

2021-2022

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
Arent Fox 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

Carol Elder Bruce
*Law Office of Carol Elder
Bruce, PLLC*

Kevin A. Chambers
U.S. Department of Justice

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

David H. Cox
Jackson & Campbell, P.C.

Karen E. Evans
The Cochran Firm

Eric S. Glover

Victor E. Long
Regan Zambri Long PLLC

Benjamin J. Razi
Covington & Burling LLP

Elizabeth A. Scully
BakerHostetler

Natalie S. Walker
Webster & Fredrickson, PLLC

Tami Weerasingha-Cote
Children's Law Center

Cynthia G. Wright

Joanne L. Zimolzak

Lisa B. Zycherman

NOMINATING COMMITTEE
CHAIR

Brian L. Schwalb
Venable LLP

EXECUTIVE DIRECTOR

Misty C. Thomas

**Statement of the Council for Court Excellence
Before the Committee on Government Operations
of the Council of the District of Columbia**

**Budget Oversight Hearing for the
Executive Office of the Mayor**

April 7, 2022

Good afternoon, Chairwoman Bonds 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 discuss the budgetary investments necessary to ensure that D.C.'s Clemency Board has capacity it needs as it begins accepting application for letters of recommendation for commutations and pardons. The Clemency Board is supported by the Executive Office of the Mayor's Office of General Counsel, and we are requested that you ensure the FY23 budget includes \$100,000 in dedicated funding for a full-time staff attorney to work for D.C.'s Clemency Board.

Four years ago, D.C. Council passed the Clemency Board Establishment Act of 2017, creating the District's first ever Clemency Board. This Board is extraordinarily important for our residents, not only because of the difficulty that individuals convicted of D.C. Code offenses face in seeking mercy from the executive branch, but also because the consequences of a person's release should be considered by those in the very community where that person was convicted. The D.C. Clemency Board can ensure meaningful local participation in those requests for the first time, but only if the adequate budgetary investments are made to staff the Board.

People who are convicted of D.C. Code offenses experience unique barriers to accessing clemency. Unlike the 50 states, where a person convicted of a state offense can request clemency from the governor, the mayor of the District of Columbia does not possess the authority to grant clemency to people convicted in D.C. – only the President of the United States can do that. Unsurprisingly, however, the federal clemency system is designed for people convicted of federal offenses. We have no way of knowing how many people incarcerated under the D.C. Code have applied for clemency through the federal system, but we do know that they represent about 2.4% of the Federal Bureau of Prisons' (BOP) population but only account for .037% of clemency grants. Only one person convicted of a D.C. Code offense, Alfred Mack, has ever been granted clemency. We know that the District's incarcerated population is overwhelmingly Black, and 95% of people incarcerated in a BOP facility because of a D.C. Code offense are Black. Getting D.C.'s Clemency Board up and running is both a racial justice issue and a local control priority.

The Mayor's proposed FY23 budget includes an increase of \$737,447 and six (6) FTEs to the Executive Office of the Mayor. This adjustment is comprised of "\$435,055 and four (4) FTEs to support the Associate General Counsel / Clemency Board, LGBTQ Affairs Housing Specialist, Associate Director for Performance, and HSEMA grant positions." As it is written, it

is unclear how the funding and FTEs are allocated among the agencies, programs, and positions mentioned.

Based on CCE's research in "[*Towards Greater Access: A Proposal for a Clemency Solution for DC*](#)," CCE urges at least \$100,000 in dedicated funding for a staff attorney in the Office of General Counsel to support D.C.'s Clemency Board full-time. This funding should come from the \$737,447 the Mayor has already allocated in her proposed FY23 budget. As the Clemency Board begins accepting applications after four years of planning, it is more critical now than ever that the Board has a dedicated, full-time staff attorney to manage that and other processes.

The D.C. Clemency Board is four years in the making and has the opportunity to provide meaningful relief to people convicted of D.C. Code offenses, while helping the District regain local control of a piece of its criminal legal system. Allocating \$100,000 for a full-time staff attorney in the FY23 budget will allow the D.C. Clemency Board to function efficiently and have the capacity necessary to begin accepting applications. This concludes my testimony. Thank you for your time and I look forward to answering any questions you may have.