



U.S. Department of Justice

Jeanine Ferris Pirro
United States Attorney

District of Columbia

*Patrick Henry Building
601 D Street, N.W.
Washington, D.C. 20530*

August 6, 2025

Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Members of the Council of the District of Columbia:

In my position as United States Attorney for the District of Columbia, I appreciate our shared goals of ensuring public safety and protecting the residents and visitors to the District from crime. However, I have become aware of several laws passed by the Council in recent years that are detrimental to public safety and the ability of my Office to fulfill its mission.

It is notable that the Council's passage of Secure DC in 2024—an omnibus public safety legislative package—provided police and prosecutors with many new tools to combat violent crime, gun crime, sexual abuse, and other shared public safety priorities. Secure DC has been beneficial to the interests of public safety in the District of Columbia. However, even accounting for these new public safety tools, we remain hamstrung by several laws that preceded Secure DC.

In particular, I am calling on the Council to immediately reconsider the Second Chance Amendment Act, the Incarceration Reduction Amendment Act, and the Youth Rehabilitation Act.

Second Chance Amendment Act: An Erasure of Criminal Convictions

The Second Chance Amendment Act, which was passed by the Council in 2022, allows *any* defendant of *any age* who has been convicted of committing *any crime*—other than the most serious felony crimes—to move to have their conviction sealed and shielded from public view.

This law is a stunning erasure of criminal convictions. As our Office has expressed to the Council on multiple occasions throughout the past several years, our Office simply cannot implement this law or support the law in its current form. I recently published a [piece](#) in the Washington Post regarding the Second Chance Amendment Act, which I reiterate here:

Don't scrub the record

I am proud to lead the U.S. attorney's office for the District of Columbia and support the tireless work of our prosecutors. When they secure convictions, I know they bring a measure of justice for many victims.

That's why I was shocked to learn about the Second Chance Amendment Act, which was passed in 2022. This law dramatically shields public access to criminal records — including criminal convictions — by expanding the types of criminal records eligible for sealing and expungement and increasing the categories of eligible criminal defendants. Notably, even before this law, D.C. already allowed some criminal records to be sealed.

Under the provisions, virtually every conviction my office has ever obtained in D.C. Superior Court, except for the most serious felony convictions, is eligible to be sealed after a waiting period, no matter how many other convictions or what type of convictions that defendant might have. Starting in 2027, many criminal records — including many convictions — will be “automatically” sealed, without any judicial review or opportunity for a prosecutor or victim to oppose that automatic sealing.

This law is the wrong policy for D.C. For example, this law enables judges to seal adult convictions for serious offenses such as aggravated assault while armed, voluntary manslaughter, carjacking, armed robbery, first-degree burglary, assault with intent to kill, second-degree child sexual abuse and third-degree sexual abuse.

If a parent wants to hire someone to care for their children, they should be able to determine if that person has been arrested for or convicted of a crime in D.C. This information is vital for parents to obtain to protect their children from possible abuse or even death. I know this from painful experience: I prosecuted the 1993 killing of 10-month-old Kieran Dunne by [a nanny who concealed](#) her suspended driver's license and a warrant out for her arrest. New York State's [Kieran's Law](#) was passed at my behest [to give other families the right](#) to run criminal background checks on caregivers.

In addition to the other obvious objections to D.C.'s law, it would also be effectively impossible for my office to implement. It would require prosecutors and support staff to focus on sealing past convictions rather than addressing present threats and prosecuting crime.

My two immediate predecessors, [Edward Martin](#) and [Matthew Graves](#), had very different political perspectives from each other on many other issues. But both raised similar concerns and implored the council to reconsider these changes. Their concerns went unheeded. The council must now repeal this law.

Incarceration Reduction Amendment Act: Sentence Reductions for the Most Serious Crimes

The Incarceration Reduction Amendment Act (IRAA), which was expanded by the Second Look Amendment Act in 2021, allows a defendant who has been convicted of committing *any* crime before the age of 25—including the most serious violent crimes—to move for a sentence reduction after serving 15 years in prison. Crucially, the Council removed the “nature of the offense” of which the defendant was convicted as a factor that the court must consider in such a motion. The harms created by this law have been [documented](#). Mayor Bowser has [supported changes](#) to this law, which the Washington Post’s Editorial Board has [endorsed](#). And our Office has [testified](#) in detail about this law.

This law has created a host of issues, and I reiterate many of the statements of my predecessor, U.S. Attorney Graves, sent in a letter to the Council in January 2024:

Simply put, the Second Look Act has created a perception that there is a 15-year maximum for any crime in the District for anyone who was under 25 at the time of the offense—which, of course, represents a substantial portion of the people charged with our most serious offenses. This perception that there is a 15-year maximum has groundings in reality. To date, roughly 80 percent of incarcerated individuals whose motions have been decided under the Second Look Act have gotten some relief. The fact that four out of five incarcerated individuals whose motions have been decided have received some type of sentencing reduction is not surprising given the way the law is written. Currently, the courts are constrained in the ways in which they can consider the facts of the crime that led to the convictions, and most of the analysis focuses on the person’s disciplinary and educational record while incarcerated. With the rules crafted as such, it is clear why this perception exists that if incarcerated individuals do reasonably well while incarcerated, their sentences will later be reduced.

Let me provide one example of how this dynamic plays out in our most serious cases. In July 2018, armed gunmen went to the courtyard of an apartment building and indiscriminately began firing. The hail of gunfire tragically left a 10-year-old-child, Makiyah Wilson, dead and left four others seriously injured. Our Office and the Metropolitan Police Department spent years investigating the matter, and after a trial that lasted more than three months, convicted six men in connection with this callous and brazen shooting. Each of these men was under 25 at the time of this premeditated and cold-blooded rampage.

Because these men were detained for some period of time pending trial—and that time is credited towards their sentences—for most of them, in about 13 years or so, they will file motions seeking to have their sentences reduced to time-served. Having already fought hard to get them convicted and to defend the conviction on appeal, we will, once again, have to fight hard—this time to make sure they actually serve the sentences imposed for their heinous crimes against the young girl they killed and the four additional victims they tried to kill. The fight will be harder than it should be, as the District’s law states that the court is

not even required to consider the murder that led to their conviction and incarceration.

Further, the law discourages courts from considering the brutality, cold-blooded and long-planned nature of the crime in assessing whether their commission of the crime was motivated by immaturity, impetuosity, and failure to appreciate risks and consequences. Instead, the fight will likely focus on how they have done while incarcerated. This focus on behavior while incarcerated is particularly odd because most would agree that how one performs while incarcerated is not predictive of what will happen when released. Indeed, just last month, a jury in federal court found an individual guilty of multiple felonies committed less than one year after getting released from prison under the Second Look Act after serving a total of 26 years for 3 separate murder convictions. See <https://www.justice.gov/usao-dc/pr/district-man-convicted-federal-jury-unlawful-possession-firearm-and-unlawful-possession>.

Since U.S. Attorney Graves sent this letter, the state of the law regarding IRAA, as interpreted by the D.C. Court of Appeals, has grown even *more* problematic.

In [Doe v. United States](#), the D.C. Court of Appeals held that D.C. Superior Court judges are not permitted to consider the nature of the offense as a standalone factor, either in determining whether a sentence should be reduced under IRAA or in determining the extent of an IRAA sentence reduction.

In *Doe*, the D.C. Superior Court judge reduced the defendant's sentence under IRAA from the initial sentence of 55 years to life in prison, down to 22 years—which would make him eligible for release 18 months later. The defendant argued that the judge erred in denying him *immediate* release. The D.C. Court of Appeals held that, even though the defendant received a *substantial* reduction in sentence, the judge erred in considering the seriousness of the defendant's offense as a standalone factor weighing against immediate release, and thus did not conduct its IRAA analysis correctly. The Court held the error was harmless in *Doe*'s case because other, permissible factors strongly supported the denial of immediate release, but cautioned that it would rarely find such an error harmless.

In so holding, the D.C. Court of Appeals said: “[W]hen an IRAA movant makes a sufficient showing with respect to the enumerated factors, the IRAA’s structure and purpose require the trial court to reduce the movant’s sentence even though the nature of the crime would otherwise warrant a longer aggregate sentence.” ***This explicit recognition that a sentence reduction under IRAA must be divorced from an assessment of whether the crime of which the defendant was convicted would otherwise justify a lengthier sentence renders the IRAA statute immensely problematic. This creates a sense of impunity: the length of a sentence should always stem from the severity of the conduct, and the failure to align a sentence with the nature of the underlying offense creates a perception that the offense is irrelevant.***

In [Riley v. United States](#), the D.C. Court of Appeals built on the *Doe* holding and said: “By stressing ‘the seriousness of the offense’ and the need for ‘just punishment’ when resentencing Riley, the trial court relied on factors that were not only outside of what IRAA enumerates, but that run contrary to IRAA’s purpose.”

In *Riley*, the D.C. Court of Appeals also discussed the eligibility requirements of the IRAA statute that require the defendant to have “served at least 15 years in prison.” Unfortunately, based on the plain language of IRAA, our Office has been forced to concede that defendants have “served 15 years in prison” where they have served 15 years in prison for a *different conviction in a different jurisdiction*, regardless of whether they have served any time in prison *in D.C. for the conviction(s) in D.C.* ***This means that, as in this case, when a defendant has been convicted of three different murders in two different jurisdictions (two in D.C. and one in Maryland), after serving at least 15 years in prison for the murder committed in the other jurisdiction, the defendant can be released in D.C. under IRAA after serving only several months in prison for the two murders committed in D.C. This is immensely problematic and creates impunity for offenses committed in D.C., for which punishment can be effectively erased.***

Youth Rehabilitation Act: Need to Balance Rehabilitation with Accountability

The Youth Rehabilitation Act (YRA), which was expanded by the Council in 2018, allows a defendant who has been convicted of committing any crime before the age of 25—other than murder and the most serious types of sexual abuse—to have their conviction “set aside” and to be sentenced below a mandatory minimum that would otherwise exist for that crime.

Our Office [expressed](#) earlier this year the need for reforms to the YRA to ensure that D.C. law appropriately balances rehabilitation with accountability. [From 2022 to 2024](#), 60% of all sentences imposed in D.C. Superior Court for carjacking were eligible for sentencing under YRA, along with 71% of all armed carjackings, 69% of all armed robberies, and 61% of all assaults with intent to kill. In that same timeframe, 96% of defendants under the age of 25 who were sentenced for a felony offense in D.C. Superior Court were eligible for sentencing under YRA. ***Given the high rates of defendants under age 25 committing these offenses who are eligible for YRA sentencing, where the offenses would otherwise carry a mandatory minimum—such as for carjacking and armed carjacking—the YRA has effectively eliminated the applicable mandatory minimums.***

Unfortunately, a recent [sentencing](#) in D.C. Superior Court also demonstrates the clear need for those reforms. In that case, the defendant carried a loaded illegal firearm onto a metrobus and shot another person in the chest. At the time of sentencing, notwithstanding his plea to serious felony offenses, he was released and sentenced to probation by a D.C. Superior Court judge. He had served 4 months in jail pending trial. This sentence was a legal sentence only because he was sentenced under the YRA.

The defendant pled guilty to Aggravated Assault While Armed and Possession of a Firearm During a Crime of Violence. Both of those offenses carry a mandatory minimum of 5 years’ incarceration. The defendant was a 19-year-old with no criminal history. The Court sentenced the defendant pursuant to the YRA. Notably, under D.C. Code § 24-903(b)(2), the Court “may, in its discretion, issue a sentence less than any mandatory-minimum term otherwise required by law.” This allowed this defendant to be legally sentenced to probation, which was also a substantial downward departure from the DC Voluntary Sentencing Guidelines.

It is also notable that Secure DC—an omnibus public safety legislative package passed by the Council in 2024—gave our Office several tools that *helped* our prosecution of this case. For example, this case qualified as an “aggravated assault” because the injury was a “gunshot wound,” which newly qualified as a “serious bodily injury” under Secure DC. Even though we have those new tools, however, the YRA hinders the utility of these new tools in these types of situations.

* * *

I look forward to working with the Council to support laws that would promote public safety in the District.

Very truly,

A handwritten signature in cursive script, reading "Jeanine Ferris Pirro".

JEANINE FERRIS PIRRO
United States Attorney for the District of Columbia