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**Statement of the Council for Court Excellence  
Before the Committee of the Whole  
Council of the District of Columbia**

**Performance Oversight Hearing for the  
Office of the District of Columbia Auditor**

*February 25, 2022*

This testimony is submitted for the record by 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 nearly 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.

We begin by thanking the Office of the District of Columbia Auditor (ODCA) for their leadership on CCE's virtual forum series, from May to September 2021, regarding criminal justice issues in D.C. The Auditor's vision for these forums drove us to bring together people with all kinds of personal and professional expertise to think deeply, creatively, and critically about some of the most complex criminal justice policy issues facing D.C. residents. The public forums aimed to address barriers to implementing reformative legislation, to identify reasons why community needs are not being addressed, and to explore

reforms and advocacy efforts that could address these specific public safety and justice problems. The discussions were held among stakeholders, people personally impacted by these issues, and other experts. After each forum, ODCA and CCE developed detailed reports including transcripts of the forums, executive summaries, and bibliographies with further resources to reference. These forums were incredibly helpful in starting conversations necessary to make progress in a way that encompasses the voices and needs of our most vulnerable community members.

### **Future of Policing in the District**

During the first forum, moderated by D.C. Auditor Hon. Kathy Patterson, [\*The Future of Policing in the District: A Roundtable Discussion on Reform\*](#), the discussants talked in detail about the ways in which the Metropolitan Police Department (MPD) must improve its transparency and accountability measures. They also discussed many specific solutions or alternatives to the current policing system, including: hiring residents of D.C. to ensure there are officers well-versed and connected to the area; and implementing a model similar to the Crisis Assistance Helping Out On The Streets (CAHOOTS) in Oregon which has a non-police response to events requiring a behavioral health practitioner.

### **Local Control of Civil and Criminal Legal System**

In the second forum, [\*What if We Were in Charge? Imagining a Future Without a Federalized Justice System in D.C.\*](#), which was also moderated by Hon. Kathy Patterson, participants discussed the impact of statehood on D.C.'s criminal justice system and what local control might look like short of statehood. Among the specific measures discussed was the question what future entity should make D.C.'s parole grant and revocation decision, and the return of people serving felony sentences to a local prison facility.

### **Crossover Youth**

The third panel, [\*Our Children in Crisis: A Focus on D.C.'s Crossover Youth\*](#), was moderated by Benjamin Davis, former staff director of the D.C. Council Committee on Human Services. Panelists examined the situation of youth who are both involved in the child welfare and the juvenile justice systems in D.C. They discussed the harms these children face due to miscommunication within agencies and due to the wrongful and damaging placement of some abused or neglected youth in juvenile detention centers which can make the child welfare system traumatic and harmful. The panelists shared their hopes for the new Office of the Ombudsperson for Children and how it should focus on transparency, data collection and analysis, inter-agency communication, and implementing a holistic approach to treatment.

### **Impacts of Marijuana Legislation**

The final forum, [\*Confusion and Exclusion: Impacts of the Hazy State of D.C. Marijuana Legalization on People with Criminal Records\*](#), was hosted by Martin Austermuhle of WAMU. Panelists discussed the impact of the confusing state of marijuana laws in D.C., given that possession and private use of small amounts is legal but the selling and purchasing of it is not. Panelists addressed how the “War on Drugs” negatively impacted Black and Brown communities for years; although D.C. has many racial equity goals for its marijuana laws, most have not yet been met. Additionally, people previously incarcerated for marijuana-related charges have fear of interacting, even legally, with marijuana and it is illegal for them to participate in the medical cannabis industry, which is an economic disadvantage for returning citizens. Among the solutions discussed were funding industry training for people with criminal records and granting business licenses to individuals directly impacted by the “War on Drugs.”

### **Publications.**

We would also like to thank ODCA for their many audits and publications on timely issues affecting the D.C. community. These have helped raise awareness of urgent concerns, while also offering data and policy solutions that target these problems strategically and effectively. For example, ODCA's 2021 report, [\*The Metropolitan Police Department and the Use of Deadly Force: The Deon Kay Case\*](#), evaluated an instance of force by the Metropolitan Police Department (MPD) that resulted in the death of a D.C. resident. This report comes after community-wide advocacy and outcry regarding the scope and role of police in the District. This report along with many others demonstrate ODCA's helpful work on investigating and advocating for necessary solutions to the injustices within the D.C.'s criminal legal system.

**Conclusion.**

Again, CCE would like to thank ODCA for leading these public forums in order to gain excellent insight into the problems our justice system faces and, more importantly, potential solutions. Thank you for this opportunity to submit our testimony to the record. CCE looks forward to continuing to work collaboratively with ODCA as they have been an active partner, reviewing forum reports, providing feedback on forum topics, and more, every step of the way.