District of Columbia State Ratings Report

Human Rights for Kids (HRFK) annual state ratings process tracks the presence or absence of 12 categories of state statutes that are critical to protecting the human rights of children in the criminal justice system. It is important to note that these 12 categories are not exhaustive of all the important legislation needed to safeguard children's human rights. Furthermore, the ratings do not assess the effectiveness or implementation of these laws in the state. The purpose of the annual state ratings process is to document policies enacted by state legislatures, motivate legislators and policy advocates, and bring attention to the need to prioritize children in criminal justice reform and human rights advocacy. For each category, we track whether a state has a statute consistent with the described policy.

TOTAL POINTS:	7 out of 12
TIER RATING:	2

1. Due Process Protections at Point of Entry for Kids

No Credit: 0/1

There are no statutory protections in place requiring children to consult with their parents, legal guardians, or legal counsel prior to waiving their Miranda Rights or being subject to a custodial interrogation for proceedings in either juvenile or adult court.

2. Set a Minimum Age of at Least 10 for Juvenile Court

No Credit: 0/1

Pursuant to §16-2301, there is no minimum age for a child to be adjudicated delinquent. See statutory code below.

3. Set a Maximum Age of at Least 17 for Juvenile Court

Full Credit: 1/1

Pursuant to §16-2301, the jurisdiction of juvenile court for delinquent acts extends to anyone under 18 years of age.

§ 16–2301. Definitions.
(3) The term "child" means an individual who is under 18 years of age, except that the term "child" does not include an individual who is sixteen years of age or older and —
(A) charged by the United States attorney with (i) murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, or (ii) an offense listed in clause (i) and any other offense properly joinable with such an offense;
(B) charged with an offense referred to in subparagraph (A)(i) and convicted by plea or verdict of a lesser included offense; or
(C) charged with a traffic offense.
For purposes of this subchapter the term "child" also includes a person under the age of twenty-one who is charged with an offense referred to in subparagraph (A)(i) or (C) committed before he attained the age of sixteen, or a delinquent act committed before he attained the age of eighteen.

4. Ban Prosecuting Kids Under 14 as Adults <u>AND</u> Require a Child Status Hearings for All Kids 14+ Before Proceedings in Adult Court

No Credit: 0/1

Pursuant to §16–2307, children under 14 years of age may be prosecuted in adult court for offenses involving a firearm. Additionally, for children 15 years of age or older §16–2307 creates a rebuttable presumption that transfer to adult court is in interest of public safety for certain enumerated offenses.

§ 16–2307. Transfer for criminal prosecution.
(a) Within twenty-one days (excluding Sundays and legal holidays) of the filing of a delinquency petition, or later for good cause shown, and prior to a fact finding

hearing on the petition, the Corporation Counsel may file a motion, supported by a statement of facts, requesting transfer of the child for criminal prosecution, if —
(1) the child was fifteen or more years of age at the time of the conduct charged, and is alleged to have committed an act which would constitute a felony if committed by an adult;
(2) the child is sixteen or more years of age and is already under commitment to an agency or institution as a delinquent child;
(3) a minor eighteen years of age or older is alleged to have committed a delinquent act prior to having become eighteen years of age; or
(4) a child under 18 years of age is charged with the illegal possession or control of a firearm within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, or youth center, or an event sponsored by any of the above entities. For the purposes of this paragraph "playground" means any facility intended for recreation, open to the public, and with any portion of the facility that contains 1 or more separate apparatus intended for the recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards. For the purposes of this paragraph "video arcade" means any facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement, and which contains a minimum of 10 pinball or video machines. For the purposes of this paragraph "youth center" means any recreational facility or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provide athletic, civic, or cultural activities.
(b) Following the filing of the motion by the Corporation Counsel, summonses shall be issued and served in conformity with the provisions of section 16-2306.
(c) When there are grounds to believe that the child is incompetent to proceed, the Division shall stay the proceedings for the purpose of obtaining an examination pursuant to Chapter 5A of Title 24 [§ 24-531.01 et seq.]. If the Division determines, pursuant to Chapter 5A of Title 24 [§ 24-531.01 et seq.], that the child is incompetent to proceed, the Division shall not proceed to a determination under subsection (d) of this section unless it subsequently has determined that the competency of the child has been restored.
(d)(1)(A) Except as provided in subsection (c) of this section, the Division shall conduct a hearing on each transfer motion to determine whether to transfer the child for criminal prosecution. The hearing shall be held within 30 days (excluding Sundays and legal holidays) after the filing of the transfer motion. Upon motion of the child or the Corporation Counsel, for good cause shown, the hearing may be continued for an additional period not to exceed 30 days (excluding Sundays and legal holidays). If the hearing commences more than 60 days (excluding Sundays and legal holidays) after the filing of the transfer motion, the Division must state in the order the extraordinary circumstances for the delay.
(B) The judicial decision whether to transfer the child shall be made within 30 days (excluding Sundays and legal holidays) after the conclusion of the transfer hearing.

For good cause shown, the Division may extend the time in which to issue its decision by an additional period not to exceed 30 days (excluding Sundays and legal holidays).
(2)(A) The Division shall order the transfer if it determines that it is in the interest of the public welfare and protection of the public security and there are no reasonable prospects for rehabilitation of the child.
(B) A statement of the Division's reasons for ordering the transfer shall accompany the transfer order. The Division's findings with respect to each of the factors set forth in subsection (e) of this section relating to the public welfare and protection of the public security shall be included in the statement. The statement shall be available upon request to any court in which the transfer is challenged, but shall not be available to the trier of fact of the criminal charge prior to verdict.
(e) Evidence of the following factors shall be considered in determining whether there are reasonable prospects for rehabilitating a child prior to his majority and whether it is in the interest of the public welfare to transfer for criminal prosecution:
(1) the child's age;
(2) the nature of the present offense and the extent and nature of the child's prior delinquency record;
(3) the child's mental condition;
(4) the child's response to past treatment efforts including whether the child has absconded from the legal custody of the Mayor or a juvenile institution;
(5) the techniques, facilities, and personnel for rehabilitation available to the Division and to the court that would have jurisdiction after transfer; and
(6) The potential rehabilitative effect on the child of providing parenting classes or family counseling for one or more members of the child's family or for the child's caregiver or guardian.
(e-1) For purposes of the transfer hearing the Division shall assume that the child committed the delinquent act alleged.
(e-2) There is a rebuttable presumption that a child 15 through 18 years of age who has been charged with any of the following offenses, should be transferred for criminal prosecution in the interest of public welfare and the protection of the public security:
(1) Murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense;
(2) Any offense listed in paragraph (1) of this subsection and any other offense properly joinable with such an offense;
(3) Any crime committed with a firearm; or
(4) Any offense that if the child were charged as an adult would constitute a violent felony and the child has three or more prior delinquency adjudications.
(f) Prior to a transfer hearing, a study and report, in writing, relevant to the factors in subsection (e), shall be made by the Director of Social Services. This report and all social records that are to be made available to the judge at the transfer hearing

shall be made available to counsel for the child and to the Corporation Counsel at least three days prior to the hearing.
(g) A judge who conducts a hearing pursuant to this section shall not, over the objection of the child for whom a motion to transfer was filed, participate in any subsequent fact finding proceedings relating to the offense.
(h) Transfer of a child for criminal prosecution terminates the jurisdiction of the Division over the child with respect to any subsequent delinquent act; except that jurisdiction of the Division over the child is restored if (1) the criminal prosecution is terminated other than by a plea of guilty, a verdict of guilty, or a verdict of not guilty by reason of insanity, and (2) at the time of the termination of the criminal prosecution no indictment or information has been filed for criminal prosecution for an offense alleged to have been committed by the child subsequent to transfer.

§ 16–2302. Transfer of criminal matters to Family Division.
(a) If it appears to a court, during the pendency of a criminal charge and before the time when jeopardy would attach in the case of an adult, that a minor defendant was a child at the time of an alleged offense, the court shall forthwith transfer the charge against the defendant, together with all papers and documents connected therewith, to the Division. All action taken by the court prior to transfer of the case shall be deemed null and void unless the Division transfers the child for criminal prosecution under section 16-2307.
(b) If at the time of an alleged offense, a minor defendant was a child but this fact is not discovered by the court until after jeopardy has attached, the court shall proceed to verdict. If judgment has not been entered, the court shall determine on the basis of the criteria in section 16-2307(e) whether to enter judgment or to refer the case to the Division for disposition. If judgment has been entered, it shall not be set aside on the ground of the defendant's age unless the court, after hearing, determines that (1) neither the defendant nor his counsel, prior to the entry of judgment, had reason to believe that defendant was under the age of eighteen years, and (2) the defendant would not have been transferred for criminal prosecution if his age had been known and the procedure set forth in section 16-2307 had been followed. If the judgment is set aside, the case shall be referred to the Division for disposition. The disposition and all prior proceedings in any court of any case referred to the Division for disposition pursuant to this section shall be subject to the confidentiality provisions of sections 16-2331 through 16-2336.
(c) The court making a transfer shall order the minor to be taken forthwith to the Division or to a place of detention designated for children by the Division. The Division shall then proceed as provided in this subchapter.
(d) Nothing in this section shall affect the jurisdiction of a court over a person twenty-one years of age or older.

§16–2301. Definitions.
As used in this subchapter —

(3) The term “child” means an individual who is under 18 years of age, except that the term “child” does not include an individual who is sixteen years of age or older and —
(A) charged by the United States attorney with (i) murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such offense, or (ii) an offense listed in clause (i) and any other offense properly joinable with such an offense;
(B) charged with an offense referred to in subparagraph (A)(i) and convicted by plea or verdict of a lesser included offense; or
(C) charged with a traffic offense.
For purposes of this subchapter the term “child” also includes a person under the age of twenty-one who is charged with an offense referred to in subparagraph (A)(i) or (C) committed before he attained the age of sixteen, or a delinquent act committed before he attained the age of eighteen.

5. Ban Mandatory Minimum Sentencing for Kids

Full Credit: 1/1

Pursuant to §24-903, judges may depart from mandatory minimums when sentencing a child who has been convicted in adult criminal court.

§ 24–903. Sentencing alternatives.

(b)(1) If the offense for which a youth offender is convicted is punishable by imprisonment under applicable provisions of law other than this subsection, the court may use its discretion in sentencing the youth offender pursuant to this subchapter, up to the maximum penalty of imprisonment otherwise provided by law.
(2) Notwithstanding any other law, the court may, in its discretion, issue a sentence less than any mandatory-minimum term otherwise required by law.
(3) The youth offender shall serve the court's sentence unless released sooner as provided in § 24-904.
(c)(1) If the court sentences a youth offender under this subchapter, the court shall make a written statement on the record of the reasons for its determination. Any statement concerning or related to the youth offender's contacts with the juvenile justice system or child welfare authorities, or medical and mental health records, shall be conducted at the bench and placed under seal. The youth offender shall be entitled to present to the court facts that would affect the court's sentencing decision.
(2) In using its discretion in sentencing a youth offender under this subchapter, the court shall consider:
(A) The youth offender's age at the time of the offense;

(B) The nature of the offense, including the extent of the youth offender's role in the offense and whether and to what extent an adult was involved in the offense;
(C) Whether the youth offender was previously sentenced under this subchapter;
(D) The youth offender's compliance with the rules of the facility to which the youth offender has been committed, and with supervision and pretrial release, if applicable;
(E) The youth offender's current participation in rehabilitative District programs;
(F) The youth offender's previous contacts with the juvenile and criminal justice systems;
(G) The youth offender's family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;
(H) The youth offender's ability to appreciate the risks and consequences of the youth offender's conduct;
(I) Any reports of physical, mental, or psychiatric examinations of the youth offender conducted by licensed health care professionals;
(J) The youth offender's use of controlled substances that are unlawful under District law;
(K) The youth offender's capacity for rehabilitation;
(L) Any oral or written statement provided pursuant to § 23-1904 or 18 U.S.C. § 3771 by a victim of the offense, or by a family member of the victim if the victim is deceased; and
(M) Any other information the court deems relevant to its decision.
(d) If the court does not sentence a youth offender under this subchapter, the court shall make a written statement on the record of the reasons for its determination and may sentence the youth offender under any other applicable penalty provision. Any statement concerning or related to the youth offender's contacts with the juvenile justice system or child welfare authorities, or medical and mental health records, shall be conducted at the bench and placed under seal.
(e) If the court desires additional information as to whether a youth offender will benefit from sentencing under subsection (b) of this section, the court may order that the youth offender be committed for observation and study at an appropriate classification center or agency. Within 60 days from the date of the order or an additional period that the court may grant, the court shall receive the report.
(f) Subsections (a) through (e) of this section provide sentencing alternatives in addition to the options already available to the court.

6. Ban Felony-Murder Rule for Kids

No Credit: 0/1

Pursuant to § 22–2101, children may be convicted under the felony murder rule.

§ 22–2101. Murder in the first degree — Purposeful killing; killing while perpetrating certain crimes.
Whoever, being of sound memory and discretion, kills another purposely, either of deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to perpetrate an offense punishable by imprisonment in the penitentiary, or without purpose to do so kills another in perpetrating or in attempting to perpetrate any arson, as defined in § 22-301 or § 22-302, first degree sexual abuse, first degree child sexual abuse, first degree cruelty to children, mayhem, robbery, or kidnaping, or in perpetrating or attempting to perpetrate any housebreaking while armed with or using a dangerous weapon, or in perpetrating or attempting to perpetrate a felony involving a controlled substance, is guilty of murder in the first degree. For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), murder in the first degree is a Class A felony.

7. Ban Life Without Parole Sentences for Kids

Full Credit: 1/1

Pursuant to § 24–403.01, children may not be sentenced to life imprisonment without the possibility of parole.

§ 24–403.01. Sentencing, supervised release, and good time credit for felonies committed on or after August 5, 2000.
(c)(1) Except as provided under paragraph (2) of this subsection, a sentence under this section of imprisonment, or of commitment pursuant to § 24-903, shall be for a definite term, which shall not exceed the maximum term allowed by law or be less than any minimum term required by law.
(2) Notwithstanding any other provision of law, if the person committed the offense for which he or she is being sentenced under this section while under 18 years of age:
(A) The court may issue a sentence less than the minimum term otherwise required by law; and
(B) The court shall not impose a sentence of life imprisonment without the possibility of parole or release.

8. Have Release Safety Valve for Kids Serving Lengthy Prison Sentences

Full Credit: 1/1

Pursuant to §24-403.03, the court may reduce a sentence of imprisonment for children after they have served 15 years.

§ 24–403.03. Modification of an imposed term of imprisonment for violations of law committed before 18 years of age.

(a) Notwithstanding any other provision of law, the court shall reduce a term of imprisonment imposed upon a defendant for an offense committed before the defendant's 18th birthday if:

(1) The defendant was sentenced pursuant to § 24-403 or § 24-403.01, or was committed pursuant to § 24-903, and has served at least 15 years in prison; and

(2) The court finds, after considering the factors set forth in subsection (c) of this section, that the defendant is not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification.

(b)(1) A defendant convicted as an adult of an offense committed before his or her 18th birthday may file an application for a sentence modification under this section. The application shall be in the form of a motion to reduce the sentence. The application may include affidavits or other written material. The application shall be filed with the sentencing court and a copy shall be served on the United States Attorney.

(2) The court may direct the parties to expand the record by submitting additional testimony, examinations, or written materials related to the motion. The court shall hold a hearing on the motion at which the defendant and the defendant's counsel shall be given an opportunity to speak on the defendant's behalf. The court may permit the parties to introduce evidence.

(3) The defendant shall be present at any hearing conducted under this section unless the defendant waives the right to be present. Any proceeding under this section may occur by video teleconferencing and the requirement of a defendant's presence is satisfied by participation in the video teleconference.

(4) The court shall issue an opinion in writing stating the reasons for granting or denying the application under this section, but the court may proceed to sentencing immediately after granting the application.

(c) The court, in determining whether to reduce a term of imprisonment pursuant to subsection (a) of this section, shall consider:

(1) The defendant's age at the time of the offense;

(2) The history and characteristics of the defendant;

(3) Whether the defendant has substantially complied with the rules of the institution to which he or she has been confined and whether the defendant has completed any educational, vocational, or other program, where available;

(4) Any report or recommendation received from the United States Attorney;

(5) Whether the defendant has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction;

(6) Any statement, provided orally or in writing, provided pursuant to § 23-1904 or 18 U.S.C. § 3771 by a victim of the offense for which the defendant is imprisoned, or by a family member of the victim if the victim is deceased;

(7) Any reports of physical, mental, or psychiatric examinations of the defendant conducted by licensed health care professionals;

(8) The defendant's family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;
(9) The extent of the defendant's role in the offense and whether and to what extent an adult was involved in the offense;
(10) The diminished culpability of juveniles as compared to that of adults, and the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing them to lengthy terms in prison, despite the brutality or cold-blooded nature of any particular crime; and
(11) Any other information the court deems relevant to its decision.
(d) If the court denies or grants only in part the defendant's 1st application under this section, a court shall entertain a 2nd application under this section no sooner than 3 years after the date that the order on the initial application becomes final. If the court denies or grants only in part the defendant's 2nd application under this section, a court shall entertain a 3rd and final application under this section no sooner than 3 years following the date that the order on the 2nd application becomes final. No court shall entertain a 4th or successive application under this section.
(e)(1) Any defendant whose sentence is reduced under this section shall be resentenced pursuant to § 24-403, § 24-403.01, or § 24-903, as applicable.
(2) Notwithstanding any other provision of law, when resentencing a defendant under this section, the court:
(A) May issue a sentence less than the minimum term otherwise required by law; and
(B) Shall not impose a sentence of life imprisonment without the possibility of parole or release.

9. Ban Solitary Confinement for Kids

Full Credit: 1/1

Pursuant to § 24–912, solitary confinement is prohibited for juveniles in all facilities.

§ 24–912. Limitations on the use of room confinement.
(a) Penal institutions and secure juvenile facilities shall not use room confinement on a juvenile for the purposes of discipline, punishment, administrative convenience, retaliation, or staffing shortages.
(b)(1) Except as provided in subsection (c) of this section, a penal institution or secure juvenile facility may use room confinement on a juvenile as a temporary response to behavior that threatens:
(A) Imminent harm to the juvenile or others; or

(B) Imminent danger to the safe or secure operation of the penal institution or secure juvenile facility.
(2) A penal institution or secure juvenile facility may use room confinement pursuant to paragraph (1) of this section if there is no other reasonable means to eliminate the condition; provided, that:
(A) Room confinement is used only to the extent necessary to eliminate the condition identified;
(B) Facility staff promptly notifies the juvenile of the specific conditions that resulted in the use of room confinement;
(C) Room confinement takes place under the least restrictive conditions practicable and consistent with the individualized rationale for placement; and
(D) Facility staff develops a plan that will allow the youth to leave room confinement and return to the general population as soon as possible.
(c) Facility staff at a penal institution or secure juvenile facility may grant a juvenile's request for room confinement; provided, that the juvenile is free at any time to revoke his or her request for confinement and be immediately returned to the general population.
(d) Except for room confinement occurring under subsection (c) of this section, a health or mental health professional shall conduct a mental health screening on a juvenile placed in room confinement within one hour after placement. After a screening, the penal institution or secure juvenile facility shall provide mental health services to the juvenile, if necessary.
(e) Except for room confinement occurring under subsection (c) of this section, room confinement shall be used for the briefest period of time possible and not for a time to exceed 6 hours. After 6 hours, the youth shall be returned to the general population, transported to a mental health facility upon the recommendation of a mental health professional, transferred to the medical unit in the facility, or provided special individualized programming that may include:
(1) Development of an individualized plan to improve the juvenile's behavior, created in consultation with the juvenile, mental health or health staff, and the juvenile's family members that identifies the causes and purposes of the negative behavior as well as concrete goals that the juvenile understands and that he or she can work toward to be removed from special programming.
(2) In-person supervision by and interaction with staff members;
(3) In-person provision of educational services;
(4) Involvement of the juvenile in other aspects of the facility's programming, unless the involvement threatens the safety of the juvenile or staff or the security of the facility; and
(5) Daily review with the juvenile of his or her progress toward the goals outlined in his or her plan.
(f) For each use of room confinement, facility staff shall document the following, if applicable:
(1) The name of the juvenile;
(2) The date and time the juvenile was placed in room confinement;

(3) The name and position of the person authorizing placement of the juvenile in room confinement;
(4) The staff involved in the conditions leading to the use of room confinement;
(5) The date and time the juvenile was released from room confinement;
(6) A description of the conditions leading to the use of room confinement or if room confinement was upon request by the juvenile;
(7) The alternative actions to room confinement that were attempted and found unsuccessful or the reason that alternatives were not possible;
(8) Any incident reports describing the condition that led to the period of room confinement; and
(9) Any referrals and contacts with qualified medical and mental health professionals, including the date, time, and person contacted.
(g) On March 1, 2018, and annually thereafter, the Department of Youth Rehabilitation Services and the Department of Corrections shall submit a report to the Mayor and the Council that includes steps each agency has taken to reduce the unnecessary use of room confinement for juveniles and a summary of any information collected pursuant to subsection (f) of this section, including, for each penal institution or secure juvenile facility:
(1) The total number of incidents in which room confinement was utilized in the prior year;
(2) The average length of time juveniles spent in room confinements in the prior year;
(3) The longest period of time that any juvenile was in room confinement; and
(4) The greatest number of times that any juvenile was in room confinement.

§ 24–911. Definitions.
For the purposes of this subchapter, the term:
(1) "Juvenile" means any individual under 18 years of age and any child, as defined in § 16-2301(3).
(2) "Penal institution" shall have the same meaning as provided in § 22-2603.01(6).
(3) "Room confinement" means the involuntary restriction of a juvenile alone, other than during normal sleeping hours or facility-wide lockdowns, in a cell, room, or other area.
(4) "Secure juvenile facility" means a secure juvenile residential facility, as defined in § 22-2603.01(7), or a secure residential treatment facility for juveniles that is owned, operated, or under the control of the Department of Youth Rehabilitation Services.

§ 22–2603.01. Definitions.
(6) “Penal institution” means any penitentiary, prison, jail, or secure facility owned, operated, or under the control of the Department of Corrections, whether located within the District of Columbia or elsewhere.

10. Ban Incarcerating Kids with Adults

No Credit: 0/1

Pursuant to § 16–2313, children may be incarcerated in adult facilities.

§ 16–2313. Place of detention or shelter.
(d)(1) No child under eighteen years of age may be detained in a jail or other facility for the detention of adults, unless transferred as provided in section 16-2307. The appropriate official of a jail or other facility for the detention of adults shall inform the Superior Court immediately when a child under the age of eighteen years is received there (other than by transfer) and shall (1) deliver him to the Director of Social Services upon request, or (2) transfer him to a detention facility described in subsection (b)(3); provided, that beginning October 1, 2018, no person under 18 years of age may be held in the custody of the Department of Corrections.
(2) All persons under 18 years of age who are in the custody of the Department of Corrections shall be transferred to the custody of the Department of Youth Rehabilitation Services before October 1, 2018.
(3) After October 1, 2018, the Department of Corrections shall immediately inform the Superior Court if a person under 18 years of age is transferred to the Department of Corrections and transfer the individual to the Department of Youth Rehabilitation Services.

§ 24–913. Age-appropriate housing for youth.
(a) On October 1, 2017, and on a quarterly basis thereafter, the Mayor shall provide a report to the Council that includes:
(1) The greatest number of juveniles housed in the Correctional Treatment Facility or the Central Detention Facility at any one time during the preceding quarter;
(2) The lowest number of unused beds for juveniles at secure juvenile facilities at any one time during the preceding quarter; and
(3) The number of consecutive quarters that the lowest number of unused beds at secure juvenile facilities, as determined in paragraph (2) of this subsection, has exceeded the greatest number of juveniles housed in the Correctional Treatment Facility or the Central Detention Facility, as determined in paragraph (1) of this subsection, if any.
(b) All juveniles housed at the Correctional Treatment Facility or the Central Detention Facility shall be transferred to available space in secure juvenile facilities within 6 months after a determination that there have been 4 consecutive quarters of excess capacity, as determined under subsection (a)(3) of this section.

11. Ban Mandatory Post-Release Lifetime Supervision

Full Credit: 1/1

Pursuant to § 24–404, formerly incarcerated children may be discharged from parole at the discretion of the Commission.

§ 24–404. Authorization of parole; custody; discharge.
(a) Whenever it shall appear to the United States Parole Commission ("Commission") that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, that his or her release is not incompatible with the welfare of society, and that he or she has served the minimum sentence imposed or the prescribed portion of his or her sentence, as the case may be, the Commission may authorize his or her release on parole upon such terms and conditions as the Commission shall from time to time prescribe. While on parole, a parolee shall remain in the legal custody and under the control of the Attorney General of the United States or his or her authorized representative until:
(1) The expiration of the maximum of the term or terms specified in his or her sentence without regard to good time allowance; or
(2) The Commission terminates legal custody over such parolee under subsection (a-1) of this section.
(a-1)(1) Upon its own motion or upon request of a parolee, the Commission may terminate legal custody over the parolee before expiration of the parolee's sentence.
(2) Two years after a parolee's release on parole, and at least annually thereafter, the Commission shall review that parolee's status to determine the need for continued legal custody and may terminate legal custody over the parolee if, in its discretion, the Commission determines that continued legal custody is no longer needed.
(3) Five years after a parolee's release on parole, the Commission shall terminate legal custody over the parolee unless the Commission determines, after a hearing, that legal custody of the parolee should not be terminated because there is a likelihood that the parolee will violate any criminal law.
(4) If the Commission does not terminate legal custody under paragraph (3) of this subsection, the Commission:
(A) May conduct a hearing annually, if the parolee so requests, to determine whether to terminate legal custody of the parolee; and
(B) Shall conduct a hearing every 2 years to determine whether to terminate legal custody of the parolee.
(5) In calculating a time period under this subsection, the Commission shall exclude:
(A) Any period of release on parole before the most recent such release; and
(B) Any period served in confinement on any other sentence.
(a-2)(1) The provisions of subsection (a-1) of this section shall apply to a person who is on parole on or after May 20, 2009.

(2) For a person released on parole prior to May 20, 2009, determinations by the Commission whether to terminate legal custody under subsection (a-1)(2) or (3) of this section, as applicable, shall be made within one year after May 20, 2009.
(b) Notwithstanding the provisions of subsections (a), (a-1), and (a-2) of this section, the Council of the District of Columbia may promulgate rules and regulations under which the Commission, in its discretion, may discharge a parolee from supervision prior to the expiration of the maximum term or terms for which he was sentenced.

12. Voting Rights Restoration

Full Credit: 1/1

Pursuant to §1-1001.05, all incarcerated persons who are of voting age may vote. Additionally, pursuant to §1-1001.07, the department of corrections must register all persons in their care and custody to vote.

§1-1001.05. Board of Elections – Duties.
(a) The Board shall:
(9)(B) Provide to every registered qualified elector in the Department of Corrections' care or custody and endeavor to provide to every registered qualified elector in the Bureau of Prisons' care or custody:
(i) A voter guide, if such a guide is published by the Board;
(ii) Lay-friendly educational materials about the importance of voting and the right of an individual currently incarcerated or with a criminal record to vote in the District; and
(iii) A mail-in ballot and postage-paid return envelope; and
(C) Provide to every registered qualified elector in the care and custody of the Department of Corrections and the Department of Youth Rehabilitation Services information about the importance of and process for keeping their voter registration information, including their residence address, current and up-to-date.

§1-1001.07 - Voter
(c)(1)(A) The following shall be automatic voter registration agencies, although the Board may designate additional automatic voter registration agencies by rulemaking:
(i) DMV; and
(ii) DOC.
(B) Unless the applicant indicates that the applicant does not want to register to vote or indicates the applicant is not a U.S. citizen:
(i) Each DMV application for a DMV-issued driver's license (including any renewal application) or nondriver's identification card by a person who is not already registered to vote or preregistered to vote in the District shall automatically serve as an application to register to vote. However, any person who, at the time of the

transaction with the DMV provides a document that demonstrates non-citizenship shall not be offered the opportunity to register to vote; and
(ii) DOC shall automatically register each qualified elector in its care or custody in the Central Detention Facility or Correctional Treatment Facility to vote.