

2022-2023

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### Statement of the Council for Court Excellence Before the Committee on the Judiciary and Public Safety of the Council of the District of Columbia

#### Budget Oversight Hearing for the Deputy Mayor for Public Safety & Justice

*April 12, 2023*

Good afternoon Chairwoman Pinto and members of the committee. My name is Anya Kreider, and I am the Open Horizon Criminal Justice Fellow for the Council for Court Excellence (CCE). CCE is a nonpartisan, nonprofit organization with the mission to enhance the justice system in the District of Columbia. For 40 years, CCE has worked to improve the administration of justice in the courts and related agencies in D.C. through research and policy analysis, facilitating collaboration and convening diverse stakeholders, and creating educational resources for the public. Please note that per 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.

I am here today to talk about an imperative budget investment: funding for a local paroling authority. We are concerned to see that the Mayor did not allocate funding for a new, local paroling authority in her proposed Fiscal Year (FY) 2024 budget. A reasonable investment of just \$4 million in the FY24 budget will propel the District towards establishing a local paroling authority, and ultimately increase local control. The need for this funding is urgent given that this past December, Congress reauthorized the U.S. Parole Commission (USPC) for only one year. The sunset of

the USPC is now slated for October 31, 2023. After multiple opportunities to regain control over a critical piece of our criminal legal system, the District has yet another opportunity to exhibit responsibility and leadership in the face of federal control.

Frankly, the District missed a vital opportunity towards autonomy this past year by failing to establish a plan for a local paroling authority. However, this failure does not relieve the District of its responsibility to establish a plan. In Fiscal Year (FY) 2022, over 85% of USPC's hearings were D.C. cases, even though none of its decision makers were selected by or are accountable to District residents.<sup>1</sup> Even more troubling are the racial disparities among those that would be directly impacted by the District claiming control of the paroling authority: More than 96% of D.C. Code offenders housed at BOP facilities are Black, and 89% of the Court Services and Offender Supervision Agency's (CSOSA) supervisees were Black as of FY19.

As the USPC was slated to sunset last year, Mayor Muriel Bowser requested more time to “develop and fund the necessary infrastructure” to take back local control of parole. We now urge the Council to do precisely what the Mayor requested: fund and develop a paroling authority. For the District to arrive at yet another sunset date without a plan in place would reflect poorly on the District's ability to self-govern, a Congressional concern that has been heightened in recent months. The District cannot afford to provide more ammunition for the argument that the federal government can and should take increased control within the District's criminal legal system.

Additionally, the financial investment is modest. The USPC has an annual budget of \$13 million, but the Justice Policy Institute estimated in its December 2019 report, titled “Restoring Local Control of

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<sup>1</sup> United States Parole Commission. (2021, May). *Fiscal Year 2022 Performance Budget*. [https://www.justice.gov/d9/pages/attachments/2021/05/27/uspc\\_fy2022\\_pb\\_narrative.pdf](https://www.justice.gov/d9/pages/attachments/2021/05/27/uspc_fy2022_pb_narrative.pdf)

Parole to the District of Columbia,”<sup>2</sup> that the annual budget of a Parole Board may be around just \$4 million, after initial start-up costs. As explained by the District Task Force on Jails & Justice,<sup>3</sup> this initial funding would cover start-up costs, the cost of physical space, travel to prisons for hearings, and more.

The biggest challenge to establishing a new, local paroling authority to-date has been getting District leaders to complete their evaluation of community feedback, weigh the options, make a decision, and start moving the process forward. We cannot continue to delay the District’s responsibility to take local control of parole as if there were no consequences for our residents. A new local paroling authority could change policies in recognition of the decades of damage inflicted upon the District’s Black community by a history that includes biased policing, harsh sentencing laws, aggressive prosecutions, restrictive parole grant policies, and punitive revocation procedures. It would also ensure thoughtful consideration of public safety and the consequences of release for victims of crime. While we ask for a modest budgetary investment, the benefits of restoring control to D.C. and humanity and dignity to D.C. residents entangled in the parole system are significant.

The investment discussed in my testimony today is long overdue. For many years, CCE, the District Task Force on Jails & Justice, and other advocates have been advocating for a new, non-traditional paroling authority. For the fourth year in a row, D.C. leaders have an opportunity to make investments that will transform D.C.’s criminal legal system. We will do even more harm if we put this investment off any longer, and so I urge you to add \$4 million into the FY24 budget to establish a local paroling authority. This concludes my testimony. Thank you for your time, and I look forward to answering any questions you may have.

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<sup>2</sup> Justice Policy Institute. (2019, December). *Restoring Local Control of Parole to the District of Columbia*. <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf>

<sup>3</sup> District Task Force on Jails and Justice. (2021, February). *Jails & Justice: Our Transformation Starts Today February 2021, Phase II Findings and Implementation Plan*. <http://www.courtexcellence.org/news-events/district-task-force-on-jails-justice-publishes-phase-ii-report-with-10-year-implementation-plan-to-transform-justice-in-dc>

