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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**

March 23, 2022

Good afternoon, Chairman Allen and members of the committee. My name is Casey Anderson, and I am the Policy & Communications Manager 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 two important budget investments: funding for a new correctional facility and for a local paroling authority. D.C.'s current jail facilities and its lack of a local paroling authority both disproportionately harm D.C.'s Black residents. Ensuring timely and proper investments in building a new facility and establishing a local paroling authority will help to reduce the

disproportionate impact D.C.'s criminal legal system has on the Black community while also improving public safety.

New Jail.

CCE is heartened to see that the Mayor, in her proposed FY23 capital budget, dedicated \$250.5 million through FY28 to build a reimagined treatment and residential facility annex to the Correctional Treatment Facility, which will house roughly 600 incarcerated individuals. This investment aligns with the first part of the Task Force's three-part plan to demolish the D.C. Jail and build this new facility and annex. The Mayor's proposed FY23 capital budget includes a \$500,000 investment for the planning of the annex and the new facility. While the FY23 budget specifies that construction of the new annex will begin in FY24, no funding is allocated for construction of the annex in FY24 or FY25. Investments begin again in FY26, presumably for the construction of the new facility. We urge the D.C. Council to move the construction funding to begin in FY24 so that the District can remain on target for the completion of a new facility in FY28 and ensure that D.C.'s incarcerated residents are housed in a safe, clean, and humane facility.

Building a new, smaller facility, using innovative, promising, and evidenced-based practices is just one piece of that transformative puzzle. It is CCE's hope that D.C. uses the Task Force's report as a guidepost for transforming its whole criminal legal system, and that the Deputy Mayor acts as a leader for building this new, non-traditional facility and implementing the Task Force's recommendations. The Mayor and the D.C. Council must make other criminal legal system investments and reforms recommended by the Task Force to truly transform D.C.'s criminal legal system. For example, D.C. Council must pass decarceration legislation to reduce

D.C.'s incarcerated population, which will in turn decrease the District's criminal legal system's disproportionate impact on its Black community members. This is an achievable goal while maintaining community safety. D.C.'s own COVID-19 responsive measures, which decreased our jail population from 1,600 to 1,200 people, show that decarceration reforms are attainable, safe, and effective. The Mayor, Deputy Mayor, and D.C. Council must continue prioritizing decarceration reforms as we prepare for and build a new smaller secured detention facility.

Local Paroling Authority.

While we laud the Mayor for including investments for a new correctional facility in her proposed FY23 budget, we are concerned to see that the Mayor did not allocate funding for a new, local paroling authority. With the sunset of the U.S. Parole Commission (USPC) slated for November 1, 2022, the U.S. Congress, the Bowser Administration, and the D.C. Council have a rare – and time-restricted – opportunity to establish local control of parole. Last year, one in 10 of our currently incarcerated residents at the jail and in the federal Bureau of Prisons are there because of release violations. Most of these are only technical violations, not new crimes. A new local paroling authority could change who it decides to detain on alleged violations and could also 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, while still ensuring thoughtful consideration of public safety and the consequences of release for victims of crime.

CCE knows that the Deputy Mayor has contracted with local experts to develop a detailed plan on what a new paroling authority should look like in the District. CCE supports a Board model and is eagerly awaiting the final recommendations of the contractors. The District's cannot let

the work of the contractors fall to the wayside and must allocate at least \$4 million dollars for a new, local paroling authority in the FY23 budget. As explained by the District Task Force on Jails & Justice, 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. However, none of that work and deliberation will matter if the District does not allocate funding for a local paroling authority in the FY23 budget. As the contractors create and submit their plan to the Deputy Mayor, we hope that there will be urgency and transparency regarding the Deputy Mayor and District's commitment to implementing the contractor's plan.

The investments discussed in my testimony today are long overdue. For over two years, CCE and the District Task Force on Jails & Justice have been advocating for a new, non-traditional correctional facility and for the District to establish a new paroling authority. For the third 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 these investments off any longer and so I urge you to confirm that funding will be allocated for the construction of the new annex in FY24 and to add \$4 million into the FY23 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.