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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

Performance Oversight Hearing for the Deputy Mayor for Public Safety & Justice

March 11, 2021

Good morning, Chairman Allen and members of the committee. My name is Misty Thomas, and I am the Executive Director for the Council for Court Excellence (CCE). CCE is a nonpartisan, nonprofit organization with the mission to enhance justice 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.

On behalf of CCE, I congratulate and welcome Acting Deputy Mayor Geldart to this new role. Without a doubt, it is a challenging and multifaceted position, but it is one that offers opportunities for fruitful community collaboration and to lead transformative change in the District. CCE looks forward to meeting with the new Deputy Mayor in the coming weeks to share information about urgent justice system topics in the District, as well as resources that we believe will be valuable as he settles into this new position.

Today, I plan to discuss two things that are particularly urgent for the Office of the Deputy Mayor for Public Safety and Justice (DMPSJ). First, to engage actively with the District Task Force on Jails & Justice and get up to speed on the significant range of recommendations that the group, which included Mr. Geldart's two immediate predecessors, has just released. The second is the critical need for DMPSJ to serve as a singular and focused hub of District leadership on establishing the new, local paroling authority in the District.

First, it is vital that the new Deputy Mayor quickly become familiar with the 80-point implementation plans released by the District Task Force on Jails & Justice (Task Force) last month.¹ The development of those recommendations took more than two years, hundreds of hours of District leaders' deliberation, and reflects the feedback of more than 2,500 District residents who care deeply about the future of the criminal legal system and the use of incarceration in our community. The Task Force's recent report identifies areas for divestment from

¹ District Task Force on Jails & Justice. (2021). *Jails & Justice: Our Transformation Starts Today*. <http://www.courtexcellence.org/uploads/publications/TransformationStartsToday.pdf>

traditional criminal justice systems and reinvestment in community safety, targets policies to cut D.C.'s incarcerated population in half by 2031, identifies crucial areas to regain local control of the system, and ends the District's reliance on the federal Bureau of Prisons within ten years upon opening a new non-traditional facility in D.C. to hold its reduced pre-trial and sentenced populations.

The Task Force was an interdisciplinary effort – bringing together D.C. and federal government leadership, community advocates, service providers, people with lived experience in the justice system, and academics. Some of its recommendations require legislative action and some require changes in agencies policies and practices, but many require leadership and buy-in from the Executive Branch to move forward and be successful. DMPSJ is a vital player, as a liaison to the Mayor and to the agencies under its purview. The Task Force is depending on the Deputy Mayor to be an active partner in raising these community priorities with the relevant Executive Branch leaders and doing everything in their power to see enactment of these consensus-based recommendations.

While I do not have time to detail all of the recommendations of the Task Force, one is worth focusing on for the purposes of this oversight hearing. Specifically, the urgent need for a new paroling authority in the District. As of now, the U.S. Parole Commission's authorization to decide D.C. supervised release and parole decisions expires on October 31, 2022. To that end, the Task Force recommends that a new paroling authority must legally established and capable of processing cases by November 1, 2022. As this committee knows well, a new paroling authority in the District will require both federal and local legislative changes.

But before there can be legislation, there has to be a clear path forward. The Executive Branch and the D.C. Council need to agree on where that authority should be housed, what resources are needed, and who will take the lead to ensure that D.C. is prepared to take on this critical element of our justice system. This is not actually an expensive proposition, budget-wise. Rather, the challenge truly has been getting District leaders to complete their evaluation of community feedback, weigh the options, make a decision, and start moving the process forward. The clock truly is ticking, as fall 2022 will be here before we know it.

During Phase II of the Task Force's work, its Committee on Local Control conducted research into best practices, read testimony from community members, and debated internally on the qualities needed in a new D.C. paroling authority.² They called for a paroling authority with a range of specific qualities and due process protections. The Task Force analyses and recommendations, as well as the work done by the Justice Policy Institute, will serve as critical tools for DMPSJ to evaluate where to house the new paroling authority and begin taking steps to see that become reality.

For example, the Task Force recommended that a new paroling authority should reduce incarceration while ensuring public safety and accountability. The Task Force recommends

² District Task Force on Jails & Justice. (2020, October 29). *Report on the Committee on Local Control*. http://www.courtexcellence.org/uploads/publications/Local_Control_Committee_Report_to_the_Task_Force.pdf

setting limits on probation and supervised release periods and establishing discharge credits that people can earn on probation, parole, or supervised release. Additionally, they specified that a new paroling authority should end incarcerations for only technical violations.

They also agreed that the new paroling authority should restore strong local control over the way paroling decisions are made in the District, with decisions reflecting the values of D.C. residents. As this committee knows, there is currently no local control over the parole grant decisions for individuals convicted of D.C. Code offenses in the federal Bureau of Prisons, nor for any release revocation decisions for people under community supervision in D.C. The new paroling authority should be directly accountable to the District through a variety of means, including but not limited to direct D.C. government control, MOUs, or other legally binding mechanisms or documents.

To achieve all of this in only a year and a half will require focused leadership. We hope this committee will work with DMPSJ to quickly craft a viable plan forward to establish a local paroling authority in D.C. There has to be active and immediate collaboration to make this come together in time. As stated earlier, we have to have a locally-established option before the U.S. Parole Commission sunsets in 2022. Fortunately, with the tools and recommendations provided by the District Task Force on Jails & Justice, DMPSJ does not have to start from scratch. Members of the Task Force, as well as the Council for Court Excellence, are available to support these efforts in the coming year.

Thank you for this opportunity to testify.