



COUNCIL OF THE DISTRICT OF COLUMBIA  
OFFICE OF COUNCILMEMBER BROOKE PINTO  
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WASHINGTON, D.C. 20004



**D.C. Criminal Code Reform Commission**  
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January 27, 2025

The Honorable Brooke Pinto  
Chairwoman of the Committee on the Judiciary and Public Safety  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite 106  
Washington D.C. 20004

**RE: Criminal Code Reform Commission Responses to Performance Oversight Questions.**

Dear Chairwoman Pinto:

Thank you for the opportunity to provide responses to the performance oversight questions in the Committee on the Judiciary and Public Safety's correspondence dated January 27, 2025. The responses of the Criminal Code Reform Commission (CCRC) are presented below for your review, with attached appendices. I look forward to providing testimony and discussing these and any other questions you might have at the agency's oversight hearing.

Sincerely,

Jinwoo Park  
Executive Director

Attachments:

Appendix A: CCRC Schedule A, as of 10/25/2024

J&PS Performance Oversight Questions (FY23-24)  
CCRC

## ORGANIZATION AND OPERATIONS

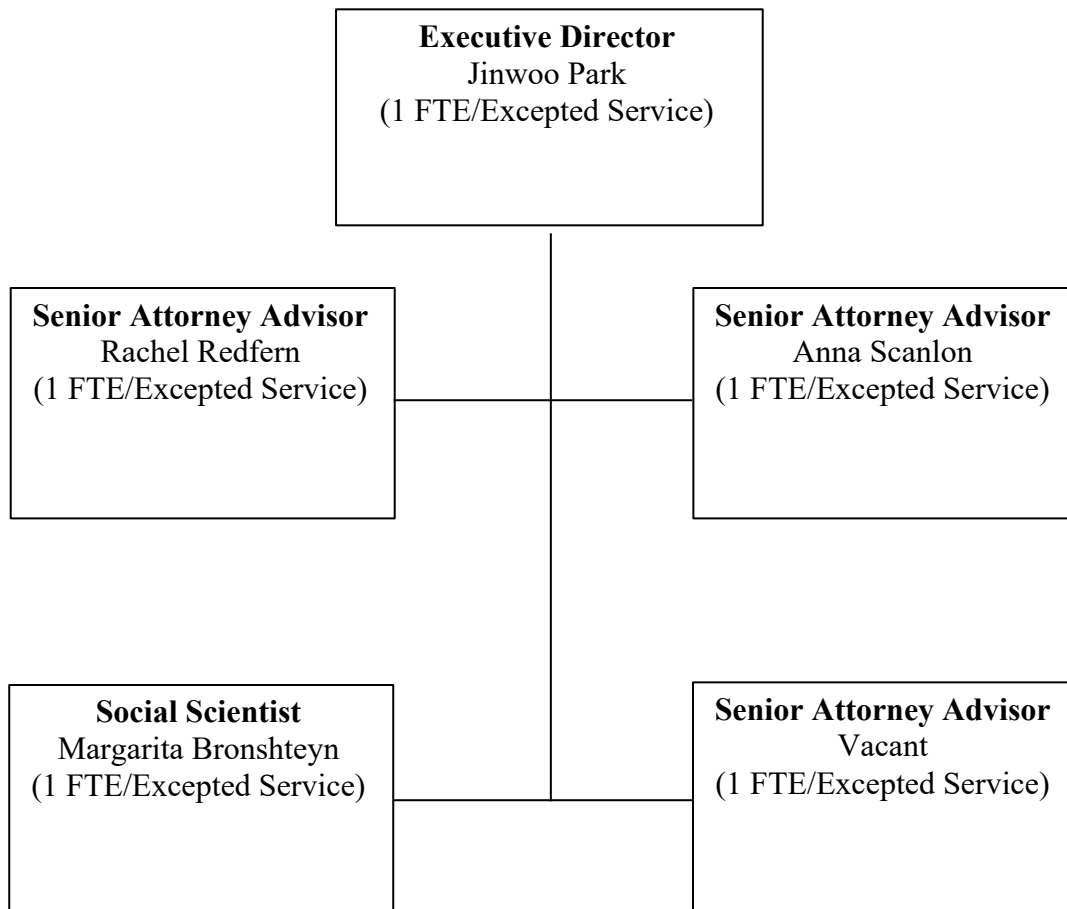
1. Please provide the agency's mission statement.

The CCRC does not have a formal mission statement. However, as directed under the agency's authorizing statute, D.C. Code § 3–152(d), the agency provides, upon request by the Council or on its own initiative, legal or policy analysis of proposed legislation or best practices concerning criminal offenses, procedures, or reforms, including information on existing District law, the laws of other jurisdictions, and model legislation.

The CCRC's core mission remains to provide guidance and advice to the Council to improve the clarity, proportionality, and completeness of the District's criminal code.

2. Please provide a complete, up-to-date organizational chart for the agency and each division within the agency, including the names and titles of all senior personnel.

As of 1/27/2025 the agency has 1 vacant, 0 frozen, and 4 filled positions. The agency does not have any divisions or subdivisions.



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- a. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.

The CCRC does not have any subdivisions and has one vacant and zero frozen positions. All filled positions are reflected in the organizational chart above.

- b. Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions for each subdivision. For vacant positions, please indicate how long the position has been vacant and the date on which the vacant position was posted for re-hiring, if applicable.

The vacant position has been vacant since 8/9/2024, and was posted for re-hiring in January of 2025. The delay in posting the vacancy was due to time needed to enter into a new MOU with DCHR.

- c. Has your agency experienced a hiring freeze at any point in FY 2024 or FY 2025? If yes, please indicate the dates of the freeze.

The CCRC has not experienced a hiring freeze at any point in FY 2024 or FY 2025.

- d. Please provide a narrative explanation of any major changes to the organizational chart made during the previous year.

The CCRC did not make any major changes to the organizational chart during the previous year.

3. Please list each new program implemented by the agency during FY 2024 and FY 2025, to date. For each initiative please provide:

None. The agency consists of one program.

4. Please provide a complete, up-to-date position listing for your agency, ordered by program and activity, and including the following information for each position:

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### CCRC

Please see Schedule A attached as Appendix A to this document. The agency has only one program code (1001) and activity code (1010). None of the positions must be filled to comply with federal or local law.

5. Please provide a list of all memoranda of understanding (“MOUs”) entered into by your agency during FY 2024 and FY 2025, to date, as well as any MOUs currently in effect. For each, indicate the date on which the MOU was entered and the termination date (if applicable).

The CCRC entered into an MOU with DCHR on 12/9/2024, to terminate on 9/30/2025. Under this MOU, DCHR has agreed to provide basic HR services to the CCRC.

6. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.

The CCRC does not have a collective bargaining agreement in effect for any agency employees. The CCRC is not currently bargaining any collective agreement.

7. Please provide the agency’s FY 2024 Performance Accountability Report.

The agency did not produce a FY2023 Performance Accountability Report. The agency has not produced this report in prior years, and has not been asked to do so.

### BUDGET AND FINANCE

8. Please provide a chart showing the agency’s approved budget and actual spending, by division, for FY 2024 and FY 2025, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

Note, the CCRC has no divisions or subdivisions.

FY24:

Category	Budgeted for FY24	Expenditures for FY24	Surplus/Deficit
PS	\$ 812,243.50	\$ 816,055.16	\$ (3,811.66)
NPS	\$ 42,757	\$ 15,915.91	\$ 26,841

FY25 to date:

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Category	Budgeted for FY25	Expenditures for FY25 to date	Encumbrances
PS	\$847,367	\$155,844.91	n/a
NPS	\$42,757	\$4405.34	\$0

9. Please list any reprogrammings, in, out, or within, related to FY 2024 or FY 2025 funds. For each reprogramming, please list:

At the end of FY24, \$35,000 of the CCRC's surplus was re-programmed to other agencies that had budget deficits in FY24.

10. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2024 and FY 2025, to date, including:

CCRC as Buyer agency FY 2024

Seller	Program Code	Activity	Funding Source	Description	Total Amount	Dates
OCTO	800178	1010	Local Funds	IT and telephone assessment	\$8407	10/1/2022-9/30/2023
OCP	800178	1010	Local Funds	Agency P-Card purchases	\$10,000	10/1/2022-9/30/2023

CCRC as Buyer agency FY 2025

Seller	Program Code	Activity	Funding Source	Description	Total Amount	Dates
OCTO	800178	1010	Local Funds	IT and telephone assessment	\$9964	10/1/2023-9/30/2024
OCP	800178	1010	Local Funds	Agency P-Card purchases	\$10,000	10/1/2023-9/30/2024
DCHR	800178	1010	Local Funds	Human Resource services	\$2,649	10/1/2024-9/30/2025

11. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY 2024 and FY 2025, to date. For each account, please list the following:

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The CCRC does not maintain or use any special purpose revenue accounts.

12. Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:

The CCRC does not have any projects for which capital funds are available.

13. Please provide a complete accounting of all federal grants received for FY 2024 and FY 2025, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2024, the amount of any unspent funds that did not carry over.

The CCRC has not received any federal grants for FY24 or FY25 to date.

14. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2024 and FY 2025, to date. For each contract, please provide the following information, where applicable:

The CCRC has not have any contracts, procurements, leases, or grants awarded for FY24 or FY25 to date.

15. Please provide the details of any surplus in the agency’s budget for FY 2024, including:

- a. Total amount of the surplus; and Total surplus of: In FY 2024 the CCRC had a surplus of \$23,029.
- b. All projects and/or initiatives that contributed to the surplus. The surplus mainly resulted from the CCRC’s fringe benefit spending rate being below projections for the fiscal year and an FTE vacancy that began late in FY24.

16. For FY 2024 and FY 2025 to date, please provide the number of contracts and procurements executed by your agency. Please indicate how many contracts and procurements were for an amount under \$250,000, how many were for an amount between \$250,000-\$999,999, and how many were for an amount over \$1 million.

The CCRC did not have any procurement contracts executed by the agency in FY 2024 or FY 2025 to date.

**LAWS, AUDITS, AND STUDIES**

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17. Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY 2024 or FY 2025, to date.

There are no ongoing investigations, audits, or reports on the CCRC or any employees of the CCRC, and none were completed in FY24 or FY25 to date.

18. Please list any reports the agency is required by law to prepare and whether the agency has met these requirements.

The CCRC is required under D.C. Code § 3-154 (c) to submit a report to the Council detailing the CCRC's activities during FY2024, and preliminary work in FY25. The CCRC submitted this report as required.

- a. Are there any required regular reports that the agency believes are unduly burdensome and/or underutilized by the Council or the public? If so, please provide details on each such report and, to the extent feasible, an estimate of the budget and/or person-hours required to prepare each report.

The CCRC's reporting requirements are not unduly burdensome.

19. Please list all lawsuits filed in FY 2024 and FY 2025 to date that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

The CCRC is not party to any lawsuits filed in FY24 or FY25 to date.

20. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2024 and FY 2025 to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties' names, the amount of the settlement, and, if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g., administrative complaint).

The CCRC did not enter into any settlements, and the District did not enter into any settlements on behalf of the CCRC, in FY24 or FY25 to date.



21. Please list any administrative complaints or grievances that the agency received in FY 2024 and FY 2025 to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY 2024 or FY 2025 to date, describe the resolution.

The CCRC did not receive any administrative complaints or grievances in FY 2024 or FY 2025 to date. Should a complaint or grievance arise, the agency would follow standard District Personnel Manual practices and procedures.

## **WORKPLACE ISSUES AND EQUITY**

22. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2024 and FY 2025 to date, and whether and how those allegations were resolved.

The agency policy is to follow the District Personnel Manual in investigating complaints and grievances. The agency has coordinated with DCHR so that their designated Sexual Harassment Officer is available to any CCRC employee. Although the CCRC is a small, independent agency not subordinate to the Mayor, this action was taken to comply with the 12/18/17 Mayor's Order regarding Sexual Harassment Officers.

No allegations of sexual harassment or misconduct committed by or against CCRC employees were received in FY 2024 or FY 2025 to date.

23. The District defines racial equity as "the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents." What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?

Consistent with its statutory mandate, the CCRC does not have any programs or initiatives that are specifically directed at improving racial equity. However, the criminal justice system, and the District's criminal code, disproportionately affects racial minorities. Accordingly, the CCRC's efforts to improve the clarity, proportionality, and completeness of the District's criminal code may also improve racial equity. Due to the realities of the District's criminal justice system, nearly all of the CCRC's initiatives have the opportunity to improve racial equity.

24. In FY 2024 and FY 2025 to date, what are two ways that your agency has addressed racial inequities internally or through the services you provide?

The CCRC does not provide services directly to District residents, but provides guidance and assistance to the Council. However, as noted above because of inherent inequities within the criminal justice system, the CCRC's legal and policy recommendations that are facially neutral as to race will improve racial equity. The following are just two examples from FY24 and FY25 to date:

1. The CCRC's analysis of nationwide sentencing practices will hopefully serve as a vital resource in informing sentencing policy in the District moving forward. Without clear reliable data, policy makers may enact sentencing policies that are inconsistent with both District practices and nationwide practices. Given the well documented disparities in the criminal justice system, these sentencing policy decisions will often have a disparate effect on minority populations within the District. Using reliable nationwide data to inform sentencing policy decisions may prevent exacerbating pre-existing racial disparities.
2. The CCRC advised the Council on several pieces of pending legislation that could have had a racially disparate effect on District residents. For example, under the proposed License Suspension Reform Amendment Act of 2023, persons arrested of certain enumerated traffic offenses would be subject to automatic license suspension. The CCRC noted in its testimony that although automatic license suspension provisions were well intentioned, they would violate District residents' due process rights. According to D.C. Superior Court data, racial minorities comprise a disproportionately high percentage of charges for these enumerated offenses. Accordingly, the unconstitutional provisions in the License Suspension Reform Amendment Act would have had a disparate effect on racial minorities. The CCRC's testimony helped prevent this provision, which would have had a racially disparate effect, from being enacted into law.

#### AGENCY-SPECIFIC QUESTIONS

1. The CCRC fulfilled its statutory mandate of issuing criminal code reform recommendations through its submission of a report on March 31, 2021. Please describe any work the CCRC conducted related to that mandate in FY 2024 and FY 2025 to date.

The CCRC completed significant research and analysis on comparative maximum sentences and sentencing practices across the nation. The main criticisms of the CCRC's revised criminal code reform recommendations that were included in the Revised Criminal Code Act (RCCA) pertained to the severity of penalties. Some critics claimed that the RCCA's penalties were egregiously lenient, especially the penalties for carjacking and robbery. The CCRC had ensured that the penalty recommendations were consistent with current District practice, but at the time there was no reliable source of statutory maximum penalties around the nation, or any publicly available data on nationwide sentencing practices. To address critiques related to penalty severity the CCRC undertook two major research and analysis projects.

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First, the CCRC conducted a nationwide 50-state research project to determine the maximum sentences permitted for carjacking, robbery, and burglary. Determining the actual maximum term of imprisonment for these offenses in any given state was surprisingly time consuming as each state's criminal code has its own complicated array of offense classifications, penalty enhancements, and parole eligibility rules. Determining the actual maximum penalty permitted often required research into a state's criminal code, applicable state judicial opinions, and consultations with practitioners in that state. Although this process was highly time consuming, the CCRC has now compiled a definitive record of the maximum penalties permitted for these key felony offenses.

Second, it is vital to gather data on *actual sentencing practices* in addition to statutory maxima. The CCRC researched possible sources of nationwide sentencing practices and found none. The CCRC undertook an enormous effort to obtain access to data compiled by the Bureau of Justice Statistics and run thousands of lines of code to analyze these data to give a clearer picture on the actual range of sentences imposed for the most serious and most common offenses across the nation. This first-of-its-kind analysis will be vital in demonstrating that any penalties included either in the RCCA, or in any other standalone piece of criminal legislation, are consistent with actual national and District practices.

2. Please list any Council hearings at which CCRC offered testimony in FY 2024 and FY 2025 to date.

The CCRC provided testimony at hearings for the following pieces of pending legislation:

- B25-0421, the "License Suspension Reform Amendment Act of 2023"
- B25-0425, the "Strengthening Traffic Enforcement Education, and Responsibility ("STEER") Amendment Act of 2023."
- B25-0479 the "Addressing Crime Through Targeted Interventions and Violence Enforcement Amendment Act of 2023"
- B25-0555, the "Addressing Crime Trends "ACT" Now Amendment Act of 2023"

3. In preparing testimony on bills before the Council, what goals or policy outcomes is the CCRC working to advance?

As per the CCRC's statutory mandate set forth under D.C. Code § 3-152, in preparing testimony on bills before the Council, the CCRC seeks to improve the clarity and proportionality of the criminal code, and to reduce or eliminate unnecessary overlap and gaps between offenses. The CCRC also identifies provisions that may violate the Constitution.

For example, at the hearing on B25-0421, the "License Suspension Reform Amendment Act of 2023 and B25-0425, the "STEER" Amendment Act of 2023, the CCRC testified that some provisions would violate District residents' Constitutional due process rights, and that alternate statutes under current law could effectively achieve the legislation's sponsors' policy aims.

4. Please list any reports or analyses the CCRC released in FY 2024 and FY 2025 to date and any reports or analyses the Commission plans to release in the remainder of FY 2025.

- Research Memorandum #43: Maximum Statutory Penalties for Robbery and Carjacking Across the Criminal Codes of the Fifty States
- The CCRC has published its analysis of nationwide sentencing norms available at the CCRC's website (<https://ccrc.dc.gov/node/1758411>).
- Final Draft of Report #79: Animal Cruelty Offenses
- Final Draft of Report #80: Nonconsensual Distribution of False Imagery
- The CCRC has provided statutory language on a cluster of public corruption offenses including: bribery of a public servant; unlawful compensation to a public servant; solicitation or acceptance of unlawful compensation by a public servant; misuse of official information; threats and improper influence in public matters; and applicable definitions.
- Provided analysis of proposed emergency legislation relating to emergency Residential Tranquility Act.
- Prepared analysis on proposed "School Teacher, Administrator, and Mental Health Professional Protection (STAMP) Temporary Amendment Act of 2024".

In addition, the CCRC plans to release several new reports and analyses in the remainder of FY25, including:

- Statutory proposals on *private* corruption, for example offenses that cover bribery of private actors such as auditors or arbitrators.
- Final draft of revisions relating to anti-dumping offenses and applicable definitions.
- Final draft on language to reform evidentiary rules pertaining to use of mental illness and incapacity evidence to negate *mens rea* requirements.
- A report on the CCRC's analysis of national sentencing practices, which will include both a detailed methodology as well as comparisons of both current District practice and penalty recommendations under the RCCA to national norms.
- Recommended revisions to traffic offenses under Title 50.
- Time permitting, an updated analysis of District charging and sentencing practices. The CCRC had previously published a highly detailed analysis of District charging and sentencing practices for the years 2010-2019. The CCRC has obtained updated data covering 2020-2022, and we plan on updating the analysis to include these more recent years. This analysis will be especially vital as these were the years most heavily affected by the COVID-19 pandemic.

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5. Please describe any changes made to the CCRC's operations in FY 2024 and FY 2025 to date.

There have been no major changes to the CCRC's operations in FY24 and FY25 to date.

6. The Fiscal Year 2021 Budget Support Act of 2020 (D.C. Law 23-149; 67 DCR 14601) made the CCRC a permanent agency and expanded its mandate to include providing "a legal or policy analysis of proposed legislation or best practices concerning criminal offenses, procedures, or reforms, including information on existing District law, the laws of other jurisdictions, and model legislation." What legal or policy analyses has the agency conducted under that authority in FY 2024 and FY 2025 to date?

The CCRC's legal and policy analyses are included in the reports, analyses, and proposed draft language discussed above in Question #29. Notably, the CCRC recommended that the Council consider a new statutory offense that would address using artificial intelligence to create sexually explicit images or videos without consent. The CCRC reviewed current District law and concluded that this conduct is not criminalized under current law. The CCRC also reviewed similar legislation in other jurisdictions to ascertain best practices for criminalizing this conduct.