the extent of the individual's role in the offense, and "[a]ny other information the court deems relevant to its decision."
- **DC is not alone.** At least 15 states have adopted some form of 'second look' or sentence review law, giving judges the ability to revisit lengthy sentences. While the details vary, the national trend is clear: second look is an evidence-based, mainstream approach.
- **IRAA explicitly requires the court to consider the perspective of the victim,** if they wish to be heard. Further, surveys of crime survivors show that six in ten prefer shorter prison sentences and more spending on prevention and rehabilitation to long prison sentences.

Don't Change IRAA: Protect Second Chances in DC

OUR ASK

IRAA is a **force of good** in DC, safely returning our community members to where they belong: their neighborhoods, their families, and their workplaces. Let DC residents be the driving force of change in DC, not outside voices who don't understand our home.

Stand with survivors, communities, and returning citizens in **protecting second chances**.

WHY NOW

Recent proposals push **unnecessary rollbacks**. The Council unanimously removed the nature of the offense from the list of enumerated factors because IRAA is designed to focus on rehabilitation and readiness to return to the community. Focusing on the nature of the offense as a sole factor would undermine the intent behind IRAA. The focus of readiness to reentry and rehabilitation is **key to IRAA's current success rate** and **low recidivism rate**.

IRAA recognizes people can grow, change, and deserve a second look.

FREQUENTLY ASKED QUESTIONS ABOUT THE INCARCERATION REDUCTION AMENDMENT ACT (IRAA)

IRAA is a pathway for individuals convicted of DC offenses that occurred when they were under 25 to seek a modification of their sentence after 15 years of incarceration. IRAA safely returns DC residents from BOP facilities all over the country back to their communities, where they have shown overwhelming success.

WHAT IS IRAA?

The Incarceration Reduction Amendment Act is legislation that the DC Council passed in 2016, creating a pathway for people who have been incarcerated for a minimum of 15 years to seek a modification of sentence, if they were under 18 at the time of the offense. In 2020, DC expanded eligibility for IRAA petitioners to include people under 25 at the time of offense. The expansion was passed in recognition that “although young adults are more cognitively developed than youth, compared to older adults, they are more impulsive, less emotionally mature, and less cognizant of the consequences of their actions.” IRAA requires a judge to consider a number of factors in deciding whether the person is not a danger and the interests of justice support a reduction in the person’s sentence. Among the factors are the USAO’s recommendation, victim impact statements, the person’s behavior in prison, and *anything else the court deems relevant*.

DOES IRAA IGNORE THE NATURE OF THE CRIME?

No. Judges are required to consider a set of 11 factors when deciding whether to grant a request for a sentence reduction. A judge must consider the report or recommendation of the US Attorney’s office, any statement by the victim or victim’s family members, the extent of the individual’s role in the offense, and “Any other information the court deems relevant to its decision.” These factors allow a judge to consider the nature of the crime when reviewing a request for an IRAA sentence reduction.

WHY DOES BEHAVIOR IN PRISON MATTER?

Success while incarcerated, especially participation in vocational and rehabilitative programs, is a key indicator of success in reentry. The Department of Justice agrees and has offered mental health treatment to residents of the Federal Bureau of Prisons with the explicitly stated goal of reducing recidivism.

DOES IRAA CONSIDER THE OPINIONS OF VICTIMS?

IRAA explicitly requires the court to consider the victim’s perspective, if they wish to be heard. In addition, victims are eligible and should be encouraged to receive easily accessible trauma-informed support services from organizations that support survivors of crime.

DOES IRAA MEAN AUTOMATIC RELEASE?

No. IRAA preserves judicial discretion. The law does not require a judge to change the original sentence or provide immediate release. The law requires the court to conduct a comprehensive review of the individual to determine if the individual [1] “is not a danger to the safety of any person or the community and [2] that the interests of justice warrant a sentence modification.”

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