

MEMORANDUM

DATE: November 25, 2024

TO: Saul Newman, Associate Dean, AU School of Public Affairs

CC: Jane Palmer, Chair, Department of Justice, Law & Criminology

FROM: Jason Fabrikant, Senior Professorial Lecturer

RE: Kevin Sutherland Project Plans

Did the Justice System Fail Kevin Sutherland on July 4, 2015?: A Case Study Documenting the Tragedy/Identifying Possible Failures/Learning Lessons for the Future

Plan for Undertaking the Project

The main objective of the research for the Kevin Sutherland Project is to prevent future tragic murders by documenting the tragedy, identifying possible failures within the system, and compiling lessons learned to inform future Criminal Legal System (CLS) policy in the District of Columbia.

In this Project, we will analyze the following CLS topics in the District of Columbia:

- Bail/bail reform and pre-trial services -- what works and what is not working
- Recidivism -- especially as it relates to violent crime and the release of violent criminals
- Violent crime -- especially murder
- Crime in the DC Metro
- DC MPD & Metro Transit Police Department (MTPD) policies, procedures and adherence to them related to this case
- The policies and practices within the DC Superior Court to include judicial and prosecutorial discretion as it relates to violent crime and this case
- Existing returning citizen and defendant services available through the DC Department of Behavioral Health (DBH) and other local agencies including the DC Mayor's Office for Returning Citizens Affairs (MORCA)

Plan for Undergraduate Research Assistants

When the Research Assistants (RA) are hired, I will have an initial meeting with them together, and separately, to assess their interests and past research experience relevant to this project. I will ask them to sign a confidentiality agreement. After these preliminary meetings, I will make a determination of which of the following tasks each RA is best suited for. The research will be mixed methods. I will have weekly or bi-weekly meetings with each RA individually to support them and monitor their progress.

Task 1: Documenting the Tragedy

- Possibly includes conversations with family members (as appropriate) and review of newspaper coverage of Kevin Sutherland's murder

Task 2: Literature Review

- What is known about pre-trial detention, bail and bail reform, recidivism and mental health, homelessness, predictors of violent crime, offender support services, and other relevant topics?

Task 3: Existing Practices and Data

- What are the relevant CLS policies in the DC that affected the outcome of this case? What practices exist – or could exist - that could have prevented this outcome?
- What other supports are there through the DC Department of Behavioral Health or the Mayor’s Office for Returning Citizen’s Affairs that could have been utilized in this case?
- What administrative, police, or other CLS data exists that demonstrate any trends related to violent crime or recidivism in DC?

Task 4: Recommendations for Practice, Policy and Future Research

- Bail and Bail Reform
 - Including a comparison of jurisdictions with and without a bail system (DC has no bail system anymore) and what is working and not working
 - This will also analyze the judge’s decision to release the defendant on his own recognizance after his first offense
 - Would reimplementing a bail system be beneficial in protecting public safety or too punitive to defendants who cannot afford bail?
- Mental Health
 - How can the role of the DC Department of Behavioral Health (DBH) be helping those defendants most in need?
 - What other DC or federal agencies can assist returning citizens from reoffending, particularly violent crime?
- Recidivism
 - Including a special emphasis on existing research on mental health and propensity to reoffend
- Public Safety
 - Analysis of violent crime in DC, more specifically murder, and similar cases

Sources

The RAs will review periodicals, journal articles, and databases to lay the foundation and background for the Project. For quantitative research they will search for data sets on national, state, DC, and metro crime, particularly violent crime.

Time permitting, the qualitative research will require surveying of DC residents and is subject to funding.