



CIC | DC Corrections Information Council

**COUNCIL OF THE DISTRICT OF COLUMBIA
Committee on the Judiciary & Public Safety
Roundtable Hearing on Department of Corrections
February 15, 2018**

**Testimony of Michelle Bonner
Executive Director
Corrections Information Council**

Good day, Chairman Allen and other members of the Committee on the Judiciary and Public Safety.

I am Michelle Bonner, the Executive Director of the Corrections Information Council, commonly known as the "CIC." Board members Charles Thornton, Katharine Huffman, Phylisa Carter, and Calvin Woodland, Jr., join me in thanking you for the opportunity to share with you the CIC's observations and thoughts regarding the DC Department of Corrections.

As you know, the CIC is an independent monitoring body initially established under the *Revitalization Act of 1997*, with its mandate further expanded and detailed in the *DC Jail Improvement Act of 2003*. The CIC is mandated to inspect, monitor, and report on the conditions of confinement in the prisons, jails, and halfway houses where DC residents are incarcerated. This includes over 4,700 residents in over 116 Federal Bureau of Prisons (BOP) facilities and contract facilities in 34 states and the District of Columbia, as well as nearly 2,100 residents in the custody of the DC Department of Corrections (DOC).

Since before 2012, the CIC and advocates for the agency have stressed that the CIC's mandate extends beyond mere inspection of bricks and mortar, to include assessments of programs and services available to DC incarcerated residents, as well as the policies and procedures that govern them.

After the CIC entered into a memorandum of understanding (MOU) with the BOP in 2013, which provided for announced inspections, reporting, and information-sharing, the CIC spent the following few years primarily focused on BOP inspections. Now, the CIC is committed to dedicating more attention to inspecting and monitoring DOC facilities, programs, and procedures. The CIC now has a program analyst dedicated to DOC facilities and issues; it has published two annual reports on DOC facilities; and the agency has testified before the Council on special education services and opioid abuse treatment within DOC. The CIC thanks this Committee for another opportunity to share information in support of improvements to the District's own corrections agency.

For those of us who have been in the District for over twenty years, the DOC we know now is unrecognizable compared to the DOC during the time of the Revitalization Act of 1997 – in a very good way. Former Director Thomas Faust issued in an era of great cultural change within the agency, improving staffing, services, and access to the DC Jail. Director Quincy Booth has expanded on this positive growth, through the agency’s resumption of operations of the Correctional Treatment Facility (CTF). Under his leadership, the DOC has implemented new ways of using both the CDF and the CTF to expand programming, including a new unit for 18-25 year olds, and increased adult continuing education and certification opportunities.

But we all know that the ages and configurations of the existing jail facilities make it very difficult for efficient and effective delivery of programs and services. The CIC has testified previously before the Council’s Education Committee about the DC Jail’s limited classroom space in a case management office area, four desks in the special management unit area, and special education students in other status units doing work packets, with no space where they receive special instruction. While access to the CTF space has expanded options for programming (including moving the Work Readiness Unit to CTF, moving the Step Down Unit to CTF, and more space when the Juvenile Unit moves to DYRS by October 1), the CTF is limited by security level. The CTF goes no higher than holding individuals with a medium security level designation. Those at the DC Jail at a higher security level or acute mental illness – meaning those who require more intensive programming and treatment – do not have access to adequate facilities to have their needs met.

Every District resident incarcerated for conviction for a DC Criminal Code offense in the BOP has gone through the DOC. Those entitled to special education and related services are not likely going to receive these services in BOP. About 1,100 of the over 4,700 DC men and women in BOP custody are over 500 miles away. None of the 4700+ persons are going to have the access to community service providers in the way that they do here in DC. Forty percent of those who come home are not going to have transition time in a halfway house prior to returning to the community. It is therefore critical that their needs are assessed while here, that they receive education, programming and treatment while here, and that we develop initiatives that will entice BOP to keep as many DC residents here as possible.

The Council is aware of the inter-governmental agreement (IGA) between the BOP and the DOC for the use of up to 200 beds in CTF for DC residents in BOP custody: short-term sentenced felons who were sentenced by the court or by the US Parole Commission. However, the CIC has observed that during the past two years, only 30-40% of the 200 beds have been used. The CIC would like to see these beds used, and is encouraging the BOP to use them under the existing IGA or participate in pilot programs to have others, such as those who are eligible for special education, remain in the District to receive services that they would otherwise not receive in BOP custody.

There has been some discussion about building a new jail through a public-private partnership, whereby the private entity would be responsible for the design, build, finance and maintenance (DBFM) of the facility, and the public entity (in this instance, DOC), would be responsible for operations. These agreements typically last 30 years or more. Estimates

range from \$300 to \$500 million dollars for a new jail corrections center in the District. The Mayor has turned to this option to build a new jail.

The Mayor's Office of Public Private Partnership (OP3) has had the new corrections center listed in the "project pipeline" on its website in the past; but now it is listed as "under consideration." Criminal justice stakeholders would like to know more about the positives and negatives of public-private partnerships, when the community will learn of proposed plans, and if stakeholders and the community will have an opportunity to provide input in the process at a point where their input will have meaning and influence. For instance, a design study has been conducted, but there is no indication that service providers who have worked in the existing facility have provided input into such a study. Alternatively, will there be an opportunity for those outside of the executive office to view a proposed design and make comments or suggestions before the design phase turns into the build phase. There are a lot of questions, and with questions come speculations, and much of the anxiety about this project can be alleviated with more information-sharing about the project.

The CIC is in discussion with the Public Defender Service (PDS) about the next symposium, and it has proposed discussion about a new corrections center as the main topic. As with last year's symposium, the CIC would like stakeholders and decision-makers to come together to discuss this potential project in the spring.

This may already be a part of the design, but the CIC would like to add to this discussion the possibility of including a residential reentry center, in the building of a corrections complex. A residential reentry center (RRC), or halfway house, is an incarceration facility, but a proper RRC also functions as a transition facility from prison or jail back into the community. The nation is trying to make a U-turn from the era of mass incarceration, and certainly, building a facility with a focus on transition space, not just detention space, is a move in that same direction. At last year's symposium, a leader at the Pre-Release Center (PRC) in Montgomery County, MD, presented promising practices in a government-operated residential reentry center. The CIC has toured this facility in the past and plans to go again this year, as well as explore, to a greater degree, how this government-run facility operates.

While a new jail and RRC may help either keep DC incarcerated residents here or bring them back, the DOC has many existing challenges with its jail population that it is attempting to address. Jails typically house those with short-term detention, either pre-trial, US Parole Commission pre-hearing detainees, those serving misdemeanor sentences, or those serving short-term felony sentences or awaiting transfer. Between 50% and 55% of those who go to jail are released within 31 days. This is a quick timeframe in which to attempt to assess and meet the needs of those detained, for however brief a period. The portal of entry is proposed as an attempt to assess and meet needs upon release. The CIC and others have questions about the portal of entry. Will it provide case management? Or will it only provide one opportunity to obtain referrals and vouchers, which could also be accomplished through release and discharge (R&D)? Where will it be located - close to the jail facilities, where those recently released do not want to linger much longer after

release? Who is going to provide ongoing services after the released individual's visit to the portal? If services are provided by community service providers, will they be funded to continuously provide these services? Is there time to plan the goals and operations of the portal before proceeding with its implementation?

At last year's symposium, Newark's city-operated portal of reentry and a statewide nonprofit organization providing reentry portal services in Newark, NJ presented promising practices for reentry portals. The Jacksonville County, FL, model has also been examined by criminal justice stakeholders in DC. Stakeholders in the District's portal of entry would like for this effort to succeed, and the CIC and others are here for the portal planners to provide whatever information and support we can to help ensure its success.

It is the CIC's goal to provide information and insight that advocates, government officials, decision-makers, and corrections agencies can use to improve the conditions of confinement for incarcerated DC residents. The CIC is grateful for this opportunity to provide information relating to this very important issue today and for the continued opportunity to do so in the future.

Thank you.