

2022-2023

OFFICERS

CHAIR OF THE BOARD

Marianela Peralta
Aerotek, Inc.

PRESIDENT

Patrick McGlone
Ullico Inc.

IMMEDIATE PAST PRESIDENT

Irvin B. Nathan
Arnold & Porter LLP (ret.)

VICE PRESIDENT

James H. Hulme
ArentFox Schiff LLP

SECRETARY

John B. (Jay) Kennedy
The Washington Post

TREASURER &
FINANCE COMMITTEE CHAIR

Julia A. Matthews

EXECUTIVE COMMITTEE

Debra R. Beloff
Jones Day

Joshua B. Bernstein
Bernstein Management
Company

Abigail Blomstrom
Monumental Sports

Kevin A. Chambers
U.S. Department of Justice

Paulette E. Chapman
Koonz, McKenney, Johnson, &
DePaolis LLP

Eric S. Glover

Paul S. Lee
Step toe & Johnson LLP

Benjamin J. Razi
Covington & Burling LLP

Elizabeth A. Scully
BakerHostetler

Natalie S. Walker
Webster & Fredrickson, PLLC

Tyrone Walker

Tami Weerasingha-Cote
Children's Law Center

Cynthia G. Wright

Joanne L. Zimolzak
Dykema Gossett PLLC

Lisa B. Zycherman
Reporters Committee for
Freedom of the Press

NOMINATING COMMITTEE
CHAIR

Karen E. Evans
The Cochran Firm

EXECUTIVE DIRECTOR

Misty C. Thomas

Judicial leaders not listed.

**Statement of the Council for Court Excellence
Before the Committee on the Judiciary & Public Safety
Council of the District of Columbia**

**Budget Oversight Hearing for the
Department of Corrections**

April 12, 2023

Good afternoon, Councilmember Pinto and members of the Committee.

My name is Casey Anderson, and I am the Council for Court Excellence's Policy & Communications Manager. CCE is a nonpartisan, nonprofit organization with the mission to enhance justice 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, convening diverse stakeholders, and creating educational resources for the public. Please note that in accordance with 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 discuss the budgetary investments necessary to ensure responsive, accountable, independent, and transparent oversight at the D.C. Department of Corrections (DOC). In December 2022, D.C. Council passed the *Corrections Oversight Improvement Omnibus Amendment Act of 2022*. In January 2023, the bill was enacted without the Mayor's signature. This legislation provides a roadmap to better oversight at the DOC by strengthening the role and responsibility of the Corrections Information Council (CIC). Several

key changes enacted by this legislation include allowing unannounced inspections of all areas accessible to or providing services to incarcerated people; having the right to photograph, video, and audio record all areas of the facility that are accessible to incarcerated people; requiring onsite investigations at the DOC every 120 days; and requiring the DOC to notify the CIC of any death within 24 hours, among other things.

In CCE's Performance Oversight testimony for the DOC last month, I urged D.C. Council, DOC, CIC, the Deputy Mayor for Public Safety & Justice, and Executive Office of the Mayor to do their part in ensuring the changes outlined in the legislation are implemented. Today, I am here to urge the Committee to fully fund this legislation. The investment is modest, only \$575,000 split between the DOC and CIC. In this testimony, I will focus on the DOC portion of the budgetary investment.

In order to ensure full implementation of the *Corrections Oversight Improvement Omnibus Amendment Act of 2022*, we request \$222,000 in FY24 for a DOC Program Analyst and Auditor (\$217,000, one additional Full-Time Employee) and for non-personnel spending (\$5,000). The personnel funding must be recurring, with additional budgetary investments to sustain these positions and contractors, adjusted for cost of living increases and inflation. The \$5,000 for non-personnel spending is a one-time request. The remaining \$353,000 should go to the CIC. Additional information about the investment needed to fully implement this legislation can be found in the bill's [Fiscal Impact Statement](#).

The District cannot lose sight of the responsibility towards those currently incarcerated, particularly given that roughly 90% of people incarcerated at the DOC are Black. Fully funding this legislation is critical to not losing sight of this responsibility, especially as there is continued and renewed attention on the DOC at both a local and national level. Despite a highly publicized inspection of the D.C. Department of Corrections (DOC) by the U.S. Marshalls Service (USMS) in October 2021, prior to Director Faust's tenure there has been little transparency into the status

of the Memorandum of Understanding DOC entered into with the USMS. This lack of transparency extends to the subsequent “corrective action plans” DOC committed to implementing within six months of [signing the MOU](#). These “corrective action plans” were aimed at improving the conditions at the D.C. Jail after the USMS reported “egregious conditions,” many of which echo those report by the [D.C. Auditor](#) in 2019 and [Washington Lawyer’s Committee for Civil Rights and Urban Affairs](#) in 2015. Without empowered and effective oversight at the DOC, loved ones, community members, advocates, and policymakers are left in the dark on what changes are being made to improve the conditions at the DOC.

As mentioned above, this legislation would require the DOC to notify the CIC of any death in the facility within 24 hours. This is a small, but important change, as this past year eight (8) individuals died while in DOC custody. Several of these deaths were not disclosed to the public until months later, and many of the family members of those who died at the DOC are still searching for answers. Mandating the DOC report any death within 24 hours to the CIC will increase transparency to the community and policymakers around deaths in custody.

The full funding and implementation of the *Corrections Oversight Improvement Omnibus Amendment Act of 2022* is a necessary first step to ensuring effective, independent, and transparent oversight at the DOC. Funding this legislation shows the D.C. community, especially currently and formerly incarcerated residents, that you hear them and value the concerns they have repeatedly raised about the conditions and oversight of the DOC. While facing a lean budget year, this small investment of \$222,000 to the DOC and \$353,000 to the CIC has the ability to improve the health and safety outcomes for thousands of D.C. residents, the majority of whom are Black. This concludes my testimony. Thank you for your time, and I look forward to answering any questions you may have.