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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
Criminal Code Reform Commission**

April 13, 2023

Good morning, Chairperson Pinto and members of the Committee. My name is Misty Thomas, and I am testifying in my role as the Executive Director for the Council for Court Excellence (CCE). Our Criminal Justice Committee Co-Chair Olinda Moyd had hoped to provide this testimony today, but was unfortunately not able to be here in person. Thank you for this opportunity to present our organization's views on the elimination of the Criminal Code Reform Commission in the FY24 budget.

As you know, CCE is a nonpartisan, nonprofit organization with a mission to enhance justice for all in the District of Columbia. For over 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. 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.

Regardless of where one came out on the provisions of the Revised Criminal Code Act of 2022 (RCCA) that passed the D.C. legislative process in 2022 but was formally disapproved by the Congress and President in early 2023, the vast majority of the Code reforms included were uncontroversial. Most changes proposed were overdue modernizations of a criminal code that is over 100 years old, and introduced needed consistency and clarity in responding to criminal infractions. Without an update, D.C.'s current criminal code remains one of the most antiquated in the country. The CCRC was directed to provide recommendations that improve the clarity, consistency, completeness and

organization of criminal statutes and they did that after examining model codes and best practices in other jurisdictions.

The Mayor and the Council have both stated that they wish to continue the initiative for modernizing D.C.'s criminal code. To do that collaborative work, however, the knowledge, experience, and varied perspectives of the Criminal Code Reform Commission's (CCRC) advisors and staff is clearly going to remain valuable, if not vital, to ensure thorough and thoughtful discussion of the issues that reform must confront. The CCRC can help District leaders to consider how specific statutory or sentencing changes would fit into the current landscape of crime and public safety in the District, and help facilitate consideration of alternatives. For this reason, CCE recommends that the D.C. Council restore funding for the CCRC in the FY24 budget.

The CCRC houses crucial substantive expertise and reflects a diversity of criminal justice viewpoints in formulating Code revisions. Going forward, the Mayor, Councilmembers, and their staffs will surely need to rely on the data and information collected by the CCRC if a properly tailored Code revision is to be formulated and have a chance of obtaining widespread community and stakeholder support. The CCRC can provide details about the justifications and considerations for and against each reform, how proposed provisions compare to other jurisdictions' laws, and other legal nuances.

It would be a regrettable waste of over a decade of work and knowledge if the Commission were left to sunset at this stage when there is a clear need for its continued work. This need not be an investment in perpetuity, but if D.C. leaders are serious about coming back to the table on Code reform, they will benefit greatly from the independent advisory support of the CCRC.

Furthermore, this is less than a \$1 million dollar investment, so it is not a significant budgetary burden to reestablish these funds for at least the next one to two fiscal years. Ideally, in that time, D.C. policymakers will be able to get their nuanced questions answered by the staff of the CCRC, rather than rely on their own staffs that are stretched too thin. Indeed, we know that this Committee and the Deputy Mayor for Public Safety and Justice are not fully staffed currently, leaving the legislative and executive branches without dedicated staff to focus on this massive effort. And, even when these teams are complete, those staffs simply do not have the time, amid the many competing priorities within their portfolios, nor the detailed expertise in comparative criminal law research, to address the questions that the CCRC team could answer accurately and efficiently on behalf of all District stakeholders. For all of these reasons, we

encourage a short-term continuation of the funding for the CCRC and an earnest and active effort by D.C. lawmakers to address the modernization needs of our Code in FY23 and FY24.

Thank you for your attention today. I am happy to answer any questions you may have.