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**Testimony of the Council for Court Excellence
Before the Committee on Judiciary & Public Safety
Council of the District of Columbia**

**Public Roundtable on Bill B26-0671,
the “Protecting Victim’s Amendment Act of 2026”
October 27, 2026**

Thank you, Chairperson Pinto, and members of the Committee, for this opportunity to present testimony on B26-0671, the *Protecting Victim’s Amendment Act of 2026*. My name is Rachel Hirsch, and I am the Open Horizon Criminal Justice Fellow at the Council for Court Excellence (CCE). CCE is a nonpartisan, nonprofit organization with the mission to enhance justice in the District of Columbia. For more than 40 years, CCE has worked to make D.C.’s unique legal systems more just, equitable, and accountable to the community through research and policy analysis, convening diverse stakeholders, and creating educational resources for the public. Please note that in accordance with our policy, no judicial member of CCE participated in the formulation or approval of this testimony. This testimony does not reflect the specific views of, or endorsement by, any judicial member of CCE.

CCE is glad to see the Council’s focus on addressing the unique needs of victims during Domestic Violence Awareness Month. We have worked on a variety of initiatives to support victims over the years, including, most recently, an update to our *Victim’s Guide to the District of Columbia Legal System*, designed to help victims and survivors navigate the complexity of the legal processes and understand their rights here in D.C.¹ We will also have updated Spanish and Amharic versions of that guide completed this winter.

Today, however, our testimony focuses not on the provisions on domestic and intrafamily violence, but instead on the bill’s proposal for the permanent expansion of pretrial detention for both adults and youth in the District. Back in 2024, the *Secure DC Omnibus Emergency Amendment Act of 2024* (“*Secure DC*”) expanded presumptive pretrial detention authority for youth and adults temporarily, which the *Peace DC Omnibus Amendment Act of 2025* (“*Peace DC*”)

extended through the end of this year, despite that approach being unsupported by data and negatively received by many residents here in D.C.ⁱⁱ This proposed legislation would make *Secure DC*'s detention provisions permanent, among other provisions that address domestic violence and intrafamily offense cases.ⁱⁱⁱ As an organization focused on advancing evidence-based and equity-centered public policy, CCE is concerned that a permanent expansion of presumptive pretrial detention will unnecessarily increase the population of the D.C. Jail and juvenile facilities and have negative impacts on those incarcerated and their families without clearly or meaningfully improving public safety. Additionally, it is hiding the ball to include such a major – and contentious – aspect of criminal law in a bill that is framed as only focused on issues specific to domestic and intrafamily violence.

Pretrial release, especially as administered in D.C., is consistently and statistically very effective and maintains public safety by keeping those released complying with release conditions, appearing in court, and remaining arrest-free while maintaining stability in the community. The data year-over-year is clear that very few people in D.C. are rearrested while on pretrial release^{iv} - and that being rearrested for a violent offense is even more rare.^v CCE's 2024 report, *IS D.C. MORE SECURE? A Criminal Legal System Overview*, analyzed data in the District before and after the implementation of *Secure DC*.^{vi} CCE analysis found that in Fiscal Year (FY) 2023, almost entirely prior to the implementation of *Secure DC*, 92% of adults released to pretrial supervision did not commit a new offense while awaiting trial.^{vii} The newest data from Pretrial Services Agency ("PSA") showed that in FY 2025, post-*Secure DC*, 88% of adults released pretrial remained arrest free, with just 0.5% rearrested for a dangerous and violent or violent crime.^{viii} Additionally, data from PSA over the last five FYs show the court appearance rates and arrest-free rates of those released pretrial remained consistently high, with an average arrest-free rate of 90% and an average court appearance rate of 88%.^{ix}

Furthermore, there is no clear evidence that increasing pretrial detention reduces crime.^x Expanding authority to detain individuals pretrial – all of whom are innocent until proven guilty – is contrary to the evidence that pretrial release works to improve outcomes for individuals and communities, as individuals are able to maintain the ability to work, pay rent and bills, and tend to other important family obligations, which is ultimately beneficial for their families and communities, especially in cases where they may be found innocent or charges may be dropped. As CCE has noted before, even a few days of incarceration can be profoundly disruptive to an individual and their family's stability and should be based on very fact-specific evaluations by a judge (as is already well-established procedure in D.C. law) rather than blanket presumptions.

The proposed legislation likely will further increase the population in the D.C. Jail and strain the resources of the D.C. Department of Corrections (“DOC”). According to data from DOC, the overall D.C. Jail population increased by 85.40% from 1,240 people in January 2023, which was pre-*Secure DC*, up to 2,299 this month. 1,614 of those residents – or 70% of the current population – are there with pretrial status.^{xi} The D.C. Jail simply does not have capacity for more individuals to be held in pretrial detention with its overpopulation and low staffing levels.^{xii} As we have reported repeatedly to this Council, and has been in the news just this week with a newly-announced Department of Justice investigation, DOC faces a range of challenges in providing a safe, secure, and humane facility for the residents and staff already living and working in the D.C. Jail.^{xiii} Additionally, the District is facing active litigation by jail residents for unsafe and unhygienic conditions, contaminated food, safety issues, and failures to properly staff the jail and train employees.^{xiv} Amid these Constitutional inquiries, now is not the time to advance policies that would increase our jail’s population.

Additionally, the continued overuse of presumptive pretrial detention likely will further increase the population and lengths of stay of youth in detention facilities in D.C. According to data from the Department of Youth Rehabilitative Services, in December 2023, pre-*Secure DC*, the population at the Youth Services Center (“YSC”) totaled 82 residents and grew 14.69% to 95 post-*Secure DC* in September 2024.^{xv} Since then the population has continued growing, reaching 112 residents in January 2026, an increase of 36.59% since December 2023, and is currently over capacity at 103 residents as of October 21, 2026.^{xvi} Unfortunately, the District also has a long history of poor conditions at its youth facilities and YSC is currently facing an overcrowding crisis, safety problems, placement delays, and long lengths of stay.^{xvii}

Finally, we want to draw your attention to the longer-term and surely unintended consequences of incarceration on both youth and adults, especially for those who have not yet been determined to be guilty of a crime. Research focused on youth incarceration consistently shows that longer stays in custody leads to increased recidivism, lower education re-enrollment and completion after release, and reduced employment and earnings in adulthood for youth.^{xviii} Similarly, for adults, pretrial detention is correlated with housing instability and worsened health and can result in employment and wage loss and prolonged joblessness upon release.^{xix} Those held pretrial may still have challenges with maintaining jobs, child custody, community ties, and family relationships.^{xx} And in D.C., these negative consequences will disproportionately harm Black residents, who represent approximately 41.6% of the District’s population but make up more than 90% of the incarcerated population and are more likely to be detained pretrial.^{xxi} In

June 2025, the D.C. Council Office of Racial Equity completed a Racial Equity Impact Assessment for *Peace DC* and found that the Act’s expansion of pretrial detention for serious crimes “will exacerbate the harmful consequences of detention and imprisonment for Black residents—particularly around community safety, health outcomes, and wellbeing outcomes,” and also concluded the expansion of pretrial detention will likely exacerbate those same harmful consequences for Black youth.^{xxii}

In conclusion, while we are heartened to see the Council’s focus on ensuring stronger and targeted protections for victims of intrafamily or domestic partner violence, we also believe D.C. would be better served by investing in prevention and restorative policies, rather than merely doubling down on incarceration-focused approaches to public safety. Rather than make the expanded presumptions for pretrial detention from *Secure DC* permanent, CCE hopes the Council will continue to invest in some of the policies and practices show to create durable public safety improvements,^{xxiii} as well as partnering with the domestic violence community and considering diverse survivor experiences. Thank you for the opportunity to testify today.

ⁱ The guide can be found at www.courtexcellence.org/victimsguide.

ⁱⁱ Secure DC Omnibus Emergency Amendment Act of 2024, D.C. Act 25-410 (codified as amended in scattered sections in D.C. Code § 23), <https://code.dccouncil.gov/us/dc/council/acts/25-410>; Peace DC Omnibus Amendment Act of 2025, D.C. Law 26-52, <https://code.dccouncil.gov/us/dc/council/laws/26-52>.

ⁱⁱⁱ Protecting Victims Amendment Act of 2026, B26-0671 (D.C. 2026), <https://lms.dccouncil.gov/Legislation/B26-0671>.

^{iv} PRETRIAL SERV. AGENCY FOR D.C., PSA PERFORMANCE OUTCOMES: FY 2021-2025 (2026), .

^v *Id.*; COUNCIL FOR CT. EXCELLENCE, IS D.C. MORE SECURE? A CRIMINAL LEGAL SYSTEM OVERVIEW (2024), <https://www.courtexcellence.org/news-items/2023-overview-secure-dc>.

^{vi} Prioritizing Public Safety Emergency Amendment Act of 2023, D.C. Act 25-175 (2023), <https://code.dccouncil.gov/us/dc/council/acts/25-175>; COUNCIL FOR CT. EXCELLENCE, IS D.C. MORE SECURE? A CRIMINAL LEGAL SYSTEM OVERVIEW (2024), <https://www.courtexcellence.org/news-items/2023-overview-secure-dc>.

^{vii} COUNCIL FOR CT. EXCELLENCE, IS D.C. MORE SECURE? A CRIMINAL LEGAL SYSTEM OVERVIEW 18 (2024), <https://www.courtexcellence.org/news-items/2023-overview-secure-dc>.

^{viii} PRETRIAL SERV. AGENCY FOR D.C., KEY DATA AND OPERATIONAL INFORMATION FY 2025 (Dec. 8, 2025), <https://www.psa.gov/sites/default/files/2026-01/FY25%20Key%20Data%20and%20Operational%20Info.pdf>.

^{ix} PRETRIAL SERV. AGENCY FOR D.C., PSA PERFORMANCE OUTCOMES: FY 2021-2025 (2026), https://www.psa.gov/sites/default/files/2026-01/PSA%20Performance%20Outcomes%20FY%202021-2025-1-23-26_0.pdf.

^x Sandra Susan Smith, *Pretrial Detention, Pretrial Release, & Public Safety*, HARVARD KENNEDY SCHOOL (July 2022), https://web.archive.org/web/20250225021413/https://craftmediabucket.s3.amazonaws.com/uploads/AVCJIReport_Pr etrialDetentionPretrialReleasePublicSafety_Smith_v3-1.pdf.

^{xi} D.C. CORRECTIONS INFO. COUNCIL, CIC BULLETIN (Oct. 2026), <https://cic.dc.gov/page/cic-bulletin>; D.C. DEP’T OF CORRECTIONS, DOC POPULATION STATISTICS (2026), <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DOC%20Population%20Statistics%20Average%20Daily%20Population%20for%20January%202017%20through%20June%202026.pdf>.

^{xii} OFFICE OF THE D.C. AUDITOR, URGENT NEED FOR NEW D.C. JAIL (2025), <https://www.courtexcellence.org/news-items/2025-jail-audit>.

^{xiii} Liam Scott, Sophia Solano & Ben Conark, *Justice Dept. to Investigate Whether D.C. Jail Conditions Violate Constitution*, WASH. POST (Oct. 19, 2026), <https://www.washingtonpost.com/dc-md-v/2026/10/19/doj-announces-investigation-into-whether-dc-jail-conditions-violate-constitution/>.

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- ^{xvi} *Id.*; *Today's Population: YSC as of 10/20/2026*, OFFICE OF INDEP. JUV. JUST. FACILITIES OVERSIGHT <https://oijjfo.dc.gov/page/dyrs-secure-facilities-todays-population-data-0#embedtabs>.
- ^{xvii} COUNCIL FOR CT. EXCELLENCE, COMMITTED YOUTH AWAITING PLACEMENT IN THE D.C. YOUTH SERVICES CENTER (2025), <https://www.courtexcellence.org/news-items/youth-awaiting-placement-report>.
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- ^{xx} *Id.*
- ^{xxi} D.C. DEP'T OF CORR., FACTS AND FIGURES JULY 2026, [https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC Department of Corrections Facts and Figures July 2026.pdf](https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20Department%20of%20Corrections%20Facts%20and%20Figures%20July%202026.pdf).
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