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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**

January 20, 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 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.

Last year was the Deputy Mayor Geldart's first year in his role, and it was a challenging one. The District continues to grapple with how to keep its incarcerated residents safe and healthy amid the ongoing pandemic, the deteriorating conditions at the D.C. Jail, and the failure to reduce its incarcerated population while improving community safety. One year in, it is past time for

the Deputy Mayor to share his plans with the public and take action to address key issues under his purview.

Today, I will address two issues that are particularly urgent for the DMPSJ. First, the Deputy Mayor must engage actively with the District Task Force on Jails & Justice to support the implementation of the Task Force's recommendations. Second, is the critical need for DMPSJ to heed the recommendations made by subject matter experts to establish a new, local paroling authority in the District and move urgently to implement them.

Nearly a year ago, the Task Force published its Phase II report, which contained 80 recommendations to reimagine D.C.'s criminal legal system.¹ These recommendations come after more than two years of work, including hundreds of hours of District leaders' deliberation that included the active participation of previous DMPSJ Donahue, and reflected the feedback of nearly 2,500 District residents. The Task Force's report identifies areas for divestment from traditional criminal legal systems and reinvestment in community safety, targets policies to cut D.C.'s incarcerated population in half and minimize the over incarceration of Black people, identifies crucial areas to regain local control, 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.

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

DMPSJ needs to be an active participant and leader on the implementation of three key sets of Task Force recommendations. First, the District must continue to safely reduce its incarcerated population by [adopting decarceration measures](#). Reducing the incarcerated population will also reduce the District's over-incarceration of Black D.C. residents. While Black people make up 47% of D.C.'s population, they make up 90% of the people jailed and 95% of the people in prison.

Second, the DMPSJ must take the steps, starting now, that are necessary to build a new, non-traditional facility. This new facility would be a very different physical and social environment than the current jail, and would actively support personal growth through innovative, promising, and evidence-based practices. D.C. leaders can shorten the timeline for closing the D.C. Jail and opening the new facility by two years if they start planning and acting now.

Third, as we continue to invest in agency-led crisis prevention, intervention, and reentry programs, as recommended by the Task Force, the DMPSJ must ensure that these programs establish evaluation criteria and metrics and publish regular reports about their progress and impact. For instance, the Office of Neighborhood Safety & Engagement receives growing funding for its work each year, including the Pathways Program and its Violence Intervention Initiative. However, detailed data on the efficacy of those programs and ONSE's impact in the community are incredibly difficult to find. Last year, CCE made data requests regarding these programs because no information was publicly available, but ONSE was unable to provide any detailed data about the impact of their Pathways Program.

Finally, we urge DMPSJ and this Committee to commit all necessary resources creating a new paroling authority in the District by November 1. As this Committee knows well, a new paroling authority in the District will require both federal and local legislative changes, plus the regulatory, policy, and personnel changes that go along with creating a new local government office.

DMPSJ has consulted with local subject matter experts to make recommendations for developing 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 from the DMPSJ. However, DMPSJ needs to begin planning now to ensure the new paroling authority is up and running by November 1, 2022. We hope to see Task Force recommendations regarding the qualities and standard of this paroling authority in the recommendations received and implemented, qualities such as reducing incarceration while ensuring public safety and accountability and ending incarcerations for technical violations.² A new paroling authority must be designed to undo decades of over-incarceration caused by harsh sentencing laws, restrictive parole grant policies that often did no honor judges' intentions with respect to time to be served, and punitive revocation procedures, all of which disproportionately impact D.C.'s Black residents.

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

We hope that the DMPSJ will use the recommendations made by the Task Force as a guidepost and launching point for their work. 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. As the subject matter experts create and submit their plan for a new, local paroling authority to the DMPSJ, we hope that there will be urgency and transparency regarding the DMPSJ's commitment to garnering support from the Mayor to implement a viable plan for all District residents. With support from the community, returning citizens and subject matter experts and the DMPSJ leadership, establishing local control of parole in the District can become a reality.

To achieve all of this will require focused leadership. We hope this committee will work with DMPSJ to implement the Task Force's Phase II recommendations, establish a local paroling authority, and create and maintain evaluation metrics for agency-led prevention programs. There has to be active and immediate collaboration to make the changes necessary to protect the health and safety of D.C.'s justice-involved residents and community members. Fortunately, with the tools and recommendations provided by the District Task Force on Jails & Justice, the DMPSJ does not have to start from scratch. Members of the Task Force, as well as CCE, are available to support these efforts in the coming year.

Thank you for this opportunity to testify and I look forward to answering any questions you may have.