



**Testimony of Warren Allen
End Life Imprisonment Campaign
Fellow
The Sentencing Project**

**Hearing on B25-291, the Safer
Stronger Amendment Act of 2023**

Before the Committee on the
Judiciary and Public Safety of the
Council of the District of Columbia

June 27, 2023

My name is Warren Allen and I'm the End Life Imprisonment Campaign Fellow at The Sentencing Project. Thank you for your time.

I'm also a recipient of a second look under the Incarceration Reduction Amendment Act, which allowed me to come home after serving two decades of a 35 year to life sentence.

Today, I am a father, a mentor, and I work with the Safe Passage project to protect youth. The streets of DC are safer because I am on them making a difference. That's what we stand to lose by rolling back IRAA. People like me will remain in prison.

Last fall, this Council voted twice to expand IRAA and create a universal opportunity for a second look.

So why today are you considering making it harder for people to benefit from IRAA?

Why are we rolling back when we should be rolling forward?

IRAA is working.

Recidivism is low and the benefits to the community are extraordinary.

Out of 195 releases, only 7 have been rearrested. Less than 4% recidivism is a success story.

IRAA is based on clear evidence.

Humans are repairable and the research is real. Criminality decreases as a person ages. And emerging adults share many of the characteristics of youth and deserve similar second chances.

The changes the mayor proposes would gut IRAA.

First, Mayor Bowser suggests making relief discretionary by changing "Notwithstanding any other provision of law, the court shall reduce a term of imprisonment..." to "the court *may* reduce a term of imprisonment..."

Imagine being in prison, doing everything to prove that you've been rehabilitated, fitting all the factors for release under IRAA, and knowing that a judge may still deny your petition because of politics or prejudice.

That's the difference between "shall" and "may" – it's everything.

Second, the mayor suggests placing more emphasis on the original offense.

Someone's worst act should not define them forever. Placing more emphasis on the original offense will mean that many of the people serving the longest sentences – who most need a second chance – won't get one.

Third, she suggests creating the opportunity for people not personally impacted by the crime to offer a Community Impact Statement. Someone who wasn't a victim of the offense, who has no concept of the way that someone has grown and evolved over the prior decades should not play a role in determining their release.

Fourth, she wants to require remorse, meaning that people who maintain their innocence will be denied a second chance.

And as law professor Susan Bandes has explained, there is no evidence that remorse can be accurately evaluated in a courtroom but “there is evidence that race and other impermissible factors create hurdles to evaluating remorse.”¹

And last she wants to give more weight to the position of the prosecutors, who we know will likely oppose release.

The sum of those parts is a dramatically weakened second look.

Mandatory minimums are unjust and ineffective.

¹ Bandes, S. (2015). Remorse and Criminal Justice. *Emotion Review*. <https://doi.org/10.1177/1754073915601>