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COORDINATION OF CRIMINAL JUSTICE ACTIVITIES IN THE DISTRICT OF COLUMBIA

HEARING

BEFORE THE

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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COORDINATION OF CRIMINAL JUSTICE ACTIVITIES IN THE DISTRICT OF COLUMBIA

FRIDAY, MAY 11, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 2154, Rayburn House Office Building, Hon. Constance A. Morella (chairwoman of the subcommittee) presiding.

Present: Representatives Morella, Davis, and Norton.

Staff present: Russell Smith, staff director; Heea Vazirani-Fales, deputy staff director; Victoria Proctor, professional staff member, Subcommittee on Technology and Procurement Policy; Matthew Batt, legislative assistant; Robert White, communications director; David Marin, professional staff member, Subcommittee on Technology and Procurement Policy; Jon Bouker, minority counsel; and Jean Gosa, minority assistant clerk.

Mrs. MORELLA. I will call the Subcommittee of the District of Columbia to order.

Good morning. Welcome to all of you. It is a pleasure to welcome everybody, witnesses and interested parties, to the second hearing of the Subcommittee on the District of Columbia in the 107th Congress.

I want to recognize the members of the subcommittee who are here with us today. We have our ranking member, Congresswoman Norton, and we have Congressman Davis, who is the former chair of the subcommittee, and Mr. Platts is expected to join us soon.

Mr. Scarborough has indicated that he cannot be with us today.

I do want to make a special mention of our witnesses, all of whom have outstanding credentials, and over and above that, they are professionals who have dedicated a major part of their lives to the justice system.

Of course, I want to recognize the work of the General Accounting Office that we have seen in their comprehensive report, the D.C. criminal justice system, "Better Coordination Needed Among Participating Agencies," as it is entitled. That sets the foundation for this hearing.

I am going to remind people that the rules of the Committee on Government Reform require that all witnesses be administered an oath prior to testifying. I will administer that later.

Also, I want to encourage opening statements and witness statements to be presented in about 5 minutes or less. This should be as efficient as this criminal justice system should be. Of course, you

may summarize your statements, and this will give us more time to dialog with each of you. Your entire prepared statements will be entered into the record in toto.

So we are here today to examine the role that Congress can play in helping the various Federal and local agencies that make up the District of Columbia's criminal justice system work together to reduce crime, impose justice, and make our citizens and visitors to the Nation's Capital safer.

Before we begin talking about possible solutions, I just want to take a minute to illustrate the problem that this hearing is convened to address.

Setting aside the more than 30 law enforcement agencies with a presence in the Nation's Capital, there are 13 governmental agencies that have a direct role in criminal justice activities in the District, from arrest and booking to trial to correctional supervision.

Four of these are city agencies, such as the Metropolitan Police Department; six are Federal agencies, such as the Office of the U.S. Attorney for the District of Columbia; and finally, there are three agencies, Superior Court, Defender Services, and Office of the Corrections Trustee, that are local in nature but are funded by the Federal Government.

There is plenty of evidence, including recent reports from the Government Accounting Office and the Council for Court Excellence that we will hear from today, that these individual agencies of the District of Columbia's criminal justice system are not always working in concert, and as a result, efforts at reform have sometimes stalled.

The Police Department loses millions of dollars a year paying overtime to officers who are waiting for court cases or waiting to consult with the U.S. attorney's office. This is not the height of efficiency.

The agencies use 70 different information technology systems, but they are not linked to one another.

Most tragically, miscommunication among agencies has led to mistakes in correctional supervision, sometimes with fatal consequences. Most notable is the killing of Bettina Pruckmayr, who was robbed and stabbed 38 times in 1995 by a criminal named Leo Gonzalez Wright. Wright was a convicted murderer who should have had his parole revoked on a drug charge, if not for the failures of the criminal justice system.

Today we are going to have GAO and the Council for Court Excellence shed some light on why these problems persist, how deep they are, and what we can do to change this situation. We are also going to hear, I hope, some suggestions from the policymakers and the agency heads who have direct responsibility for the District of Columbia's criminal justice system and for making it function smoother.

We also will be examining the future of the Criminal Justice Coordinating Council, which was created a couple of years ago by the D.C. Financial Control Board as a way of bringing together the various criminal justice departments. It has realized some successes, but unfortunately, the Council is down to a lone staff member who is being paid through a grant.

With proper funding and structure, I believe the CJCC can be a very useful tool in fostering interagency cooperation. Not only can it assist in making more efficient the day-to-day functions of our various criminal justice agencies, but in so doing, the CJCC can help ensure the broader policy goals, such as reducing violent crime and meting out justice more swiftly. We can assure that is done, also.

The questions facing us are: Who should fund the CJCC; at what level; how should it be structured; and what should its responsibilities be?

Mayor Anthony Williams and the city Council have proposed providing $169,000 in funding for the CJCC in fiscal year 2002. GAO has suggested that Congress fully fund the CJCC to ensure that the Council will retain its independence, with no formal link to any of its participating members.

I think $169,000 is mighty low, but I am interested to hear from our witnesses today what they believe is the most appropriate as we continue to reform our criminal justice system.

[The prepared statement of Hon. Constance A. Morella follows:]

PREPARED STATEMENT OF CONGRESSWOMAN CONNIE MORELLA
CHAIR, HOUSE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

MAY 11, 2001

"COORDINATION OF CRIMINAL JUSTICE ACTIVITIES
IN THE DISTRICT OF COLUMBIA"

We are here today to examine the role Congress can play in helping the various federal and local agencies that make up the District of Columbia's criminal justice system work together to reduce crime, impose justice and make our citizens and visitors to the nation's capital safer.

But before we begin talking about possible solutions, I want to take a minute to illustrate the problem this hearing is convened to address.

Setting aside the more than 30 law enforcement agencies with a presence in the nation's capital, there are 13 governmental agencies that have a direct role in criminal justice activities in the District – from arrest and booking, to trial, to correctional supervision. Four of these are city agencies, such as the Metropolitan Police Department. Six are federal agencies, such as the Office of the U.S. Attorney for the District of Columbia, Finally, there are three agencies – Superior Court, Defender Services and Office of the Corrections Trustee – that are local in nature but are funded by the federal government.

There is plenty of evidence, including recent reports from the General Accounting Office and the Council for Court Excellence that we will hear about today, that these individual agencies of District of Columbia's criminal justice system are not always working in concert. And, as a result, efforts at reform have sometimes stalled:

** The police department loses millions of dollars a year paying overtime to officers who are waiting for court cases or waiting to consult with the U.S. Attorney's Office.

** The agencies use 70 different information technology systems but they are not linked to one another.

** And, most tragically, miscommunication among agencies had led to mistakes in correctional supervision, sometimes with fatal consequences. Most notable is the killing of Bettina Pruckmayr, who was robbed and stabbed 38 times in 1995 by a criminal named Leo Gonzales Wright. Wright was a convicted murderer who should have had his parole revoked on a drug charge if not for the failures of the criminal justice system.

Today, we are going to have the GAO and the Council for Court Excellence shed some light on why these problems persist, how deep they are and what can we do to change this situation. We're also going to hear, I hope, some suggestions from some of the policy makers and agency heads who have direct responsibility for the District of Columbia criminal justice system and for making it function smoothly.

We will also be examining the future of the Criminal Justice Coordination Council, which was created three years ago by the D.C. Financial Control Board as a way of bringing together the various criminal justice departments. It has realized some successes. Unfortunately, the Council is down to a lone staff member who is being paid through a grant.

With proper funding and structure, I believe the CJCC can be a very useful tool in fostering inter-agency cooperation. Not only can it assist in making more efficient the day-to-day functions of our various criminal justice agencies, but in doing so, the CJCC can help ensure that broader policy goals – such as reducing violent crime and meting out justice more swiftly – are accomplished, too.

The questions facing us are: who should fund the CJCC? At what level? How should it be structured? And what should its responsibilities be? Mayor Anthony Williams and the City Council have proposed providing $169,000 in funding to the CJCC in fiscal year 2002. GAO has suggested Congress fully fund the CJCC to ensure that the council will retain its independence, with no formal link to any of its participating members. I am interested to hear from our witnesses today what they believe is most appropriate as we continue to reform our criminal justice system.

Mrs. MORELLA. I would now like to yield to our distinguished ranking member in the District of Columbia Subcommittee, who is in the District of Columbia and who represents the District of Columbia, Congresswoman Norton.

Ms. NORTON. Thank you very much, Mrs. Morella.

May I first express my thanks to my good friend, the chairman of the committee, Representative Connie Morella, for initiating this hearing on the coordination of criminal justice functions in the District of Columbia.

For the record, I would like to thank, as well, the former chairs of the District of Columbia appropriations subcommittees, Representative Ernest Istook and Senator Kay Bailey Hutchinson, who commissioned the GAO report in the fiscal year 2000 D.C. Appropriations Act.

Crime and criminal justice continue to rank among the highest priorities for my constituents. However, coordination of governmental functions among 13 agencies divided between two independent jurisdictions poses a unique management challenge.

The agencies include D.C.-funded D.C. agencies, such as the Medical Examiner; federally funded D.C. agencies, such as the Superior Court; and federally funded Federal agencies, such as the Bureau of Prisons [BOP]. No other jurisdiction in the United States interfaces with an entirely different and independent jurisdiction in order to carry out indispensable functions.

Poor coordination cannot help but adversely affect law enforcement in the District up and down the line of responsible agencies.

The District and the Control Board deserve our congratulations for the important achievements of the Criminal Justice Coordinating Council [CJCC], during one of the most difficult periods in District of Columbia history. Our Police Department, under Chief Charles Ramsey, deserves primary credit for the sharp decline of crime in the District after a long period of sustained high crime rates, but the CJCC agencies and the coordination among them deserve some of the credit, as well.

In addition, Mayor Tony Williams and Deputy Mayor for Public Safety and Criminal Justice Margaret Kellums, whom the Mayor promoted to Deputy Mayor as a result of her work on the staff of the CJCC, have a sophisticated understanding of what it would take to help create the seamless criminal justice system this mission requires.

While I welcome this hearing, there are criminal justice issues included in today's hearing under our Federal jurisdiction that need special attention. Among the most urgent is a hearing I hope we can soon have on halfway house operations.

Presently, D.C. residents are confused and concerned about the new Federal system of halfway houses. Before the Federal Government took control of the system, halfway houses over many years had garnered poor reputations in city neighborhoods, leading to wholesale opposition to the placement of halfway houses today.

Residents have not learned of improvements instituted by the Bureau of Prisons and the Court Services and Offenders Supervision Agency [CSOSA].

For example, because of rigorous management and deeply interventionist and helpful probation programs in halfway houses,

CSOSA has been able to reduce recidivism among probationers released from prison remarkably by almost 75 percent since they had control of this program.

Now, with more inmates—this graph shows what the recidivism rate was when they got the program, and the reduction since they have had the program.

Now, with more inmates being released from prison, more halfway house space is needed. However, neighborhood opposition to such facilities is widespread, at least in part because residents lack information concerning the improved Federal operation of halfway houses by CSOSA, and have no information on the reduction of crime because of halfway house programs.

Consequently, the BOP has been forced to release discharged inmates on probation who are now unable to submit to the rigorous halfway house process because of a lack of halfway house space. The results are heartbreaking to me, as I believe they would be to residents and to CSOSA.

After bringing down recidivism dramatically among newly discharged inmates when CSOSA had halfway house availability, we are now releasing inmates from prison who do not go through the halfway house process. As a result, crime by newly released inmates has begun to climb again. Without immediate action, we may well see the rise in crime rates in the District that the city has greatly reduced only with monumental effort.

I also will be particularly interested today in testimony concerning police overtime. I have repeatedly asked that this issue receive priority attention, yet this costly problem remains unresolved.

As the GAO report indicates, the equivalent of 23 full-time officers were devoted to court appearances in 1999. I'm sure that the agencies involved have explanations from the perspectives of their missions. However, after years of insufficient attention and incalculable losses of funds, patrol time in our neighborhoods, and probably even injury and loss of life for residents, I am going to insist today that the relevant agencies, especially the courts, the U.S. attorney, and the MPD, submit at least a preliminary plan to the CJCC within 60 days and to this subcommittee within 90 days.

Finally, I appreciate all the work and the findings of the GAO, but its recommendation for a new Federal entity to coordinate CJCC functions in the future is not likely to be effective in the District of Columbia.

Perhaps this proposal is intended to encourage funding from the Congress, but if so, that is an insufficient reason to set up an independent Federal entity that, in my judgment and experience, would find it difficult to gain the confidence of local officials and the people of the District of Columbia.

I would prefer a more detailed analysis of the pros and cons of all the possible alternatives before fixing upon a single option, especially one that does not appear tailored to meet the unique circumstances and nuances of these functions in the District of Columbia.

The problems raised by the GAO report are very challenging, but the District has shown that it knows how to design approaches to solve problems equally, if not more challenging. I have no reason

to doubt the ability of the home rule government and the Federal agencies working together to create the necessary partnership.

I will be interested to hear the views of the agencies concerning how the coordination function should be structured.

Again, my appreciation to the Chair for this hearing, and my thanks to all the witnesses for their testimony.

[The prepared statement of Hon. Eleanor Holmes Norton follows:]

Opening Statement of Congresswoman Eleanor Holmes Norton
District of Columbia Subcommittee
Hearing on the "District of Columbia School Reform Act of 1995 -- Blue Print for Educational Reform in the District of Columbia"
December 7, 2001

It is too easy to look at the problems of the District of Columbia Public Schools and conclude that the system has a long way to go. I look at where the system was eleven years ago when I first came to Congress and can see how far it has come. The progress here comes from where it always does when improvement occurs in the public schools of this country, from the system's leadership. We saw significant changes in the DCPS for the first time in many years beginning with Superintendent Arlene Ackerman, who was so good that she was stolen by San Francisco. In a stroke of plain good luck, Superintendent Paul Vance, who had recently retired from the very good Montgomery County school system, grew tired of retirement and was persuaded to bring his outstanding professional experience and reputation to the District. In addition, the voters approved a new configuration for the school board, and the new board is off to a good start. It has put aside the quarrels, incompetence, and interference with the Superintendent's prerogative to run and to manage the schools that had been the board's trademark for years.

The Subcommittee is naturally interested in the overall condition of the DCPS. However, we will be most useful if we concentrate on areas most related to our federal jurisdiction.

Special education is the one area of local school budgets where the federal government has promised significant help. To its discredit, Congress has continuously broken that promise. Help may be on the way as events are developing with our new education bill, which is still a work in progress. However every school system in the country is in the hole for special education, and no matter what we do in Congress, public schools will continue to have a tiger by the tail given the disproportionate increases in special education costs unless innovation and skillful management take hold.

A large financial management failure has added to DCPS special education costs that were already out of control. Then a dispute surrounding a deficit that kept growing threatened to throw the DCPS back to the bad old days with several of the actors threatening their own audits until reminded that they were endangering the CAFR or comprehensive annual audit of the

District's budget.

If all of this were not unmanageable enough, we have just finished the D.C. appropriation, held up in part because the D.C. government failed to develop a sensible and internally consistent home rule position on whether there should be any limits or caps on fees paid to attorneys who represent children seeking special education benefits. Eight D.C. Council members sent a letter to Congress asking for no caps while the Board of Education felt that there should be limits on fees. Since I have a strong and unalterable position to always uphold the position of the home rule government on local matters, I am placed in an untenable position if there is no unified D.C. government position. All that the Council members and schools accomplished by communicating contrary positions to the Congress is to toss a local decision to a federal body, a posture hugely at odds with their view that local decisions for the District of Columbia should never be made by Congress. The Council has an obligation to work out its differences with the Board and vice versa, especially when another $10 million in attorney fees that are not in the school's budget for next year may result, as they now have. The leadership of the Board and the Council need to solve the fee cap dispute once and for all at the local level. This dispute caused a bitter fight among both House and Senate Members. It is something close to a fluke that the no caps position prevailed this year, unlike in prior years. I am therefore asking the home rule government responsible for education, namely the Mayor, the Council, the school board, and the Superintendent to make sure that whatever position you take next year, it is not a two or even three-headed monster. I promise to fight to uphold the position of the D.C. government no matter how controversial.

Finally, this subcommittee has a major interest in increasing college attendance in the city because jobs with decent income and benefits in this highly educated region virtually require a college education today. This year, the Subcommittee passed important improvements in the D.C. College Access Act of 1999. As it turned out, about the only bill we could pass here in the Congress that could be as popular as the D.C. College Access Act would be voting rights itself. The Act gives our students what no others in the country enjoy–the right to attend any public college in the United States at low in-state tuition or to receive $2,500 to attend any private college in the city or region. Mrs. Morella and I will carry the new amendments entitled the District of Columbia College Access Improvement Act to the floor next week.

These amendments are expected to pass the Senate as early as today. They will significantly expand the original D.C. College Access Act of 1999 in three ways. First, the original College Access Act only allowed the stipend to attend HBCUs in the region. Now residents will receive a $2,500 stipend to attend any Historically Black College and University (HBCU) in the country. More than 600 D.C. residents are expected to take advantage of this provision in the first year after enactment alone. Second, originally students who were somewhat older because they graduated prior to 1998 were not included in the College Access Act because of the Senate's fear that funding would be insufficient. (The House had allowed in-state tuition to all D.C. residents who had graduated prior to 1998). We have now persuaded the Senate to allow tuition benefits to two groups of older students. The first group is D.C. residents currently

enrolled in college *regardless of when those students graduated and regardless of the amount of time it took those students to enroll in college* (although the Senate did not agree to provide retroactive tuition benefits to students in the class of 2000 who have now graduated as provided in the House bill). *This change will enable approximately 1000 students previously denied in-state tuition, including many older students to qualify next year alone.*

Third, the new bill allows older students to take advantage of the bill by removing a requirement that a student enroll in college no longer than three years from high school graduation. The Senate *was persuaded to remove the three year constraint prospectively,* (though not retroactively) to allow all older students to qualify no matter when they graduated, as the House bill allowed. (The Senate Committee cited administrative and other difficulties in narrowing the House bill). Consequently, the first group of students who took longer than three years before enrolling in college can begin taking advantage of College Access Act benefits as early as next year, and more and more older students are expected to receive tuition assistance in the years to come. These amendments to the College Access Act will provide assistance to thousands more D.C. residents, left out of the original Act will expand college education opportunities for D.C. residents.

The timing of this hearing thus provides a coincidental but important opportunity to let the community know of the new and improved D.C. College Access Act. These unique educational benefits depend largely on the preparation and encouragement our young people get from the DCPS. The D.C. College Access Act means little if D.C. students are not well prepared to enter good colleges and remain until they graduate. I am very encouraged by current statistics showing a significant number of DCPS students go on to college. Apparently, 64% of the class of 2001, went to college, compared with 43% nationally. At Banneker, 100% went to college and at School Without Walls, 96%.

When I went to Bruce Monroe, Banneker, when it was a junior high, and Dunbar, it never crossed my mind that we would not go to college, matriculate, and graduate forthwith. That was the standard set for students and accepted by them regardless of income in the segregated schools of the District of Columbia. It is therefore difficult for me to accept a school system today that cannot at least meet the standards of generations ago. I see real progress. I congratulate Superintendent Vance, the school board chair, Peggy Cooper Cafritz and the board, and especially the principals, teachers, and staff on the progress they are making as they engage literally in rebuilding the public school system of the city.

Mrs. MORELLA. Thank you, Ms. Norton.

I am pleased to recognize for an opening statement Mr. Davis.

Mr. DAVIS. Thank you, Madam Chairman. Good morning.

I want to thank Chairwoman Morella for organizing today's hearing about the current state of the criminal justice system in the District of Columbia.

I also want to thank the witnesses for coming to discuss this critical issue with the subcommittee today.

The fiscal year 2000 District of Columbia Appropriations Act required the GAO to conduct a study of the city's criminal justice system. GAO recently completed the study, which analyzed the structure of the criminal justice system and assessed its effect on the coordination of activities between relevant agencies.

It also reviewed the current initiatives for improving the system. In 1997, the District of Columbia was making great progress in overcoming the spending and management crisis that had driven it to near bankruptcy just 2 years earlier.

In order to encourage stronger management practices and alleviate the financial burden in the fastest growing parts of the city's budget, such as the criminal justice system, Congress passed the National Capital Revitalization and Self-Government Improvement Act of 1997. It restructured and improved the complex relationship between the Federal Government and the Nation's Capital.

Its essential elements included the Federal assumption of some governmental functions that are normally performed by State governments. Therefore, several D.C. criminal justice-related agencies were brought under Federal funding.

The act also placed certain programs, such as felony incarceration, under the jurisdiction of the Federal Government, which was better equipped to handle those services.

Unfortunately, GAO's report indicates in the area of criminal justice that some inefficiencies still persist. GAO found an absence of coordination between key agencies in the system. This is alarming because of the potential impact on public safety. Currently, agencies do what is in their best interests, instead of operating as a part of the whole. Our objective is to have a well-oiled machine, with all parts working in tandem.

I look forward to hearing from our panel of witnesses today to learn their ideas about how to best identify and implement the reforms recommended by the GAO to ensure operational efficiency. GAO reported that we need to assess the current efforts to coordinate among the agencies.

We also need to determine what incentives can be established to encourage the agencies to cooperate in their efforts, thereby ensuring a smooth and efficient process.

However, there are some basic impediments to achieving our goal. GAO has identified several factors that complicate coordination efforts, including the agencies' different funding structures, organizational perspectives, and data collecting systems. In fact, GAO found that there are over 70 different computer systems in use. Information technology and data base management are clearly among the first areas I think that need to be reformed.

The report also found the agencies' competing interests preclude them sometimes from performing and pursuing reforms because

they are also perceived as non-beneficial or financially burdensome. Unfortunately, the agencies cannot even agree on the nature of the problems that need to be addressed, so the system suffers.

In 1998, the Criminal Justice Coordinating Council was created as an independent entity. Agencies could rely on it to identify and address significant coordination issues and reform initiatives. Until this year, it was funded by the Control Board, but now CJCC has been reduced to one staff member funded through a grant.

The CJCC has made progress in addressing some coordination concerns, particularly in the area of data-sharing among agencies. But there is still a lot of work to be done. I look forward to hearing our witnesses' opinions about the benefits of maintaining CJCC as recommended by GAO.

I am also interested in hearing about the obstructions that the agencies themselves have identified and the solutions they propose to overcome the challenges facing the coordination of the city's criminal justice system.

Your testimony will help us determine what, if any, congressional action may be needed to facilitate critical reform efforts.

Thank you very much.

[The prepared statement of Hon. Thomas M. Davis follows:]

THOMAS M. DAVIS
11TH DISTRICT, VIRGINIA

COMMITTEE ON GOVERNMENT REFORM
CHAIRMAN,
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REPRESENTATIVE TOM DAVIS TD

DISTRICT OF COLUMBIA SUBCOMMITTEE HEARING ON THE D.C. CRIMINAL JUSTICE SYSTEM

OPENING STATEMENT

MAY 11, 2001

Good morning. I would like to thank Chairwoman Morella for organizing today's hearing about the current state of the criminal justice system in the District of Columbia. I would also like to thank the witnesses for coming to discuss this critical issue with the Subcommittee.

The fiscal year 2000 District of Columbia Appropriations Act required the General Accounting Office (GAO) to conduct a study of the city's criminal justice system. GAO recently completed the study which analyzed the structure of the criminal justice system and assessed its effect on the coordination of activities between the relevant agencies. It also reviewed the current initiatives for improving the system.

In 1997, the District of Columbia was making great progress in overcoming the spending and management crisis that had driven it to near bankruptcy just two years earlier. In order to encourage stronger management practices and alleviate the financial burden of the fastest

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growing parts of the District's budget, such as the criminal justice system, Congress passed the National Capital Revitalization and Self-Government Improvement Act of 1997. It restructured and improved the complex relationship between the Federal government and the Nation's Capital. Its essential elements included Federal assumption of some government functions normally performed by state governments. Therefore, several D.C. criminal justice-related agencies were brought under federal funding. The Act also placed certain programs, such as felony incarceration, under the jurisdiction of the Federal government, which was better equipped to provide those services. Unfortunately, GAO's report indicates that in the area of criminal justice, some inefficiencies persist.

GAO found an *absence* of coordination between key agencies in the system. This is alarming because of the potential impact on public safety. Currently, agencies do what is in their best interest, instead of operating as part of a whole. Our objective is to have a well-oiled machine with all the parts working in tandem. I look forward to hearing from our panels of witnesses to learn their ideas about how best to identify and implement the reforms necessary to ensure operational efficiency.

GAO reported that we need to assess the current efforts underway to improve communication and coordination among the agencies. We also need to determine what incentives can be established to encourage the agencies to coordinate their efforts, thereby ensuring a smooth and efficient process. However, there are some basic impediments to achieving our ultimate goal. GAO has identified several factors that complicate coordination efforts, including the agencies' different funding structures, organizational perspectives, and data-collecting systems. In fact, GAO found there are over 70 different computer systems in use.

Information technology and database management are clearly among the first areas that need to be reformed.

The report also found that agencies' competing interests preclude them from pursuing reforms because they are often perceived as non-beneficial or financially burdensome. Unfortunately, the agencies cannot even agree on the nature of the problems that need to be addressed, and so the system suffers.

In 1998, the Criminal Justice Coordinating Council (CJCC) was created as an independent entity agencies could rely on to identify and address significant coordination issues and reform initiatives. Until this year, it was funded by the Control Board, but now CJCC has been reduced to one staff member who is funded through a grant. The CJCC has made progress in addressing some coordination concerns, particularly in the area of data sharing among agencies, but there is still work to be done.

I look forward to hearing our witnesses' opinions about the benefits of maintaining the CJCC as recommended by GAO. I am also interested in hearing about the obstacles that the agencies themselves have identified and the solutions they propose to overcome the challenges facing the coordination of the city's criminal justice system. Your testimony will help us determine what, if any, congressional action may needed be to facilitate critical reform efforts.

Thank you.

Mrs. MORELLA. Thank you, Mr. Davis.

On our first panel, I am pleased to recognize Mr. Richard Stana, Director of Justice Issues, General Accounting Office, accompanied by Mr. William Jenkins, Assistant Director of General Government Division, GAO; Mr. Mark Tremba, Senior Analyst, Justice Issues, also the GAO.

We also have Mr. Steve Harlan, chairman of the Council for Court Excellence, accompanied by Mr. Samuel F. Harahan, executive director of the Council for Court Excellence.

Thank you, gentlemen. If you will rise in accordance with the policy of this committee and raise your right hands.

[Witnesses sworn.]

Mrs. MORELLA. The record will reflect an affirmative response.

Again, as I stated, so that we have an opportunity to ask questions and hear our other panels, too, if I could ask you to try pretty much to confine your statement to 5 minutes. Whatever you have submitted in toto will be included in the record.

We will start off with you, Mr. Stana.

STATEMENTS OF RICHARD STANA, DIRECTOR OF JUSTICE ISSUES, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY WILLIAM JENKINS, JR., ASSISTANT DIRECTOR OF GENERAL GOVERNMENT DIVISION, GAO; MARK A. TREMBA, SENIOR ANALYST, JUSTICE ISSUES, GAO; AND STEVE HARLAN, CHAIRMAN, THE COUNCIL FOR COURT EXCELLENCE, ACCOMPANIED BY SAMUEL F. HARAHAN, EXECUTIVE DIRECTOR, THE COUNCIL FOR COURT EXCELLENCE

Mr. STANA. Thank you, Madam Chairman and members of the subcommittee. I am pleased to be here today to discuss the results of our review of the District of Columbia's criminal justice system.

With me at the table are Bill Jenkins, Assistant Director on this assignment, and Mark Tremba, the lead analyst.

As you know, the criminal justice process from arrest through correctional supervision in any jurisdiction is generally complex and typically involves a number of participants, including police, prosecutors, defense attorneys, courts, and corrections agencies.

Coordination among these participants is necessary for the process to function as efficiently as possible within the requirements of due process; that is, all involved agencies need to work together to ensure proper and efficient system operations, identify any problems that emerge, and decide how best to balance competing interests in resolving these problems.

Our report and my prepared statement discuss in detail the structure of the D.C. criminal justice system, the mechanisms that exist to coordinate its participants' activities, and current initiatives aimed at improving overall operations.

In my oral statement, I would like to highlight three main points. First, the D.C. criminal justice system has a unique structure that blends Federal and D.C. jurisdictional boundaries and funding streams. As shown in table 1, the D.C. criminal justice system consists of four D.C. agencies principally funded through local D.C. funds, six Federal agencies, and three D.C. agencies principally funded through Federal appropriations.

Seven of the 10 agencies of the D.C. criminal justice system require coordination among agencies funded by different sources. Over 30 law enforcement agencies, other than the Metropolitan Police Department, operate in D.C. This unique structure creates coordination challenges not found in other locations.

My second point is that all participants have not always taken a coordinated approach to identifying and addressing problem areas that balances competing institutional interests. One reason for this is that the costs of coordinating activities and taking corrective actions may fall on one or more federally funded agencies, while any savings may accrue to one or more D.C.-funded agencies, or vice versa.

In the absence of a single hierarchy and funding structure, agencies have generally acted in their own interests, rather than in the interests of the system as a whole.

For example, as shown in table 2, as many as six agencies need to be involved in processing a case before an arrested person's initial court appearance for a felony offense can occur. Unlike many other major metropolitan jurisdictions that would rely on written reports and data base entries to decide whether to pursue a case, prosecutors in D.C. require an officer who is knowledgeable about the facts of the arrest to meet personally with them before they determine whether to formally charge an arrestee. This meeting is commonly referred to in D.C. as papering the case.

In addition, prosecutors rely on the officers to perform various clerical tasks associated with case processing. During calendar year 1999, these activities required the equivalent of at least 23 full-time officers, ultimately reducing the number of officers available for patrol duty by an equal amount.

Another example lies in the initiatives underway to improve the criminal justice system. As of November 2000, the agencies involved in the D.C. criminal justice system told us they had initiatives for improving the operation of the system, 93 of them. We found numerous instances where participating agencies did not agree on such fundamental things as initiatives, goals, status, starting date, participating agencies, or results to date.

This lack of agreement underscores a lack of coordination among the participating agencies that could reduce the effectiveness of these initiatives.

My last point is that the Criminal Justice Coordinating Council [CJCC], has been useful and should be continued. CJCC is the primary venue in which D.C. criminal justice agencies can identify and address interagency coordination issues. Its funding and staffing have been modest, about $300,000 annual with four staff.

According to many criminal justice officials we spoke with during its nearly 3-year existence, CJCC has had some success in improving agency cooperation, mostly in areas where all participants stood to gain from a coordinated approach to a problem.

In problem areas where a solution would help one agency possibly at the expense of another, CJCC has been less successful, mainly because of lack of authority to compel agencies to address the issues.

On balance, however, the CJCC has provided a valuable independent forum for discussion of issues affecting multiple agencies.

We are recommending that Congress consider funding an independent CJCC with its own director and staff to help coordinate the operations of the D.C. criminal justice system, and to require CJCC to report annually to Congress, the Attorney General, and the D.C. Mayor on the results achieved and the issues that require further attention.

We are also recommending that participating agencies report multiagency initiatives to the CJCC, which would then serve as a clearinghouse and highlight those initiatives that warrant further discussion and coordination.

This concludes my oral statement. We would be happy to address any questions the subcommittee members may have.

[The prepared statement of Mr. Stana follows:]

United States General Accounting Office

GAO

Testimony

Before the Subcommittee on the District of Columbia,
Committee on Government Reform,
House of Representatives

For Release on Delivery
Expected at 10:00 a.m. EDT
Friday, May 11, 2001

D.C. CRIMINAL JUSTICE SYSTEM

Better Coordination Needed Among Participating Agencies

Statement of Richard M. Stana, Director, Justice Issues

GAO-01-708T

Madam Chairwoman and Members of the Subcommittee:

I am pleased to be here today to discuss our recent report on the District of Columbia (D.C.) criminal justice system.[1] The D.C. criminal justice system has a unique structure consisting of D.C., federal, and federally funded D.C. agencies. In addition, over 30 law enforcement agencies other than the Metropolitan Police Department (MPDC) have a presence in D.C. To maximize their effectiveness, these agencies need to coordinate their efforts. However, we found that because of the different sources of funding, reporting structures, and organizational perspectives of the various agencies involved in the D.C. criminal justice system, it has been difficult to take a coordinated approach to identifying and addressing problem areas that balances competing institutional interests. One reason for this is that the costs of coordinating activities and taking corrective actions may fall on one or more federally funded agencies, while any savings may accrue to one or more D.C. funded agencies, or vice versa. In the absence of a single hierarchy and funding structure, agencies have generally acted in their own interests rather than in the interest of the system as a whole.

The Criminal Justice Coordinating Council for the District of Columbia (CJCC) is the primary venue in which D.C. criminal justice agencies can identify and address interagency coordination issues. CJCC was created in 1998 by the agreement of its members[2] and was funded by the D.C. Control

[1] *D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies* (GAO-01-187, Mar. 30, 2001).

[2] Members include the D.C. Mayor; Deputy Mayor for Public Safety and Justice; Chairman, D.C. Council; Chairman, Committee on Judiciary, D.C. Council; Corrections Trustee; Corporation Counsel; Chief Judge, Superior Court of the District of Columbia (Superior Court); U.S. Attorney for the District of Columbia; Chief, MPDC; Chairman plus a member of the D.C. Financial Responsibility and Management Assistance Authority (commonly called the D.C. Control Board); Director, D.C. Youth Services Administration; Director, District of Columbia Pretrial Services Agency (Pretrial Services); Director, Public Defender Service for the District of Columbia (Defender Service); Director, D.C. Department of Corrections (DOC); Director, Federal Bureau of Prisons (BOP); Chairman, U.S. Parole Commission; and the Acting Director, Court Services and Offender Supervision Agency for the District of Columbia (Court Services).

Board. The D.C. Control Board[3] did not fund CJCC for fiscal year 2001, and CJCC's sole remaining staff member is funded by a grant. CJCC has had some success in improving agency coordination, mostly in areas such as data sharing among agency automated data systems where all participants stood to gain from a coordinated approach to a problem. In problem areas where a solution would help one agency possibly at the expense of another, CJCC has been less successful mainly because it lacked the authority to compel agencies to address the issues. However, on balance CJCC has provided a valuable independent forum for discussions of issues affecting multiple agencies.

Our report recommended that Congress fund an independent Criminal Justice Coordinating Council (CJCC) that, among other things, would assist criminal justice agencies in coordinating initiatives to improve the system's operations. In addition, we recommended that CJCC report annually to Congress, the Attorney General, and the D.C. Mayor on its activities, achievements, and issues not yet resolved and why.

Background

The criminal justice process—from arrest through correctional supervision[4]—in any jurisdiction is generally complex and typically involves a number of participants, including police, prosecutors, defense attorneys, courts, and corrections agencies. Because of the large number of agencies involved, coordination among agencies is necessary for the process to function as efficiently as possible within the requirements of due process. That is, all involved agencies need to work together to ensure proper and efficient system operations, identify any problems that emerge, and decide how best to balance competing interests in resolving these problems. The unique structure and funding of D.C.'s criminal justice system, in which federal and D.C. jurisdictional boundaries and dollars are blended, creates additional coordination challenges. As shown in table 1,

[3]Under the statutory terms of its creation, D.C. Control Board activities are to be suspended after the certification of certain specified preconditions. For example, one such requirement is that the Authority certifies that the District has recorded 4 consecutive years of balanced budgets. In fiscal year 2000, D.C. was expected to record its fourth consecutive year of balanced budgets or budget surpluses. On the basis of a projected fourth consecutive year of D.C. budget surpluses, Congress reduced the Control Board's fiscal year 2001 budget, anticipating that the Board would be phasing out its operations in 2001. The Board subsequently decided not to fund CJCC for fiscal year 2001.

[4]Correctional supervision refers to criminal justice system supervision for convicted defendants, including probation, incarceration, and postprison parole or supervised release.

the D.C. criminal justice system consists of four D.C. agencies principally funded through local D.C. funds, six federal agencies, and three D.C. agencies principally funded through federal appropriations.

Table 1: D.C. Criminal Justice System Agencies and Their Principal Source of Funding

D.C. agencies, D.C. funded	Federal agencies, federally funded	D.C. agencies, federally funded
Metropolitan Police Department	Office of U.S. Attorney for D.C.	Superior Court
Office of Corporation Counsel	Bureau of Prisons	Public Defender Service
Department of Corrections	U.S. Marshals Service	Office of the Corrections Trustee
Office of the Chief Medical Examiner	U.S. Parole Commission	
	Court Services and Offender Supervision Agency for D.C.	
	D.C. Pretrial Services Agency	

Source: GAO analysis.

D.C.'s Unique Structure Presents Additional Coordination Challenges

According to most officials we interviewed and our own analyses, an overarching problem within the D.C. criminal justice system has been the lack of coordination among all participating agencies. Typically, federal and nonfederal criminal justice systems include the following stages: (1) arrest and booking, (2) charging, (3) initial court appearance, (4) release decision, (5) preliminary hearing, (6) indictment, (7) arraignment, (8) trial, (9) sentencing, and (10) correctional supervision. Most stages require the participation of several agencies that need to coordinate their activities for the system to operate efficiently while also meeting the requirements of due process. That is, all involved agencies need to work together to ensure that their roles and operations mesh well with those of other agencies and to identify any problems that emerge and decide how best to resolve them.

Table 2 shows the stages in D.C.'s criminal justice system and the agencies that participate in each stage. As shown in the table, 7 of the 10 stages typically involve multiple agencies with different sources of funding, which results in different reporting structures and different oversight entities. For example, as many as six agencies—one D.C. (MPDC), three federal (the U.S. Attorney's Office for the District of Columbia (USAO), U.S. Marshals Service, and D.C. Pretrial Services Agency), and two federally funded D.C. agencies (Superior Court and Public Defender Service (Defender Service)—need to coordinate their activities before the

arrestee's initial court appearance for a felony offense can occur.[5] At the latter stages of the system, an offender's sentencing and correctional supervision may require the participation of as many as eight agencies—one D.C.-funded agency (the Department of Corrections (DOC), five federal agencies (USAO, Federal Bureau of Prisons (BOP), U.S. Marshals Service, U.S. Parole Commission, and the Court Services and Offender Supervision Agency (Court Services)), and two federally funded D.C. agencies (Superior Court and Defender Service). At any stage, the participation of other agencies might also be required.[6] In addition, the reporting and funding structure for these participating agencies often differs. For example, USAO, the U.S. Marshals Service, BOP, and the U.S. Parole Commission ultimately report to the U.S. Attorney General and are funded by the appropriations subcommittee that funds the Department of Justice;[7] MPDC and the Office of the Corporation Counsel (Corporation Counsel) ultimately report to the D.C. Mayor; and Superior Court, Defender Service, Pretrial Services, and Court Services are independent of both D.C and the U.S. Department of Justice, submit their budgets to Congress, and are funded by the appropriations subcommittee for D.C.

[5]USAO prosecutes felony and serious misdemeanor violations committed by adults in D.C. Corporation Counsel would typically not be involved in prosecutions of adult felony offenses.

[6]For example, the D.C. Office of the Chief Medical Examiner may potentially be used for such purposes as linking a particular suspect to a crime or court testimony regarding autopsy results or toxicological tests.

[7] Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, Committee on Appropriations. The House and Senate have subcommittees with identical jurisdictions.

Table 2: D.C. Criminal Justice Agencies Involved in Processing a "Typical" Case Through the Stages of the Criminal Justice System

	Stages of the criminal justice process (from left to right)									
Type of agency/ funding	Arrest & booking	Charging	Initial court appearance	Release decision	Prelim. Hearing	Indictment	Arraign-ment	Trial	Senten-cing	Correc-tional super-vision
D.C./ D.C.	MPDC	MPDC OCC	OCC	DOC	MPDC OCC	MPDC		MPDC OCC		DOC
Federal/ federal		USAO	USAO USMS PSA	USMS PSA	USMS USAO PSA	USMS USAO PSA	USMS USAO PSA	USMS USAO PSA	USMS USAO CSOSA	USMS BOP USPC CSOSA
D.C/ federal		Sup.Ct	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	

Legend: MPDC = Metropolitan Police, D.C.; OCC = Office of Corporation Counsel; USAO = U.S. Attorney's Office; USMS = U.S. Marshals Service; Sup. Ct = D.C. Superior Court; PDS = Public Defender Service; PSA = Pretrial Services Agency; DOC = Department of Corrections; BOP = Federal Bureau of Prisons; USPC = U.S. Parole Commission; CSOSA = Court Services and Offender Supervision Agency.

Note 1: Any specific case is prosecuted by either Corporation Counsel or USAO, not both. However, in specific circumstances, a case may be referred at some point in the process from one office to the other for prosecution.

Note 2: Defendants who are eligible for a court-appointed attorney may, depending upon several factors, be provided a PDS attorney, or a private attorney. D.C. courts' budget funds private, court-appointed attorneys for criminal defendants.

Note 3: Information from the D.C. Office of the Chief Medical Examiner may potentially be used at any stage in the process from arrest through trial. In addition, forensic evidence and testimony may also be provided by federal agencies that perform certain forensic analyses for D.C., such as the Federal Bureau of Investigation (FBI), Drug Enforcement Administration, or Bureau of Alcohol, Tobacco and Firearms.

Source: GAO analysis of D.C. criminal justice agencies' funding and responsibilities.

Lack of Coordination Among Agencies

According to most officials we interviewed and our analyses, an overarching problem within the D.C. criminal justice system has been the lack of coordination among all participating agencies. Agency officials pointed to several major problem areas, each the subject of recent studies that have identified coordination issues. The areas included

- scheduling of court cases, which has resulted in the inefficient use of officer, attorney, and court personnel time;
- information technology, which uses more than 70 different systems that are not linked to facilitate the sharing of information;

- correctional supervision, in which poor communication among agencies has led to monitoring lapses with tragic consequences; and
- forensics, in which the sharing of responsibilities among agencies increases the possibility of evidentiary mishaps resulting from lapses in coordination.

Court Case Scheduling

The scheduling of court cases has had adverse affects on several criminal justice agencies involved in case processing. As shown in table 2, MPDC, prosecutors, Defender Service, U.S. Marshals Service, Pretrial Services, Court Services, and Superior Court could be involved in the court-related processing of a case from the preliminary hearing to the trial and subsequent sentencing. Representatives from several of these agencies are typically required to be present at court trials and hearings. Because specific court times are not established, individuals who are expected to appear in court are required to be present when the court first convenes in the morning. These individuals might be required to wait at the courthouse for some period of time for the case to be called, if (1) more trials or hearings are scheduled than can be conducted, (2) any one of the involved individuals is not present or prepared, or (3) the case is continued for any number of reasons. MPDC recorded that during calendar year 1999 its officers spent 118 full-time staff years in court-related activities such as preliminary hearings and trials. While MPDC officials stated that officers often spent many hours at court waiting for cases to be called, data were not available on the proportion of the 118 full-time staff years that were attributable to actual court time compared to the time spent waiting for cases to be called, including cases that were rescheduled.

CJCC selected the Council for Court Excellence and the Justice Management Institute[8] to conduct a detailed study of criminal justice resource management issues, with particular emphasis on court case processing and the utilization of police resources. In its March 2001 report, the Council for Court Excellence and the Justice Management Institute concluded that major changes were needed in the D.C. criminal justice caseflow system to improve the system's efficiency. Among other things, the report found inefficiencies and counterproductive policies at every stage in case processing. The report also concluded that little use was

[8]The Council for Court Excellence and the Justice Management Institute are not-for-profit research organizations that, among other things, evaluate court-related programs and functions.

being made of modern technology in the arrest, booking, papering,[9] and court process that could improve system operations.

The Council for Court Excellence and the Justice Management Institute identified priority areas for system improvements, such as redesigning court procedures in misdemeanor cases, improving the methods used to process cases from arrest through initial court appearance by automating the involved processes, and improving the systems used to notify police officers about court dates. Congress provided $1 million for fiscal year 2001 to implement some of the recommended case management initiatives, such as a differentiated case management system for misdemeanors and traffic offenses, the papering pilot project between MPDC and Corporation Counsel, and a mental health pilot treatment project for appropriate, nonviolent pretrial release defendants in coordination with the D.C. Commission on Mental Health Services.

Criminal Justice Information Systems

D.C.'s criminal justice system is complex, with more than 70 different information systems in use among the various participating agencies. These systems are not linked in a manner that permits timely and useful information sharing among disparate agencies. For example, it is very difficult to obtain data to determine the annual amount of time MPDC officers spend meeting with prosecutors about cases in which prosecutors eventually decide not to file charges against the arrestee. We determined that such an analysis would require data about: (1) MPDC arrests, (2) MPDC officer time and attendance, (3) charges filed by USAO or Corporation Counsel, and (4) Superior Court case dispositions. Such data are currently maintained in separate systems with no reliable tracking number that could be used to link the information in each system for a specific case and no systematic exchange of information. This lack of shared information diminishes the effectiveness of the entire criminal justice system. For example, according to a CJCC official, there is no immediate way for an arresting officer to determine whether an arrestee is on parole or for an arrestee's community supervision officer to know that the parolee had been arrested. Such information could affect both the charging decision and the decision whether or not to release an arrestee from an MPDC holding cell.

[9]Papering refers to the face-to-face meeting between an officer knowledgeable about an arrest and a Corporation Counsel or USAO attorney to determine whether or not to prosecute a case.

In 1999, CJCC attempted to address problems with D.C. criminal justice information systems by preparing, among other things, an Information Technology Interagency Agreement that was adopted by CJCC members. The agreement recognized the need for immediate improvement of information technology in the D.C. criminal justice system and established the Information Technology Advisory Committee (ITAC) to serve as the governing body for justice information system development. ITAC recognized that it was difficult for a single agency involved in the criminal justice system to access information systems maintained by other agencies, and pursued developing a system that would allow an agency to share information with all other criminal justice agencies, while maintaining control over its own system. ITAC devised a District of Columbia Justice Information System (JUSTIS).

In July 2000, CJCC partnered with the D.C. Office of the Chief Technology Officer in contracting with a consulting firm to design JUSTIS based on modern dedicated intranet and Web browser technology. When completed, JUSTIS is to allow each agency to maintain its current information system, while allowing the agency to access selected data from other criminal justice agencies.

Correctional Supervision

Effective correctional supervision, which includes probation, incarceration, and post-prison parole or supervised released for convicted defendants, requires effective coordination among participating agencies. In D.C., the stage of the criminal justice system referred to as correctional supervision involves several agencies, including: (1) Superior Court, which sentences convicted defendants and determines whether to revoke a person's release on community supervision; (2) Court Services, which monitors offenders on community supervision; (3) DOC, which primarily supervises misdemeanants sentenced to D.C. Jail or one of several halfway houses in D.C.;[10] (4) BOP, which supervises felons incarcerated in federal prisons; (5) the U.S. Parole Commission, which determines the prison

[10]DOC still has control over three prison facilities within the Lorton Correctional Complex, which is to be closed by December 31, 2001, under the terms of the D.C. Revitalization Act.

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Department of Corrections	U.S. Marshals Service	Office of the Corrections Trustee
Office of the Chief Medical Examiner	U.S. Parole Commission	
	Court Services and Offender Supervision Agency for D.C.	
	D.C. Pretrial Services Agency	

Source: GAO analysis.

GAO
Accountability * Integrity * Reliability

Table 2: D.C. Criminal Justice Agencies Involved In Processing a "Typical" Case

	Stages of the criminal justice process (from left to right)									
Type of agency/ funding	Arrest& booking	Charging	Initial court appearance	Release decision	Prelim. Hearing	Indictment	Arraignment	Trial	Sentencing	Correc-tional super vision
D.C./ D.C.	MPDC	MPDC OCC	OCC	DOC	MPDC OCC	MPDC		MPDC OCC		DOC
Federal/ federal		USAO	USAO USMS PSA	USMS PSA	USMS USAO PSA	USMS USAO PSA	USMS USAO PSA	USMS USAO PSA	USMS USAO CSOSA	USMS BOP USPC CSOSA
D.C/ federal		Sup.Ct	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	Sup.Ct PDS	

Legend: MPDC = Metropolitan Police, D.C.; OCC = Office of Corporation Counsel; USAO = U.S. Attorney's Office; USMS = U.S. Marshals Service; Sup. Ct = D.C. Superior Court; PDS = Public Defender Service; PSA = Pretrial Services Agency; DOC = Department of Corrections; BOP = Federal Bureau of Prisons; USPC = U.S. Parole Commission; CSOSA = Court Services and Offender Supervision Agency.

Source: GAO analysis.

release date and conditions of release for D.C. inmates eligible for parole;[11] and (6) the U.S. Marshals Service, which transports prisoners.

Gaps in coordination among agencies may lead to tragic consequences, such as those that occurred in the case of Leo Gonzales Wright, who committed two violent offenses while under the supervision of D.C.'s criminal justice system. Wright, who was paroled in 1993 after serving nearly 17 years of a 15-to-60 year sentence for armed robbery and second degree murder, was arrested in May 1995 for automobile theft charges, which were later dismissed. In June 1995, Wright was arrested for possession with intent to distribute cocaine. However, he was released pending trial for the drug arrest, due in part to miscommunication among agencies. Wright subsequently committed two carjackings, murdering one of his victims. He was convicted in U.S. District Court for the District of Columbia and is currently serving a life without parole sentence in federal prison at Leavenworth, KS.

The outcry over the Wright case resulted in two studies, including a comprehensive review of the processing of Wright's case prepared for the U.S. Attorney General by the Corrections Trustee in October 1999. The report included 24 recommendations to help ensure that instances similar to the Wright case do not occur. In July 2000, the Corrections Trustee issued a progress report on the implementation of recommendations from the October 1999 report. According to the Corrections Trustee, while not all recommendations in the October 1999 report have been fully implemented, progress has been made in addressing several of them. For example, with funds provided by the Corrections Trustee, DOC has purchased a new jail-management information system for tracking inmates and implemented a new policy on escorted inmate trips. In addition, in January 2000, the Corrections Trustee began convening monthly meetings of an Interagency Detention Work Group, whose membership largely parallels that of CJCC. The group and its six subcommittees have focused on such issues as the convicted felon designation and transfer process, and parole and halfway house processing.

[11]Inmates convicted in Superior Court prior to the implementation of the new D.C. sentencing guidelines were generally sentenced to a range of years, such as 10 to 20 years. Such inmates could be eligible for parole after serving a specified minimum number of years. Under the terms of the D.C. Revitalization Act, the U.S. Parole Commission is now responsible for determining the parole, or prison release, date for such inmates (Public Law 105-33, Sec. 11231). Under the new sentencing guidelines, which abolished parole, inmates will have to serve at least 85 percent of their sentence before being eligible for release.

In addition to the studies and the actions of the Corrections Trustee, CJCC and Court Services are addressing the monitoring and supervision of offenders. CJCC has begun to address the issues of halfway house management and programs that monitor offenders. Court Services is developing a system in which sanctions are imposed whenever individuals violate conditions of probation or parole.

Forensic Capacity and Coordination

Forensics is another area where lack of coordination can have adverse effects.[12] D.C. does not have a comprehensive forensic laboratory to complete forensic analysis for use by police and prosecutors. Instead, MPDC currently uses other organizations such as the FBI, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco and Firearms, and a private laboratory to conduct much of its forensic work. MPDC performs some forensic functions such as crime scene response, firearms testing, and latent print analysis. The Office of the Chief Medical Examiner, a D.C. agency, performs autopsies and certain toxicological tests, such as the testing for the presence of drugs in the body. Coordination among agencies is particularly important because several organizations may be involved in handling and analyzing a piece of evidence. For example, if MPDC finds a gun with a bloody latent fingerprint at a crime scene, the gun would typically need to be examined by both MPDC and the FBI. In order to complete the analysis, multiple forensic disciplines (e.g., DNA or firearm examiners) would need to examine the gun. If the various forensic tests were coordinated in a multidisciplinary approach, forensic examiners would be able to obtain the maximum information from the evidence without the possibility of contaminating it. Such contamination could adversely affect the adjudication and successful resolution of a criminal investigation.

In April 2000, the National Institute of Justice (NIJ) issued a report on the D.C. criminal justice system's forensic capabilities. The report concluded that D.C. had limited forensic capacity and that limitations in MPDC prevented the effective collection, storage, and processing of crime scene evidence, which ultimately compromised the potential for successful resolution of cases. NIJ-identified deficiencies included, among other things:

[12]Forensics involves a number of disciplines, such as latent prints, firearms/toolmarks, forensic biology (including DNA), toxicology, drug analysis, questioned documents, and trace evidence.

- out-of-date technology;
- lengthy delays in processing evidence;
- ineffective communications in the collection, processing, and tracking of evidence from the crime scene; and
- ineffective communications between forensic case examiners and prosecutors.

The NIJ report supported the development of a centralized forensic laboratory that would be shared by MPDC and the D.C. Office of the Chief Medical Examiner. The report did not examine the costs to build a comprehensive forensic laboratory. In his fiscal year 2002 proposed budget, the Mayor has allocated $7.5 million for the development of a forensics laboratory that is designed to be a state-of-the-art, full-service crime laboratory, medical examiner/morgue facility, and public health laboratory that meets all applicable National Lab Standards. We did not independently evaluate the costs and benefits of a comprehensive forensic laboratory. However, such a facility could potentially improve coordination by housing all forensic functions in one location, eliminating the need to transport evidence among multiple, dispersed locations.

A Coordination Case Study: The Initial Stages of Case Processing

A principal area where D.C.'s unique structure has led to coordination problems is case processing that occurs from the time of arrest through initial court appearance. As shown in table 2, as many as six agencies need to coordinate before an arrested person's initial court appearance for a felony offense can occur.[13] However, we identified several aspects of the current process where a lack of coordination posed problems. For example, unlike many other major metropolitan jurisdictions, prosecutors in D.C. require an officer who is knowledgeable about the facts of the arrest to meet personally with them before they determine whether to formally charge an arrestee with a felony or misdemeanor crime.[14] This process is called papering. During calendar year 1999, papering required the equivalent of 23 full-time officers devoted solely to these appearances, ultimately reducing the number of officers available for patrol duty by an

[13]The USAO prosecutes felony and serious misdemeanor violations committed by adults in D.C. Corporation Counsel would typically not be involved in prosecutions of adult felony offenses.

[14]Corporation Counsel and MPDC have agreed to participate in a pilot project in which officers will not be required to meet face to face with prosecutors to charge 17 minor offenses.

equal amount. Efforts in 1998 and 1999 to revise the papering process failed in part because the costs and benefits of the changes under consideration were perceived by one or more participating agencies to be unevenly distributed. We focused our review on offenses prosecuted by the USAO because during 1999 they accounted for over 85 percent of MPDC officer hours expended on papering.

USAO's requirement that MPDC officers personally meet with prosecutors in order to make a charging decision appears to be unusual, particularly for misdemeanors. A 1997 Booz-Allen and Hamilton survey found that in 30 of 38 responding jurisdictions (51 were surveyed), police officers were not required to meet with prosecutors until court (i.e., trial), and in 3 cities officers were not required to appear in person until the preliminary hearing. In addition, we reviewed the charging processes in Philadelphia and Boston. Neither of these cities required face-to-face meetings with prosecutors for processing most cases. According to USAO officials, the current papering process is critical for USAO to make an initial charging decision correctly. Both USAO and MPDC officials said that the paperwork submitted to USAO for charging decisions has been of uneven quality.[15]

Attempts Have Been Made to Change Initial Stages of Case Processing in D.C.

In the past decade, several attempts have been made to change the initial stages of case processing in D.C. These efforts—which were made by MPDC, Corporation Counsel, and USAO, in conjunction with consulting firms—involved projects in the areas of night papering, night court, and officerless papering. However, the involved agencies never reached agreement on all components of the projects, and each of the projects was ultimately suspended. The Chief of MPDC has publicly advocated the establishment of some type of arrangement for making charging decisions during the evening and/or night police shifts.

Night Papering and Night Court

Currently, both USAO and Corporation Counsel are only open to paper cases during typical workday hours, that is, generally from about 8:00 a.m. to 5:00 p.m., Monday through Saturday. Night papering could permit officers on evening and night shifts to generally present their paperwork to prosecutors during their shifts. Night court refers to conducting certain

[15]There were no data to determine whether the quality of the paperwork was generally better for misdemeanors than for felonies.

court proceedings, such as initial court appearance, during a late evening or night shift. Night papering would require USAO and Corporation Counsel charging attorneys to work evening hours, and night court would involve a much broader commitment of D.C. Superior Court resources as well as the participation of other agencies.

Officerless Papering

Officerless papering would not require an officer to appear in person before the prosecutor, and provisions could be made for the prosecutor to contact the officer to clarify issues, as needed. In March 2001, MPDC and Corporation Counsel began an officerless papering pilot program for 17 minor offenses prosecuted by Corporation Counsel.

Obstacles to Changing Initial Case Processing Stages

In the absence of an automated system for completing and transmitting the forms required for documenting arrests and making charging decisions, simple entry errors resulting from entering the same information multiple times can hamper the initial stages of case processing. USAO has cited such problems as one reason that officers should be required to meet face to face with prosecutors for papering decisions. To the extent that the police do not have a reliable process for reviewing and ensuring the completeness and accuracy of the paperwork submitted to prosecutors, USAO is likely to continue to resist efforts to institute officerless papering.

Even if these issues were to be successfully addressed, the distribution of costs among the participants in any revised system would still likely pose an obstacle to change. The costs of the current system of processing cases from arrest through initial court appearance are borne principally by MPDC—primarily a locally funded D.C. agency—not USAO or D.C. Superior Court, both of which are federally funded. On the other hand, instituting night papering would likely reduce MPDC's costs, while increasing the costs borne by USAO, Corporation Counsel, and/or D.C. Superior Court, depending upon the approach taken.

CJCC Has Had Some Success as a Coordinating Mechanism

CJCC is the primary venue in which D.C. criminal justice agencies can identify and address interagency coordination issues. Its funding and staffing have been modest—about $300,000 annually with four staff. CJCC has functioned as an independent entity whose members represent the major organizations within the D.C. criminal justice system. According to many criminal justice officials we spoke with, during its nearly 3-year existence, CJCC has had some success in improving agency coordination,

mostly in areas where all participants stood to gain from a coordinated approach to a problem. In problem areas where a solution would help one agency possibly at the expense of another, CJCC has been less successful mainly because it lacked the authority to compel agencies to address the issues. However, on balance, CJCC has provided a valuable independent forum for discussions of issues affecting multiple agencies.

The D.C. Control Board[16] did not fund CJCC for fiscal year 2001, and CJCC's sole remaining staff member is funded by a grant. It is not known whether CJCC will continue to formally exist, and if it exists, how it will be funded, whether it will have staff, and whether it will remain independent or under the umbrella of another organization, such as the D.C. Mayor's office. Recently, the Mayor included $169,000 in his fiscal year 2002 proposed budget to fund CJCC. While we welcome the Mayor's support for CJCC, we believe that for CJCC to be most successful it must be viewed as independent by participating agencies.

CJCC has not been required to formally report on its activities, including areas of focus, successes, and areas of continuing discussion and disagreement. The transparency provided by an annual report would help to spotlight areas of accomplishment and continuing disagreement and could assist with oversight by those responsible for funding individual CJCC members.

Initiatives to Improve the D.C. Criminal Justice System

As of November 2000, CJCC and other agencies involved in the D.C. criminal justice system reported 93 initiatives for improving the operation of the system. Most of these initiatives were ongoing; consequently, their impact had not yet been evaluated. However, we found numerous instances where participating agencies did not agree on an initiative's goals, status, starting date, participating agencies, or results to date. This lack of agreement underscores a lack of coordination among the participating agencies that could reduce the effectiveness of these initiatives.

[16]Under the statutory terms of its creation, D.C. Control Board activities are to be suspended after the certification of certain specified preconditions. For example, one such requirement is that the D.C. Control Board certifies that the District has recorded 4 consecutive years of balanced budgets. In fiscal year 2000, D.C. was expected to record its fourth consecutive year of balanced budgets or budget surpluses. On the basis of a projected fourth consecutive year of D.C. budget surpluses, Congress reduced the Control Board's fiscal year 2001 budget, anticipating that the Board would be phasing out its operations in 2001. The Board subsequently decided not to fund CJCC for fiscal year 2001.

Conclusions

Every criminal justice system faces coordination challenges. However, the unique structure and funding of the D.C. criminal justice system, in which federal and D.C. jurisdictional boundaries and dollars are blended, creates additional challenges.

CJCC has played a useful role in addressing such coordination challenges, especially in areas where agencies perceived a common interest. However, CJCC's uncertain future could leave D.C. without benefit of an independent entity for coordinating the activities of its unique criminal justice system. Funding CJCC through any participating agency diminishes its stature as an independent entity in the eyes of a number of CJCC's member agencies, reducing their willingness to participate. Without a requirement to report successes and areas of continuing discussion and disagreement to each agency's funding source, CJCC's activities, achievements, and areas of disagreement have generally been known only to its participating agencies. This has created little incentive to coordinate for the common good, and all too often agencies have simply "agreed to disagree" without taking action. Furthermore, without a meaningful role in cataloging multiagency initiatives, CJCC has been unable to ensure that criminal justice initiatives are coordinated among all affected agencies to help eliminate duplicative efforts and maximize their effectiveness.

Matters For Congressional Consideration

In our March 30, 2001, report,[17] we recommended that Congress consider:

- Funding an independent CJCC—with its own director and staff—to help coordinate the operations of the D.C. criminal justice system. Congressional funding ensures that CJCC will retain its identity as an independent body with no formal organizational or funding link to any of its participating members.
- Requiring CJCC to report annually to Congress, the Attorney General, and the D.C. Mayor on its activities, achievements, and issues not yet resolved and why.
- Requiring that all D.C. criminal justice agencies report multiagency initiatives to CJCC, which would serve as a clearinghouse for criminal justice initiatives and highlight for CJCC members those initiatives that warrant further discussion and coordination. This reporting requirement

[17] *D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies* (GAO-01-187, Mar. 30, 2001).

could help improve interagency coordination, promote the adoption of common goals, and help reduce redundant efforts.

Madam Chairwoman, this concludes my prepared statement. I would be pleased to answer any questions that you or other Members of the Subcommittee may have.

Contacts and Acknowledgment

For further information regarding this testimony, please contact Richard Stana or William Jenkins, Jr. at (202) 512-8777. Individuals making key contributions to this testimony included Mark Tremba and Geoffrey Hamilton.

Mrs. MORELLA. That is pretty succinct for such a full and thorough report the GAO did. Thank you.

It is now a pleasure to recognize Mr. Harlan, who knows very much about this whole issue and was responsible for its genesis.

Mr. HARLAN. Thank you very much, Madam Chairman, Congresswoman Norton. We are delighted to be here today to testify before you on this very important issue of coordination of criminal justice in our city.

The Council for Court Excellence has had a mission of focusing on the workings of the justice system within the Washington area for many years. The Council is a nonprofit, nonpartisan civic organization that has worked to improve the administration of justice in local and Federal courts related to agencies in Washington, DC, for nearly 20 years.

The Council for Court Excellence is a unique resource in our community, bringing together members of the civic, legal, judicial, and business communities to work with common purposes to improve the administration of justice.

In March of this year, 2001, the Council for Court Excellence completed a 15-month research study under the direction of the District of Columbia Criminal Justice Coordinating Council. We worked in concert with the Justice Management Institute to examine the resource management issues within the District of Columbia criminal justice system, with special emphasis on criminal case flow management and Metropolitan Police Department overtime.

This project entailed working closely with over 10 separate criminal justice agencies that have already been identified here this morning. Our formal statement is really grounded on the work that study produced, as well as my experience from 1996, and on.

In 1996 we founded what we then called the MOU partners, which were all of these agency heads, and ran that. I was the vice-chairman of the D.C. Financial Authority. In 1998, the MOU partner organization became—changed its name; it had the same makeup, the same mission, but changed its name to the Criminal Justice Coordinating Council.

Let me say that this report, which is attached to our testimony here today, had some very startling findings. We found, for instance, during our test period that on average, there were 670 police officers in the courthouse a day, off the streets, away from community policing; 45 percent of those officers were in prosecutional hearings, and 55 percent were involved in court hearings.

That is a lot of police officers off the streets, particularly when you consider that 60 percent of the cases scheduled for trial during our test period did not go to trial. In other words, these police officers were there and not called.

There is a further great difficulty in that, on average, six to eight officers were called for each case, but even when a case was called, only two would testify. So we have a lot of cases not being called, and you compound that, count that up, and it is just a huge manpower off the streets and not doing police work, as such.

The core conclusion of the Council for Court Excellence research is that the agencies of the District of Columbia need to work together to overhaul the case management systems from the point of arrest all the way through to the final disposition of the case. Un-

less this happens, this will not be able to be fixed. The Police Department cannot fix it by itself, and any given agency cannot fix it by itself. They must work together.

Where do we find ourselves today? Well, certainly we believe that the principal conclusions of the GAO report are accurate and should be adopted. As you know and as you mentioned, the city Council has enacted legislation in the 2002 budget that would fund the Criminal Justice Coordinating Council to the tune of $169,000.

Most of the agencies are under Federal control and were federally funded, as has been pointed out several times this morning, every now and then I think we have to remind ourselves how that came about in 1997. The Federal Government took over some of these agencies from the District in exchange for the District not receiving $680 million worth of Federal payments.

We urge the U.S. Congress to enact authorizing legislation to create an annually funded independent D.C. Board, the Criminal Justice Coordinating Council, for the express purposes of encouraging, supporting, and facilitating interagency and intergovernment cooperation across the District's criminal justice system.

The proposed council should be comprised of the leaders of the many criminal justice agencies; not delegated down to staff or lower people, but be comprised of the leaders of the local and Federal agencies involved.

The CJCC should be supported by a staff responsible to the Council. Properly funded and organized, we believe that this coordinating body can exert substantial peer pressure on member criminal justice agencies, both Federal and local, to adopt more efficient and effective strategies and policies which ultimately will benefit the entire system and, in turn, the community at large.

We recommend that Congress ensure the independence of the CJCC through legislation. We urge that you recognize that there is an ongoing congressional responsibility to provide annual funding and oversight.

We also believe that time is of the essence. If needed D.C. criminal justice reform such as those set forth in our recent report are to be addressed, it needs to happen now.

Madam Chairman, the last point I would like to make today concerns how best to assure interagency accountability across the District's criminal justice system. Such accountability is sorely lacking today, as the GAO study documents.

The authorizing legislation creating an independent CJCC in the District of Columbia, we believe it should specify that the CJCC be required to publish an annual public report to the District Mayor, the D.C. Council, the Congress, and the community at large. The report should be done in the spring of each year so that the annual appropriations hearings can be influenced.

The CJCC annual reports should explain what actions have been taken over the past year to improve public safety and justice, and what are the plans for the next 1 to 5 years. We would hope that Congress would use this annual public report by leaders of the criminal justice coordinating effort as a means of assuring a greater accountability.

I would be happy to answer any questions that you might have.

[The prepared statement of Mr. Harlan follows:]

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Statement

of the

Council for Court Excellence

to the

U.S. House of Representatives Committee on Government Reform

District of Columbia Subcommittee

regarding

Coordination of Criminal Justice Activities in the District of Columbia

MAY 11, 2001

COUNCIL FOR COURT EXCELLENCE

Good morning, Chairman Morella, Congresswoman Norton, other members of the U.S. House of Representatives Subcommittee on the District of Columbia, thank you for inviting the Council for Court Excellence to provide testimony at today's hearing on the subject of "Coordination of Criminal Justice Activities in the District of Columbia". My name is Steve Harlan, and I serve as Chairman of the Board of Directors of the Council for Court Excellence. I am joined at the witness table by Samuel F. Harahan, the Council's Executive Director.

We are honored to present the views of the Council for Court Excellence to this Committee. We believe that our recent criminal justice policy work through the D.C. Criminal Justice Coordinating Council affords us a relevant contemporary perspective on the criminal justice inter-agency coordination and planning issues now before this Committee.

In your letter inviting the Council for Court Excellence to testify today, you stated that the scope of this hearing will address issues including "... coordination among multiple agencies that impact the administration of criminal justice, the presence of multiple funding sources, and strategies for attaining criminal justice policy outcomes." In that regard, we have reviewed the pertinent U.S. General Accounting Office March 2001 Report, entitled D.C. Criminal Justice System, Better Coordination Needed Among Participating Agencies.

Permit me for the record to summarize the mission of the Council for Court Excellence. The Council for Court Excellence is a District of Columbia-based non-partisan, non-profit civic organization that works to improve the administration of justice in the local and federal courts and related agencies in the Washington, D.C. area. For nearly 20 years, the Council for Court Excellence has been a unique resource for our community, bringing together members of the civic, legal, judicial, and business communities to work in common purpose to improve the administration of justice. We have worked closely with this Committee and the Senate D.C. Committee in the past on such issues as the D.C. Court System One Day One Trial Jury Reform Legislation. No judicial member of the Council for Court Excellence participated in or contributed to the formulation of our testimony here today.

In March 2001 the Council for Court Excellence completed a major fifteen month research study under the direction of the D.C. Criminal Justice Coordinating Council. Working in concert with the Justice Management Institute, we examined resource management issues within the District of Columbia criminal justice system with special emphasis on criminal case flow management and Metropolitan Police Department police officer overtime for court and prosecutorial hearings. This project entailed working closely with over ten separate D.C. criminal justice agencies and groups including the Superior Court, the Metropolitan Police Department, the U.S. Attorney's Office, the Office of the D.C. Corporation Counsel, the Court Services and Offender Supervision Agency, the D.C. Public Defender Service, the Executive Office of the Mayor, the Corrections Trustee, D.C. Department of Corrections, and the Criminal Justice Act Bar. Our formal statement today is grounded, in large part on that policy research, and in part on my own personal experience as the first

Chairman of the D.C. Criminal Justice Coordinating Council, then known as the MOU Partners, from 1996-1998 while I served as Vice Chairman of the D.C. Financial Authority.

The core conclusion of the Council for Court Excellence research is that the agencies of the District's criminal justice system must work together to overhaul the criminal case management systems from the point of arrest all the way through to the final disposition of the case. Unless this happens, we believe the District will be unsuccessful in accomplishing the needed structural changes required to reduce the over ten million dollar annual price tag for police overtime, and many related other inefficiencies. A copy of our April 2001 report summary is provided as an attachment with this testimony.

With all of the above as backdrop, where do we find ourselves today? First, we strongly endorse the principal conclusions of the General Accounting Office March 2001 Report on the D.C. Criminal Justice System. Namely, the District's criminal justice system clearly needs sustained coordination if it is to perform effectively its public safety responsibilities to the citizens of this community. It is worth noting that the D.C. Council has attempted to address this coordination issue in the District's Fiscal Year 2002 Budget Support Act by authorizing a D.C. Criminal Justice Coordinating Council, and providing local funding of $169,000 for the coming fiscal year.

As laudable as that step is, the fact is that the federal agencies, which are a major part of the D.C. justice system, are not subject to legislative oversight by the D.C. Council. Thus, we believe Congressional legislation is critically needed at this time.

The District's justice system is a blend of local and federal agencies, with the federal role and presence clearly dominating. The majority of the costs for the District's justice system are now borne by the federal government including expenses for adult prosecution, public defender, pretrial services, courts, and prisons, among others. This change was part of the 1997 D.C. Revitalization Act that eliminated the $680 million federal payment to the District.

We urge the U.S. Congress to enact authorizing legislation to create, and annually fund, an independent D.C. board, the Criminal Justice Coordinating Council, for the express purpose of encouraging, supporting, and facilitating inter-agency and inter-governmental cooperation and coordination across the District's criminal justice system. The proposed board should be comprised of the leaders of the many local and federal agencies which comprise the District's criminal justice system. The CJCC should be supported by a small staff responsible to the board. Properly funded and organized, we believe this coordinating body can exert substantial peer pressure on member criminal justice agencies, both federal and local, to adopt more efficient and effective strategies and policies which ultimately will benefit the entire justice system, and in turn, the community at large.

Beginning with the MOU Partners Group which I chaired several years ago, the D.C. Criminal Justice Coordinating Council has developed into the District's principal inter-governmental criminal justice coordinating vehicle. On balance in the years when the D.C. Financial Authority provided funding and staff support to the CJCC, it functioned somewhat effectively. Since

September 2000, however, the CJCC has lacked funding and independent staff support resulting in a diminished role and reduced effectiveness. We recommend that the Congress assure the independence of the CJCC through legislation, and we urge you to recognize that there is an ongoing Congressional responsibility to provide annual funding and oversight. We also believe that time is of the essence. If needed D.C. criminal justice reforms, such as those set forth in our recent police overtime report, are to be addressed, the District will need a well functioning and independent CJCC to help make it happen now.

Madame Chair, the last point we would like to make today concerns how best to assure inter-agency accountability across the District's criminal justice system. Such accountability is sorely lacking today as the GAO study documents. Authorizing legislation creating an independent CJCC in the District of Columbia we believe should specify that the CJCC be required to publish an annual public report to the D.C. Mayor, D.C. City Council, the Congress, and the community at large each spring, in time for the annual appropriations hearings process. Such CJCC annual report should explain what actions have been taken over the past year to improve public safety and justice, and what are plans for the coming one to five years. I would hope the Congress would use this annual public report by the leaders of the District's criminal justice system as a means of assuring greater accountability.

We would be happy to answer your questions at this time.

Mrs. MORELLA. Thank you very much, Mr. Harlan.

I must say, this first panel has moved expeditiously and come up with some very specific recommendations which we want to explore further.

I am going to try to keep us to 5 minutes each, each round, but we can go back and forth for more than one round.

I will start off with the GAO, Mr. Stana.

The various agencies, the Superior Court, Pretrial Services, Defender Services, Sentencing and Felon Incarceration, Community Supervision, previously funded by the District Government, are now funded by the Federal Government as a result of the Revitalization Act.

I want to ask you what the impact has been of this change in the criminal justice system. Do you think things are getting better, or not? How do you think Congress can help to improve the operations?

Mr. STANA. As was pointed out earlier, the crime statistics seem to show that things are going in the right direction. Homicides are down, assaults are down, thefts are down, arson is down.

What I don't know is whether this is owing to the Revitalization Act and the changes made there. What was called for in the act, seems to be moving on schedule, but for the purposes of this report, we did not do the work that would allow us to answer the question that you asked.

Mrs. MORELLA. Could I ask you, the CJCC appears to be an important component in the coordination of the operations of the D.C. criminal justice system.

Would you have any comments about whether or not you think Congress should fund the CJCC, and what reasons would you have, yes or no?

Mr. STANA. The short answer is yes, we believe Congress should fund the CJCC. There are a number of different models to use when considering its structure and budget.

For example, Montgomery County, MD has a CJCC. There is no specific funding for it, but rather, the members of the criminal justice community there donate staff and time and detail individuals to accomplish what the Criminal Justice Coordinating Committee there has to accomplish.

One difference in the District, however, is that you have Federal and local funding streams. You have over 30 different agencies operating here. There is a blend of interests and there is a blend of organizational hierarchies that, frankly, exists nowhere else in the country.

When we discussed the CJCC with agencies involved in the D.C. criminal justice system, one thing they pointed out to us is that it is extremely important that an organization like that be perceived as independent, and the CJCC, under the Control Board, was perceived as independent.

We were told that in order to preserve that independence, it was critically important that it not be perceived as an instrument of one agency, the District Government or of any agency, any member participant.

Mrs. MORELLA. You are right, it does pose some incredible challenges that other jurisdictions do not have in terms of coordination jurisdictionally.

I noticed also that you did say in your testimony that you felt that there should be the annual report. This is exactly what Mr. Harlan also stated.

Mr. Harlan, I particularly appreciate your participation in our hearing today. First, I want to thank you for your services as the former vice-chair of the Control Board. In that capacity you are known to be the driving force of the original Memorandum of Agreement Group, the predecessor to the CJCC.

You also served as the first chairman of the CJCC, which was principally established to improve the criminal justice system.

How has lack of funding affected the effectiveness of the CJCC? And then, please, get into the concept of Federal funding, if you would, sir.

Mr. HARLAN. All right.

Initially, the CJCC activities were funded through the Control Board, as has been pointed out. That was true up until I believe this current fiscal year. Each year the amount of funding since 1998, and I have been away from it, so I don't know the exact dollars—the Control Board had funding in 1999 and the year 2000, but it is my understanding that those were reduced from the budget we had.

In 1996, 1997, and 1998, we spent a lot of money looking at the system early on. One activity that has gone on, and it is my understanding it has gone on quite successfully, even though the funding in the current fiscal year for the CJCC is zero—it has gone on through Federal grants and support. It is this system that has been identified, I believe it is called Justice. It is based on a criminal justice system that is operational in Pennsylvania.

The system takes these 70—it takes several of these systems in each of these stovepipe agencies', if you will, computer systems, and overlays new, advanced technology so it can reach down and get information to share with other agencies and the organization as a whole.

Well, technology and working-wise, it is an excellent system. The problem comes in as far as the voluntary nature of it. There is one agency, which is a major agency involved in the criminal justice program here in our city, that has opted out, decided not to participate. As a result, the system, while it will work for those that are participating, there will be a big hole. It is that kind of thing that causes major problems and restricts even great success from being truly recognized.

So going forward, it is my understanding that to fund just that system, staffing, handling, monitoring the data, making sure the security is there and all that, it is going to take about $2 million a year. So the $169,000 will not come close to even handling that one system.

Mrs. MORELLA. I think you said you feel the Federal Government should be taking——

Mr. HARLAN. I believe that this is a joint effort and must be recognized as a joint effort.

The local government is proposing local dollars. The Federal Government has the lion's share of this. It should put up Federal dollars. So with local dollars and Federal dollars, I believe the leadership should be determined on an equal basis, that sort of thing.

If it is perceived, as the GAO has pointed out, that one group is taking over, it will not be very effective. But if we can figure out a way to make it a cooperative organization, independent, and not championing one particular agency or funding source, I think it can be fantastically cooperative and be a model for the country.

Mrs. MORELLA. I know my time has expired, so I will now defer to Congresswoman Norton. We will be back for another round. Thank you.

Ms. NORTON. Thank you, Madam Chair.

The problem that the GAO is confronted with and that Mr. Harlan has elaborated upon is a problem fit for one of my law school classes. It is an unprecedented constitutional law problem, and I see the problem. I caution us not to simply move forward with the kind of normal cause and effect, because I don't see the answer.

Let me address a question to GAO, the GAO representative.

The responses in the report from the District surely require some response. First of all, let me ask Mr. Harlan, what agency has opted out of the process?

Mr. HARLAN. The Bureau of Prisons.

Ms. NORTON. One thing this committee could easily do is to require that agencies participate in the process. That it seems to me could be dealt with. But the responses surely are troubling, and require some response from us.

For example, when I look at the report, that the agencies needed to feel ownership of the body in which they operate, there was concern about—particularly with agencies that must enjoy independence, like the courts, about a superagency over them.

Listen to this, just listen to this, if you are a local jurisdiction. The nuance that will be required to fashion something is important. Listen to what the report says. "Consider requiring that all D.C. criminal justice initiatives that could potentially involve more than one agency be coordinated through the new independent entity."

The city questions, or one of its representatives in your report questions, "Given the interrelatedness of agencies in our system, it is difficult to think of any initiative, no matter how limited in scope or application, that would not fit that definition and require review by that entity."

I don't see how you would avoid putting the criminal justice system of the District of Columbia under the Federal Government, which is precisely what the Revitalization Act intended not to do.

Now, I see the problem of leadership, but I want your response to these responses that I found in the report itself.

Mr. STANA. OK.

Let me take the second one first, and the second one was running the coordination initiatives through the CJCC.

What we found among the 93 initiatives was that in about two-thirds of them, fundamental misunderstandings existed about who was the leader of the initiative, what it was intended to do, what goals and responsibilities were assigned, and so on.

What we had in mind here, and what our report is aiming to do, is to use the CJCC as a clearinghouse, not as a directive body, but as a body that pulls these initiatives in, studies them, and points out these kinds of shortcomings to the members around the table, to discuss how are we going to address them. What can be done to address these disconnects? And that the members themselves would say, well, I did not mean that, or yes, I could be involved in this, or yes, that is the leader, I am not the leader. Let us see if we can measure our goals. It is not a directive body, but it is intended to be a clearinghouse and a helpful body.

With respect to trying to Federalize the District of Columbia's criminal justice system by having the CJCC federally funded, I don't know if that would be the intent of Federal funding. I think what Federal funding does is ensure that the most participants possible appear at the CJCC table and work with the other members of the D.C. criminal justice community.

Ms. NORTON. We are beginning, I think, to focus in on how to make this thing work. The word "clearinghouse" is very important to use.

Here you have two independent entities. The District of Columbia is an independent jurisdiction. When we wrote the Revitalization Act, we were at great pains to keep those jurisdictions, the Federal Government and the District Government, in their independent status.

Just because somebody is funding something, or just because our prisoners go to the BOP, does not change the relationship between the District government.

Yet, you raise a critical point. It seems to me—you help me in what you have said. This is an entity that cannot function except by consent of the governed.

Mr. STANA. Right.

Ms. NORTON. It may be in fact possible—and, if I may say so, despite what the District said, there is a supremacy clause problem. The Mayor and the District of Columbia cannot order a Federal entity to do anything. There is still the Constitution of the United States, and he does not have that jurisdiction, and certainly no agency of the District government has that jurisdiction.

If we are talking about a clearinghouse—that is why I think we need to think about this before we decide what we are doing here. I would like to see a lot more analysis here.

If we would talk about a clearinghouse operation with matters done by consent, then the funding would not matter, because you have already said that these folks are funded now by a Federal grant. So the funding is not a problem. The problem is leadership. The problem is making sure that every agency, BOP and everybody else, understands that it is a Federal obligation.

I would ask the D.C. government to pass a comparable statute saying it is the obligation of every D.C. agency to fully participate in this matter, and leave it to—here I am thinking off the top of my head, based simply on what I have heard from you, because I learned a lot from you; and if there was failure of cooperation, then the leader, the real leader would have the obligation to see to it that particular agency in fact fell into line.

We could get toward something in which everybody maintained his sense of who he really is, and yet had an obligation to participate fully in this coordination mechanism.

Mr. STANA. Yes, and that was the goal of our third objective.

What we found when we compiled and analyzed these 93 initiatives was that, No. 1, this had not been compiled before; and No. 2, many of the other participants did not realize what the other had thought—what was supposed to happen, or who was in charge, and so on. So bringing these kinds of matters to the coordinating committee would be very useful.

Our second recommendation about reporting to the Congress and to the D.C. government and others is intended to let the funding sources and the hierarchies of each member know what has been resolved and what hasn't been resolved.

As one participant said, sunshine is purifying, and if one funding source realizes that, well, my person or my organization is not cooperating and I am not happy about that, then they can take that individual to task over that and find more out about it.

What we found in talking with the different participating agencies is if the Criminal Justice Coordinating Committee becomes dictatorial and exercises powers that are inordinate with its real responsibilities, that many members would not be around that table for very long.

Ms. NORTON. That's right.

Madam Chair, can I say that one suggestion I would make to the Chair is that we might ask some of the distinguished lawyers in our own D.C. Bar Association to look more closely at this matter, maybe the Council of Court Excellence, so these issues we have fleshed out, the consent, the responsibility of the leaders of the sectors, the Mayor and whoever would be designated for the Federal sector and the clearinghouse notion, and that any notion that got put into effect be put into effect as a pilot first, because it is so unusual, because it is unique, and we would not want to go willy-nilly into something that simply did not work for us.

Thank you, Madam Chair.

Mrs. MORELLA. Thank you. We will be discussing that.

Continuing with our questioning to Mr. Stana, in your March 2001 report on the criminal justice system, you reported that the criminal justice activities in D.C. are not effectively coordinated. We have talked about that, longstanding problems not addressed.

We suggest that some of the real causes of the problems are the lack of agreeing on the goals of the initiatives and the turf issues between participating agencies. I wonder if these are the root causes of the problem. Will the establishment of the federally funded or in-partnership D.C., Federal, etc., funded CJCC address the root causes of the problem?

Mr. STANA. Our report points out that many of the causes for the lack of coordination are systemic: different funding streams, different hierarchies. That is not to say these are insurmountable. By coordinating activities and having a mechanism to coordinate, we can take care of basically the three kinds of problems that we service.

One is the interagency difficulties with the 93 initiatives, where participants did not know the fundamentals llike which agency was in charge and what are the goals, and so on.

The second involved papering. We have discussed the papering issue quite a bit in the report. I'm sure you will talk about it a lot more on the third panel.

There are some fundamental issues there that have to be dealt with, and they just haven't been, and a coordinating mechanism is needed to do that.

The third involved the Leo Gonzalez Wright case that I believe Ms. Norton mentioned, and that is just a series of errors that happened over years, that we believe some sort of a coordinating mechanism or some sort of a way to discuss individual problems would have helped that case considerably.

Mrs. MORELLA. That leads—in fact, I think I mentioned that case, but that leads to that question of, even if there is a Criminal Justice Coordinating Council, when there is a stalemate among the members in resolving the problems, as is the case now, how do we ensure that the problem is resolved correctly?

Mr. STANA. Well, one of the problems with the current coordinating committee is that they could agree to disagree, and that was the end of it, and nobody else knew about it. And what we're hoping is, that by having a reporting mechanism back to the Congress and to the administration and to the D.C. government, that by putting a little sunshine on these areas of disagreement, the Congress, the administration and the Mayor and the city Council would be in a better position to act from their viewpoint.

Mrs. MORELLA. I'd like to address that very same question to Mr. Harlan for any comments he may have on it, how to resolve the stalemate.

Mr. HARLAN. Yes. I agree that—and what—our recommendation is very similar to the GAO's suggested report, because of just bringing the clarity of the sunshine to the issue, sometimes the fear of having to stand up and defend some action that an agency leader has taken that blocks other agencies, he or she would have to stand up and explain that to you if you held hearings on it and had a report.

So we believe that an oversight responsibility is required, but I also think that cooperation is the key to this. And unless we find a magic cooperation here, as an agency head, he or she can find 1,000 ways to block progress if they really wanted to. I mean, that's the reality of operational leadership. Not that they would but we've all seen it, and if the people don't want to cooperate together, it's very difficult to make them. It requires sunshine. You give them marching orders, and they still don't do it. So they have to want to do it, and it has to be a benefit to all.

Sometimes—it has to be a benefit to the whole system, and sometimes my agency may have to take it on the chin a little bit. I have to fund something I really didn't want to fund for the benefit of the whole system. People have to work together, and that, to me, is the critical aspect of this thing, finding a joint way for the Federal leadership and the local leadership to help these agencies work together and then provide accountability, mandatory accountability. Maybe it's you or—reaching an agreement with the local leadership

that you will jointly oversight. I don't know. But something of that nature is going to be required.

Mrs. MORELLA. Which is another reason why I note that both of you have stressed the leadership quality—leadership——

Mr. HARLAN. That's right.

Mrs. MORELLA [continuing]. Commitment, working together.

Well, we'll continue to discuss that.

I think I have another minute or a minute and a half left. So to Mr. Harlan, we discussed this in our opening comments, but in the recent study on case processing and the use of police resources, it was reported that $1.5 million in overtime was paid to offices who had to go to the prosecutor's office to swear legally that reports they had filed were true, and you gave us some incredible statistics about the kind of time that's spent, you know, in the courtroom by police officers. What do you believe is the greatest impediment to addressing the longstanding problems of case processing and case overtime?

Mr. HARLAN. Let me—if I may, just to make sure I've got my good adviser here, Sam, would you help me with that, please?

Mr. HARAHAN. I'll be happy to. I think your biggest impediment is tradition. They've always done it one way. They're going to be very reluctant to change. We documented that 25 or 30 other urban jurisdictions do not require the police officer to come the next morning to eyeball the assistant U.S. attorney or the prosecuting attorney. We've always done it one way.

There will be 40 reasons given to you as to why the U.S. attorney's office possibly can't do this. They will do a pilot project, four or five cases in the next 6 months. But the truth is, in major cases there's going to be a great reluctance to change the way it's being done today.

Mrs. MORELLA. We really can't accept the way it's being done today. And I want to get into——

Mr. HARAHAN. It's not rocket science, ma'am.

Mrs. MORELLA. Right. Why do you think the papering issue that has been posed, why has it festered over a decade without being resolved? Is that also traditional?

Mr. HARAHAN. Well, I think it's the point that the GAO are making about the lack of incentives that exist in the system today for people to change the way in which they are practicing.

Mrs. MORELLA. We would kind of like to look to what these incentives might be. But I'm going to defer to Ms. Norton and then pick up that great question with you again before we terminate the panel.

Ms. NORTON. Just to comment on Mr. Harlan's notion about cooperation being the key to this coordination notion, and of course it is, because this is—we know that there are systems—when there are problems, you can put people in charge if you have compulsion all the way down the line, but that is not our system. To make you understand what I mean, when Russia was part of the Soviet Union, there was very little AIDS. There was very little crime. Everybody had health care. There was no Russian Mafia. When freedom came, you got the same kind of chaos you have in democratic societies.

In thinking through this system, we've got to assume the freedom of all the parties involved and then ask ourselves, how do you get people who are free actors to do the right thing on time? That requires deep thought. We could put the Federal Government in charge. That wouldn't do you any good in the District of Columbia. It wouldn't do any good anywhere in the United States, but especially in the District of Columbia would it not do you any good, not given the resentment in this city to having us in charge, this committee, all of the Congress in charge and then for the Congress to say, here's an entity and you're in charge. That's why I'm very pleased at the way you describe how this could be put together. I think it may well take Federal legislation, but I think it's also going to take district legislation.

I'd like to ask about the problem that has troubled me ever since I've been in Congress and the one that the GAO shed special light on that Mr. Harahan just spoke about, and he said tradition is the reason. Here is a classic case of where everybody is in charge and therefore nothing happens, and this is why—and I want to reiterate what I indicated in my opening statement, 60 days, everybody, 60 days, try to do it in less, have—this is a test as to whether consensual cooperation can work within 60 days.

The U.S. attorney, the courts and the police, marshals may be involved and there may be others, must have a new system, a proposal for a new system. May I suggest that you might consider taking it off the shelf from the many jurisdictions that know how to do this?

The GAO has indicated some of the things that could be done. The report would have been more helpful to me if there was some indication of who in the region, for example, has learned to do this. And the first thing I would ask is that the city and Federal agencies involved not to invent something from scratch but to look and see how it is done first in the region and perhaps in some even better way nationally.

Mr. STANA. Ms. Norton.

Ms. NORTON. Yes. Please respond.

Mr. STANA. May I add something there? I think tradition plays a big part in this, and I think the cost does. And you talked about the papering process, and we need to get on top of that issue somehow.

Simply put, there are eight steps in the papering process that involve D.C. policemen, and the police who are trained to be on the street to fight crime. Of those eight steps, the majority are strictly clerical, making copies, making file folders, and so on. That in our view is not what policemen should be doing, but in order to change that some other agency has to assume the cost of doing that and it's not going to be the police. So, yes, there's tradition involved, but there are other things involved, and we think that cost is a big factor.

Ms. NORTON. So who assumes the cost of doing that?

Mr. STANA. The police make the copies, the police assemble the file folders, in addition to speaking with the U.S. attorneys and screening officers. Now, if the policemen weren't to do that, arguably it would fall on the U.S. attorney's office to do those clerical tasks, or it would fall on the court to do those clerical tasks. But

why you have a trained police officer earning overtime to do those kinds of clerical tasks needs explanation.

Ms. NORTON. If you forgive the pun, that's criminal. When you consider what crime rates in the District of Columbia are and the way in which our police are overtaxed—I mean, I've gotten a bill that has gotten through that is being implemented now to give assistance to the District of Columbia police and Federal police officers precisely because they are so overtaxed. I am very pleased with how that is working, but those people, by the way, are going to be bringing in—what do we call them—arrested people as well. Let's see what happens when the Federal police are confined to clerical work.

But this is very—the cost issue—what you've indicated is it's not just turf; it's cost. And so that's going to make it really difficult in these 60 days. And I don't care how difficult it is. We've got to start somewhere. And I said a proposal. I didn't say in 60 days you have to have something in place, but we really do have to begin this process, and perhaps the Chair will find when she receives it that she will want to have hearings at some later date, but we've got to get something in place.

Could I ask whether in this—we've had difficulties in technology in the district. You speak to some of the technology problems here. It seems to me this becomes really difficult, then, if the District is having trouble, not so much with its technology but with the interplacing of the systems within the District of Columbia, do you believe that working through the criminal justice—some kind of coordinating mechanism, this interface—this now double interfacing will take—can be done, or is that going to require a whole new project, a whole new way of dealing with technology once the coordination mechanism is in place?

Mr. JENKINS. Well, let me answer that. I think there are a couple of things there. I think it has worked relatively well to date, partly, as we point out, because in the justice system most of the participants view that they stood to gain from it in terms of access to information that would help them do their job better.

I think to date one of the reasons it's succeeded is because of the leadership of the person on Criminal Justice Coordinating Council is perceived by those people who he's working with as being competent, knowing what he's doing, listening to people, listening to concerns that the participants have. He has not tried to dictate a solution. He's tried to listen to things, identify what's doable in the short term, which is one of the reasons they have sort of chosen the solution they have.

So I think it's possible to use the Criminal Justice Coordinating Council for that, and this particular effort, has shown that it can work if it has certain conditions. But, as Mr. Harlan pointed out, if somebody says, there's not enough benefit to me to participate and I'm opting out, then you do have a big gap; and, therefore, it reduces the benefits that the other participants get out of it when you have a major player that opts out of it.

Mrs. MORELLA. We have other questions we'd like to ask you, but I am most concerned about our time and the fact that we have two other panels. We would like very much to submit questions to you within the next few days for your responses.

I want to thank you very much; and I want to thank you, Mr. Stana. I want to thank your colleagues, Mr. Jenkins and Mr. Tremba. I want to thank you, Mr. Harlan; and I want to thank Mr. Harahan for being here. We value very much your statements; and we'll be following up with you, too.

So I'll ask the second panel, then, to come forward, too.

Margret Nedelkoff Kellems, who is the Deputy Mayor for public safety and justice, the government of the District of Columbia; the Honorable Kathy Patterson, who is the Chair of the Committee on the Judiciary; and Rufus King III, who is the Chief Judge, Superior Court of the District of Columbia.

Maybe as you get to your designated spots, you could continue to stand so I can administer the oath. If you would raise your right hands.

[Witnesses sworn.]

Mrs. MORELLA. I heae affirmative responses, which will be so recorded. Again, we'll try to keep to the 5-minute rule.

We'll start off with you, then, Ms. Kellems. Thank you very much for coming, and thank you for being patient, too.

STATEMENTS OF MARGRET NEDELKOFF KELLEMS, DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE, GOVERNMENT OF THE DISTRICT OF COLUMBIA; KATHY PATTERSON, CHAIRPERSON, COMMITTEE ON THE JUDICIARY; AND RUFUS KING III, CHIEF JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Ms. KELLEMS. Good morning. Good morning, Chairwoman Morella.

I'm Margret Kellems, the Deputy Mayor for public safety and justice. I appreciate the opportunity to testify before you today on the coordination of criminal justice activities in the District, particularly the past successes and future plans of the Criminal Justice Coordinating Council. Mayor Williams is a staunch supporter of the CJCC, and as Deputy Mayor for public safety and former executive director of the CJCC, I am especially committed to seeing the organization become an institutionalized part of the District's justice system.

I am intimately familiar with how the CJCC can be and in fact has been an effective tool for integrating the activities of our fragmented justice system. Background on the evolution of the CJCC from 1996 to the present is found in my written submission. My written testimony also includes greater detail on the staffing and organization during fiscal years 1999 and 2000.

For now, I would like to briefly discuss some of the CJCC's successful projects and the city's plan for continuing those successes in fiscal year 2002.

The mission of the CJCC is to foster systemic change in the justice system, serving as a forum to identify issues and their solutions, proposing actions and facilitating cooperation that will improve public safety and the related criminal and juvenile justice services for the District of Columbia, residents, visitors, victims and offenders.

During its brief existence, the CJCC has undertaken a number of ambitious, successful projects. I will briefly highlight two to dem-

onstrate some of the valuable accomplishments of the organization, accomplishments that I am quite certain would not have been achieved without the CJCC's existence.

Each criminal justice agency in the District relies on the other agencies for basic management information. However, the current information systems maintained by the justice agencies within the District are not integrated. It is difficult and in some circumstances impossible to access necessary information in a timely manner.

In 1999, the CJCC envisioned a solution to this problem, the District of Columbia Justice Information System, to serve as a central information-sharing facility. In partnership with the District's chief technology officer, the CJCC undertook to implement this solution; and in December 2000, the proof of concept for the system was completed for approximately $750,000, a fraction of the cost of similar systems in other jurisdictions. The project is now in phase 2 and will be funded with Federal grants through fiscal year—I'm sorry, fiscal year 2001 and fiscal year 2002.

A second project, which came to fruition just last month, is a pilot project called Papering Reform 2000. This project, under way in three police districts, will get more officers on the street and enhance the quality of prosecutions by eliminating some of the administrative duties currently required of police officers.

For example, officers will no longer be required to appear in person to present charges to a prosecutor before a decision is made on pursuing a case. Instead, the officer can swear to the charges in their district station or other unit of assignment and return to patrol. The corporation council prosecutor will then go forward with the charging process without the officer being present.

The CJCC supported this project through 1999 and 2000. The Metropolitan Police Department and the corporation counsel have sustained this valuable project since the CJCC lost its full-time staff. When the program is fully implemented, District residents will enjoy the benefit of greater police presence on the street as a result of these efforts.

These are but two of the many projects supported by the CJCC. Experience has shown us that without this neutral body, without resources dedicated to identifying and proposing solutions to problems of coordination among criminal justice agencies, systems improvements in the District's justice system would be difficult to achieve.

Consequently, the Mayor has fully supported the activities of the CJCC and believes it is in the interest of the residents of the District of Columbia to institutionalize this body and bolster its efforts. The fiscal year 2002 budget proposed by the Mayor and approved by Council includes, as you noted earlier, $169,00 in earmarked resources for staffing the CJCC.

But, additionally, the Mayor is committed to providing additional resources through block and formula grant funding to support specific projects, just as were used with the Information Technology Development Project and the Council for Court Excellence report, both funded by Federal grant dollars. As has been the practice, member agencies will be asked to devote staff to specific projects as needed. We believe that these resources will allow the CJCC to

continue its current projects and expand its efforts in fiscal year 2002.

Additionally, related legislation establishes the CJCC formally and codifies its duties to coordinate crime control activities, identify systemic issues and develop solutions, participate in grant planning and establish and report on measurable goals and objectives for system improvement. In the next 60 days, the CJCC will conduct planning sessions to identify the priority project areas for the coming fiscal year.

Additionally, during these planning sessions, the group will be able to consider and clarify the member's obligations to the organization and its projects. If necessary, the CJCC is prepared to further define the organizational structure and administration, for example, by creating a separate agency for staff support, if it is determined that would best serve the interests of autonomy and independence.

The CJCC can and should continue to serve as a mechanism for identifying problems, developing the solutions and imposing accountability for the results that our citizens deserve. With the support and cooperation of all of the local and Federal partners, I am confident that fiscal year 2002 will prove to be an effective and productive year for the Criminal Justice Coordinating Council and for the citizens, visitors, victims and offenders in the District of Columbia.

Thank you again for this opportunity. I'd be happy to answer your questions.

Mrs. MORELLA. Thank you very much, Ms. Kellems.

[The prepared statement of Ms. Kellems follows:]

Hearing on Coordination of Criminal Justice Activities in the District of Columbia

Before

Committee on Government Reform
Subcommittee on the District of Columbia

Testimony of Margret Nedelkoff Kellems
Deputy Mayor for Public Safety and Justice

10:00 a.m. on May 11, 2001
Rayburn House Office Building
Room 2154

Chairwoman Morella and Members of the Committee:

I am Margret Nedelkoff Kellems, Deputy Mayor for Public Safety and Justice in the District of Columbia. I appreciate the opportunity to testify before you today on the coordination of criminal justice activities in the District, particularly the past successes and future plans of the Criminal Justice Coordinating Council (CJCC).

Mayor Williams is a staunch supporter of the CJCC, and as Deputy Mayor for Public Safety and former Executive Director of the CJCC, I am especially committed to seeing that organization become an institutionalized part of the District's justice system. I am intimately familiar with how the CJCC can be and, in fact, has been an effective tool for integrating the activities of our fragmented, multi-agency, multi-jurisdictional justice system.

By way of background, the predecessor organization of the CJCC was the Memorandum of Understanding Group (MOU) created in December 1996. The MOU Group was convened by the District of Columbia Financial Responsibility and Management Assistance Authority (Control Board), in conjunction with the Mayor, the Chair and Judiciary Committee Chair of the Council, the Corporation Counsel, the U.S. Attorney, and the Chief Judge of the Superior Court, to oversee the reform of the Metropolitan Police Department. Its objectives were to reduce crime and improve the quality of

life in the District's neighborhoods by reeingineering the strategies and operations of the MPD.

In 1998 as the police department assumed new leadership and crime began to drop steadily, the MOU Group was expanded to include other members of the criminal justice community in the District who were key players in crime control and system improvement. The group expanded its focus beyond MPD to include a broader range of system-wide reforms and initiatives. The MOU group was reconstituted as the Criminal Justice Coordinating Council for the District of Columbia (CJCC). Its mission was broadened and its membership expanded to include the Department of Corrections, the D.C. Corrections Trustee, the Director of the Court Services and Offender Supervision, the Director of DHS's Youth Services Administration, the Public Defender, the Pretrial Services Agency Director, the Director of the Federal Bureau of Prisons, and the Chair of the United States Parole Commission.

From 1998 until October 2000, the CJCC was supported by three full time employees, funded by the Control Board, plus a grant funded information technology specialist, and ad hoc detailees from the member agencies to work on specific projects. Additionally, there were resources for contractor support on several projects. In October 2000, however, Control Board funding ended after two fiscal years. Since that time, there has been no dedicated staff

support for the CJCC and the activities of the group have been scaled back substantially, suspending a number of valuable projects.

The mission of the CJCC is to foster systemic change in the justice system, serving as forum to identify issues and their solutions, proposing actions, and facilitating cooperation that will improve public safety and the related criminal and juvenile justice services for District of Columbia residents, visitors, victims, and offenders.

The many local and federal criminal justice stakeholders in the District recognize the continuing need for an entity that can pull together the fragmented justice community to set common goals and collectively use resources to improve criminal justice management and outcomes in the District. This need was recently reaffirmed in the U.S. General Accounting Office (GAO) report on criminal justice in the District, which noted persistent coordination problems among justice agencies in the District and recommended institutionalization and full funding of the CJCC.

During its brief existence, the CJCC has undertaken a number of ambitious, successful projects. I would like to briefly highlight two significant projects to demonstrate some of the valuable accomplishments of the organization – accomplishments that would not have been implemented without the CJCC's existence.

Each criminal justice agency in the District relies on the other agencies for basic management information; however, the current information systems maintained by justice agencies within the District systems are not integrated. It is difficult – and in some circumstances, impossible – to access necessary information in a timely manner. Many information exchanges are labor-intensive, time consuming, inconsistent, often manual, and sometimes impossible. In 1999, the CJCC envisioned a solution to this problem – a District of Columbia Justice Information System (JUSTIS) – to serve as a central information sharing facility for all justice agencies within the city, providing easy access to multiple existing systems.

In partnership with the District's Chief Technology Officer, the CJCC undertook to implement this solution. In December 2000, the proof of concept for the system was completed for approximately $750,000, a fraction of the cost of similar systems in other states, and demonstrated the effectiveness of the integrated system. The project has already moved to Phase 2 in spring 2001, and will be funded with approximately $1.6 million in federal grant funds to expand the JUSTIS system in FY2001.

When fully developed, JUSTIS will provide seamless connections between people and information (information inquiry applications and search engines); connections between people and people (collaboration, secure email) and connections between information and information (data transfer, data

scrubbing, notification), which will save agencies time and ensure higher quality justice administration.

A second project, which came to fruition just last month, is a pilot project called Papering Reform 2001. This project, underway in three police districts, will get more officers on the street and enhance the quality of prosecutions by eliminating some of the administrative duties currently required of police officers. For example, officers will no longer be required to appear in person to present charges to a prosecutor before a decision is made on pursuing a case. Instead, officers can swear to the charges in their district station or other unit of assignment and return to patrol. The Corporation Counsel prosecutor will then go forward with the charging process without the officer being present.

The CJCC supported this project throughout 1999 and 2000, baselining data and streamlining process flows. The Metropolitan Police Department and the Corporation Counsel sustained this valuable project using their own resources and support from the Corrections Trustee's office since the CJCC lost its full-time staff. When this program is fully implemented, District residents will enjoy the benefit of greater police presence on the street as a result of these efforts.

These are but two of the many projects the CJCC supported since 1998. Other projects include the expansion of fingerprinting to selected charges, an

aggressive expansion of drug testing and treatment for the offender population, the commissioning of the recent Council for Court Excellence analysis of case flow management in the justice system, and numerous other initiatives.

Experience shows us that without this neutral body with resources dedicated to identifying and proposing solutions to problems of coordination among criminal justice agencies, system improvements in the District justice system would be difficult to achieve.

Consequently, the Mayor has fully supported the activities of the CJCC, and believes it is in the interest of the residents of the District of Columbia to institutionalize this body and bolster its efforts. The FY02 budget proposed by the Mayor and approved by Council includes $169,000 in earmarked resources for staffing the CJCC. Further, the Mayor is committed to providing additional resources through block and formula grant funding to support specific CJCC initiatives. And as has been the practice, member agencies will be asked to devote staff to specific projects as needed. We believe that these resources will allow the CJCC to continue current projects and to expand its efforts in fiscal year 2002.

Additionally, related legislation establishes the CJCC formally and codifies its duties to coordinate crime control activities, identify systemic issues and develop solutions, participate in grant planning, and establish and report on measurable goals and objectives for system improvement. In the next 60 days,

the CJCC will conduct planning sessions to identify the priority project areas for the coming fiscal year. It is likely that work will continue in the area of reducing police overtime costs associated with court and prosecutorial-related activities. Additionally, substance abuse and mental health treatment continue to be high priorities in controlling crime and breaking the cycle of recidivism. There is an urgent need for interagency collaboration and problem-solving in the corrections area, both in siting community corrections facilities and managing our diffuse incarcerated felony population around the country.

Additionally, during these planning sessions, the group will consider and clarify the members' obligations to the organization and its projects. If necessary, the CJCC is prepared to further define the organization's structure and administration, for example, by creating a separate agency for the staff support (as opposed to staffing through existing member agency offices), if it is determined that that would better serve the interests of autonomy and independence.

The CJCC can and should continue to serve as a mechanism for identifying problems, developing solutions, and imposing accountability for the results that our citizens deserve. With the support and cooperation of all of the local and federal partners, I am confident that FY02 will prove to be an effective and productive year for the Criminal Justice Coordinating Council and for the citizens, visitors, victims, and offenders in the District of Columbia.

Thank you again for the opportunity to testify before you today and I would be happy to answer any questions you may have.

Mrs. MORELLA. Now Councilwoman Kathy Patterson.

Ms. PATTERSON. Thank you very much, Congresswoman Morella, Congresswoman Norton.

I am Kathy Patterson; and, since January, I have been chairperson of the D.C. Council's Committee on the Judiciary with oversight responsibility for the major public safety agencies and criminal justice policy in the District.

I appreciate the opportunity to comment today on the report by the GAO and on prospects for improving criminal justice coordination through the work of the Criminal Justice Coordinating Council. I would like to give you an overview on legislative actions taken recently by the Council and also some major issues pending before the Judiciary Committee.

There are two general themes that I would bring before you today—the strong need for collaboration among Federal and local partners and the need also to review certain governance issues that affect partner agencies within the CJCC reflected in legislation before the District Council.

As has been mentioned, the District Council recently approved the Mayor's proposal to provide funding in fiscal year 2002 and also to approve additional language spelling out the responsibilities and functions of the CJCC.

I would like to highlight two of the cross-jurisdictional issues that require the collaboration of member-partners. Issues of this nature make the case for continuing efforts to sustain and enhance the work of the CJCC.

The first is the issue of court overtime, researched most recently by the Council for Court Excellence, and those findings were shared with you earlier this morning.

I would only add that court overtime is not a new problem. The Judiciary Committee budget report, which you have received, provides a summary of earlier reviews of police department overtime issues.

One such review that I found particularly disturbing was a 1993 report by the Court Liaison Division detailing nearly 300 court appearances by police department officers that supposedly occurred after charges were dismissed. These appearances were nevertheless compensated based on reports filed by officers and corroborated by assistant U.S. attorneys.

This particular finding I mention today because it underscores the fact that, while policy and procedure reforms are needed and can be advanced by the CJCC, also necessary are good management and vigilant oversight by responsible agency leaders.

The second example of the kind of systemic issue that requires shared evaluation and coordinated action is one mentioned by Mrs. Norton, the placement of detention facilities serving the District's criminal justice population, both pretrial detainment and halfway houses for those released from prison.

The successful reintegration of individuals returning to the District from Federal prison is likely to be more or less successful, depending on the kind of transition opportunities that policymakers provide and fund. How and where we locate pretrial detainment and halfway houses for released felons requires coordination by local and Federal entities. It also requires a healthy dose of public

education on the need for and merits of detention and a similarly healthy respect for and acknowledgment of the needs and concerns of residents in District neighborhoods on the part of both local and Federal partners.

I'd like to comment on the specific policy recommendations made in the GAO report, specifically that the Congress enact legislation to create, define and fund the CJCC. The GAO report does note the CJCC has provided a valuable, independent forum for discussions of issues affecting multiple agencies. I would suggest, based on that, that the CJCC is not broken and therefore does not need a Federal fix. Coordination and collaboration occur when equal partners agree to coordinate and collaborate; and, as has been noted in the previous panel in the discussion, mandates have questionable value in such a context.

At the same time, I think the GAO's suggestion that the CJCC have distinct reporting requirements is useful, and I foresee adding reporting requirements to the Council language when we revisit this issue in June. Reporting can keep you informed and can also provide a check on the performance of an entity that will again be receiving District taxpayer dollars.

It's my view that the District dollars earmarked for the CJCC in fiscal year 2002 represents a basic level of support that we can sustain. At the same time, when equal partners come to any table, it is useful for them to be equally vested; and, for that reason, I would suggest that the Federal member agencies provide a modest sum toward the operation of the CJCC and would recommend that the fiscal 2002 budgets that the Congress enacts for the Federal member agencies incorporate such modest sums. This is an issue on which the D.C. Council has not advanced a view, and I therefore speak for myself.

There are two other issues touched on by the GAO report that have been addressed by the D.C. Council in the Budget Support and Budget Requests Acts.

First, we approved a line item of $100,000 in the Department of Corrections' budget to support the Corrections Information Council called for by the Revitalization Act in 1997. In addition, I am pleased to say that we are moving forward with names to populate that Council, and I hope to see the CIAC in place over the summer and able to hire professional staff this fall.

There's a second issue that derives from the 1997 Revitalization Act and is reflected in the Budget Request Act that the Congress will be receiving. As you know, this law sought to transfer financial responsibility for certain State-like functions from the District to the Federal Government, including the financial responsibility for incarcerating convicted District felons. The Council is asking that the Congress revisit this issue and clarify that, in fact, the Bureau of Prisons will pay the full cost for convicted felons, which is not the case today.

There are other major legislative issues pending before or anticipated by the Council of the District of Columbia. Very briefly, one has to do with local selection of judges. A second has to do with an election of a local attorney general. These two will be the subject of a hearing shortly.

A third piece of legislation I anticipate we will shortly have before us would be to comment on Judge King's plan to strengthen the family division of the D.C. Superior Court, and I look forward to being able to share with the Congress the views of the D.C. Council.

Finally, the Council has before it legislation introduced last week to create a centralized, highly trained, competitively compensated Office of Administrative Trials and Hearings, similar to a panel that was put in place in the State of Maryland in 1990.

I appreciate having this opportunity to appear before you, look forward to working on these joint issues, and I would be happy to answer any questions. Thank you.

Mrs. MORELLA. Thank you, Councilwoman Patterson. You certainly got through a lot of material, and I know there's even a lot more here in the written testimony. I appreciate that.

[The prepared statement of Ms. Patterson follows:]

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

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Testimony by
Councilmember Kathy Patterson
Chairperson, Council Committee on the Judiciary

before the

House Government Reform Committee
Subcommittee on the District of Columbia

on

Coordination of Criminal Justice Activities in the District of Columbia

May 11, 2001

Thank you Chairwoman Morella. Congratulations on your new leadership role in chairing this important Subcommittee.

I am Kathy Patterson, and I represent Ward 3 on the Council of the District of Columbia. Since January of this year I have been chairperson of the Council's Committee on the Judiciary with oversight responsibility for the major public safety agencies and criminal justice policy in the District of Columbia.

I appreciate the opportunity to comment today on the report by the General Accounting Office, and on the prospects for improving criminal justice coordination through the work of the Criminal Justice Coordinating Council. I would like to give you an overview on legislative actions taken recently by the Council, and some of the major issues pending in the Judiciary Committee. There are two general themes in my comments: the strong need for collaboration among federal and local partners in the criminal justice arena, and the need, also, to review certain governance issues that affect the partner agencies within the CJCC, a need reflected in legislation before the D.C. Council.

As you are aware, the Council recently approved the Mayor's proposal to provide $169,000 in FY 2002 funding for the Criminal Justice Coordinating Council. The Council also approved additional language spelling out the responsibilities and functions of the CJCC. This language calls for the CJCC to "coordinate the activities and mobilize the resources" of member agencies to improve public safety and the criminal justice system; "to define and analyze issues and procedures...identify alternative solutions, and make recommendations for improvements and changes in the programs of the criminal justice system." I have appended to my testimony the actual text incorporating minor revisions recommended since our action last week.

The CJCC, according to the language proposed by the mayor and approved by the

Council, has a "shared mission to address persistent problems in the justice system." I would like to highlight two of the cross-jurisdictional issues that are, in fact, "persistent problems" that require the collaboration of the member partners in the Criminal Justice Coordinating Council. Issues of this nature make the case for continued efforts to sustain and enhance the work of the CJCC.

The first is the issue of court overtime researched most recently by the Council for Court Excellence and the Justice Management Institute.

The CCE/JMI report, to be described by other witnesses today, found that over a two week period last fall an average of 670 MPD officers appeared each day for court and related proceedings, at a cost to District taxpayers of $823,000 in overtime over the two week period. Of the official billing of officers time pertaining to felony trials, 315 officers were notified to appear, 173 officers billed 418 hours, and of that time, 23 appeared on the witness stand for a total of 9.75 hours, or just 2% of the hours billed.

The report made many recommendations, in some instances reflecting proposals made in the past. Because of the other witnesses I will not detail the proposals here. It is fair to say that what is needed is for CJCC partners -- particularly the Superior Court, the Metropolitan Police Department, and the U.S. Attorney, to recognize the extraordinary drain on District resources, at the expense of police presence on the streets, and move forward with the concrete solutions already identified. Others of us on the CJCC -- the Council and Mayor, for example, share the responsibility to work with our partners on these reforms.

Court overtime is not a new problem. The Judiciary Committee budget report, which you have received, provides a brief summary of earlier reviews of police department overtime issues, starting with the 1991 report by D.C. Auditor Otis Troupe. I found most disturbing in our review a 1993 report by the MPD Court Liaison Division that in two particular cases, 272 court appearances by MPD officers were compensated for court appearances supposedly made *after* charges were dismissed. These appearances were compensated based on reports filed by the officers and corroborated by assistant U.S. attorneys. This particular finding underscores the fact that while policy and procedural reforms are needed, and can be advanced by the CJCC, also necessary are good management and vigilant oversight by responsible agency leaders.

A second example of the kind of systemic issue that requires shared evaluation and coordinated action is the placement of detention facilities serving the District's criminal justice population -- both pretrial detainment and halfway houses for those released from prison. This is an issue that has prompted a great deal of press and political attention in recent weeks, and it remains a difficult issue needing resolution. Individuals returning to the District of Columbia from federal prisons are likely to be more or less successful in reintegrating into the community depending on the kind of transition opportunities that policy makers provide and fund.

How and where we locate pretrial detainment and halfway houses for released felons requires coordination by local and federal entities. It also requires a healthy dose of public education on the need for and merits of detention, and a similarly healthy respect for and acknowledgment of the needs and concerns of residents in District neighborhoods on the part of both local and federal partners. The Committee on the Judiciary has scheduled a briefing with all of the stakeholders later this month, a briefing that will bring together a significant number of CJCC members with members of the legislature for what I hope will be a frank exchange of perspectives.

Each of these issues -- court overtime and the need for detention space -- are issues that affect numerous partners within the CJCC. There are other issues that principally affect just two agencies -- but within the collaboration context even those issues can be sensibly addressed. There have been differences of opinion, for example, between the Metropolitan Police Department and the Office of the U.S. Attorney on a host of issues, from the quality of MPD paperwork to the scheduling of officers in court. Because all of us at the table have a stake in a smooth and effective relationship between the police department and the prosecuting attorneys as they seek joint solutions, such issues are usefully addressed within the collaborative framework of the CJCC.

I would like to comment on the specific policy recommendation made in the GAO report: that the Congress enact legislation to create, define, and fund the Criminal Justice Coordinating Council. As the GAO report itself notes: the "CJCC has had some success in improving agency coordination," and, "On balance, CJCC has provided a valuable independent forum for discussions of issues affecting multiple agencies."

I would suggest that the CJCC is not broken and therefore does not need a federal fix. Coordination and collaboration occur when equal parties agree to coordinate and

collaborate; mandates have questionable value in such a context.

At the same time I think the GAO suggestion that the CJCC have distinct reporting requirements is useful, and I foresee adding reporting requirements to the language we approved last week. The Council will revisit the CJCC in the course of second reading of the Budget Support Act in early June. Reports shared with the Congress can keep this committee and others informed on the progress of the CJCC and, specifically, where there might be issues with regard to the federal partners that merit oversight by the Congress. Reporting requirements, while keeping Congress informed, have the added merit of providing a check on the performance of an entity that will, again, be receiving taxpayer dollars.

Two points on funding: The GAO notes that the CJCC had been funded "by the Control Board." The control board has been funded primarily by District taxpayer dollars, and, therefore, the CJCC has been funded by District tax dollars. The funding recently approved by the mayor and the Council is a continuation of a policy, not a change to that policy.

It is my view that the District dollars earmarked for the CJCC in FY 2002 represents a basic level of support that we can sustain. While acknowledging that I am among the newer members of the CJCC, I nevertheless believe that each member agency would be well advised to provide some modest financial support to the CJCC. It is important that the CJCC be independent and collaborative, as I said previously. When equal partners come to any table, it is useful for them to be equally vested. For that reason I suggest that the federal member agencies, themselves, provide a modest sum toward the operations of the CJCC, and would recommend that the FY 2002 budgets the Congress enacts for the federal member agencies incorporate such modest sums. This is not an issue on which the D.C. Council has advanced a view, and therefore I speak for myself on this matter.

There are two other issues touched on by the GAO report that have been addressed by the D.C. Council in the Budget Support Act and the Budget Request Act that we approved on May 1. First, we approved a line item of $100,000 in the Department of Corrections budget to support the Corrections Information Council called for by the Revitalization Act in 1997. The Budget Support Act contains language clarifying the roles and responsibilities of the Corrections Information Council, to include inspections

of facilities housing District felons, reviewing conditions of confinement, and reporting on the CIC findings to the Mayor, Council, Department of Corrections, and Bureau of Prisons, and, significantly, to the public as well.

In addition, I am pleased to report that three names have been advanced to fill the critically important positions on the Corrections Information Council -- one to be named by the Council and two to be named by the Mayor. Deputy Mayor Kellems and I have discussed this matter, and I have discussed it as well with the Council Chairman, Linda W. Cropp. I hope to see the CIC in place over the summer, and poised to hire a professional staff person as close to October 1 as possible, assuming timely Congressional approval of the District's FY02 budget.

There is a second issue that derives from the 1997 Revitalization Act and is reflected in the Budget Request Act approved by the Council. You will recall that the major theme of the Revitalization Act was to transfer financial responsibility for certain state-like functions from the District to the federal government, including the financial responsibility for incarcerating convicted District felons. The Council is asking that the Congress revisit this issue and clarify the intent by requiring that the Bureau of Prisons, in fact, pay the full costs for convicted felons, which members of the Council understood to be the Clinton Administration's policy in the Revitalization Act in 1997.

At issue is the definition of convicted felon, and the point in time when the federal government assumes financial responsibility. Today the federal Bureau of Prisons assumes responsibility once there has been a conviction, but only after bed space has been located within the federal system, something called "designation." Today the District pays the costs of incarceration for convicted felons until they are "designated" for a specific placement. There are other costs that the District must shoulder today, based on the actions of our federal partners. Sentenced felons facing additional charges remain in D.C. Jail until all charges have been adjudicated. The U.S. attorney can, and often does, request that a sentenced felon remain at D.C. Jail to testify in another court case or proceeding. Inmates who violate the terms of their parole are returned to the D.C. Jail, and may spend considerable time there, at District expense, until the Parole Commission decides the case.

The language that the Council is asking the Congress to approve states that "the U.S. Bureau of Prisons is required to reimburse the District of Columbia for the per diem

costs of incarcerating sentenced adult felons during the period between sentencing and the transfer of sentenced adult felons to a prison bed space under the Bureau's control." The D.C. Council contends that this is consistent with the intent of the Revitalization Act in terms of the federal government assuming the "state function" of incarcerating convicted felons. We ask that the Congress stand by the spirit -- and as necessary change the letter -- of the law pertaining to how and when the Bureau of Prisons assumes financial responsibility for convicted felons.

There are four other major legislative issues pending before or anticipated by the Council of the District of Columbia that affect federal partners within the Criminal Justice Coordinating Council and I would like to take this opportunity to describe those for you.

On January 23, 2001, all 13 members of the Council co-introduced two major policy initiatives that would help fulfill the vision of full self-government for the District of Columbia. *The Local Selection of Judges Charter Amendment Act of 2001*, Bill 14-22, spearheaded by my colleague Councilmember Jack Evans, would provide for the chief executive of the District of Columbia to appoint judges to the Superior Court, and return control of the administration, budget, and financing of the local courts to the local government. This legislation requires affirmative action by the U.S. Congress.

Second, all 13 members of the Council joined in introducing the *Sense of the Council Regarding the Establishment of an Office of the Attorney General for the District of Columbia Resolution of 2001*. This legislation, drafted by my colleague Councilmember David Catania, envisions the Congress amending the Home Rule Charter to provide for an elected attorney general who would assume the present prosecutorial duties of the Corporation Counsel, would be responsible for prosecuting all violations of D.C. laws and would be in charge of all civil actions by and against the District.

These two matters represent significant governance issues of relevance to all the member agencies of the CJCC. The Council's Committee of the Whole, joined by the Judiciary Committee, has scheduled a hearing on these two bills on June 12, 2001. We have no illusion that moving these policies forward will be easy or simple. I acknowledge that a very strong case must be -- and I can assure you will be -- made in support of these initiatives on behalf of the residents of the District of Columbia.

In addition, I anticipate that the Council will shortly have occasion to take up

policies recently described by Chief Judge Rufus King to strengthen the Family Division of the D.C. Superior Court. My own view is that the proposed reforms Judge King has advanced are comprehensive and address the concerns raised by advocates for children and families, and raised, as well, by some of your colleagues in the House of Representatives. Again, the legislative portions of this reform package will require action by the U.S. Congress, and I look forward to the D.C. Council sharing its view with you on this important issue.

Finally, the Council has before it legislation I introduced last week to create a centralized, highly trained, and competitively compensated Office of Administrative Trials and Hearings. This initiative has been discussed extensively in recent years and reflects the American Bar Association Model Act and central hearing panels in place in 21 states and two cities. Of particular relevance for the District is the success to date of the central hearings panel put in place in the chair's home state of Maryland in 1990.

In a 1998 memorandum former Corporation Counsel John Ferren wrote that the ultimate goal of a central hearing agency is "to improve the integrity and quality of justice citizens receive through administrative adjudications in the District of Columbia." The benefit to the government, he wrote, would be "more consistent decisions, improved professional standards and operating efficiencies, and a higher level of customer satisfaction. Benefits to citizens and businesses include: perception of a fair and impartial, legitimate process for resolving administrative disputes; more timely and efficient disposition of cases; and a more professional, detached cadre of hearing officers." While not, strictly speaking, within the criminal justice sector, this legislation is important to the administration of justice in the District. The Judiciary Committee has a hearing on this issue scheduled May 23.

I appreciate having this opportunity to testify before the Subcommittee, and I look forward to working with you on the joint federal-District initiatives within the Criminal Justice Coordinating Council. I would be happy to answer any questions.

Mrs. MORELLA. Judge King, we're pleased to hear from you, sir. Thank you for being here.

Judge KING. Chairwoman Morella, Congresswoman Norton, thank you for the opportunity to discuss the coordination of criminal justice activities in the District of Columbia among our several agencies.

Over the past several years, the Criminal Justice Coordinating Council [CJCC], has provided a valuable forum for discussion of criminal justice issues in the District and has fostered a spirit of cooperation which has enabled it to accomplish several successful projects and initiate others. The key to the past successes—and I won't enumerate them in view of the lengthy discussion of them before me this morning—has been the voluntary cooperation among the independent agencies.

Moreover, the interests of justice demand autonomy for many of the criminal justice agencies. For public defenders to function effectively, they must be independent of police and prosecutors. Requiring the courts to seek approval from the Mayor or another agency for projects and initiatives, should the CJCC be funded through the District, could undermine the crucial independence of the District's judiciary.

The Superior Court strongly recommends a continuation of the CJCC as an organization of independent criminal justice agencies, financed to provide staff and resources for interagency initiatives.

We envisage the CJCC as an independent agency with an executive director selected by the CJCC members and then a staff. The executive director would seek grants for system wide projects and administer appropriated funds for criminal justice initiatives.

The executive director would also provide annual reports to the CJCC and to Congress and the city, the Mayor and the city Council on accomplishments, progress and areas where improvement is needed. Placing this responsibility on the executive director preserves the principle of separation of powers within the District government and the independence of local and Federal agencies in the criminal justice system.

While the CJCC would continue to manage funding for some projects itself, it would also coordinate budget requests from the various funding authorities for projects whose costs and benefits fall unevenly among different criminal justice agencies. For example, where costs of procedures to benefit the Metropolitan Police Department,with reduced overtime expense might fall on the U.S. attorney's office, the CJCC would work to strategize the budget requests, so that the entire criminal justice system could realize savings.

This potential for system wide gains without disproportionate costs would provide the incentive needed for criminal justice agencies to work more cooperatively together to resolve issues for which solutions have proven elusive in the past.

In summary, the court believes the Criminal Justice Coordinating Council is an invaluable forum for discussion and interagency problem solving. The essential feature for its success has been the autonomy of the criminal justice agencies. The court strongly supports continuing an association of independent criminal justice

agencies with the resources to staff projects and launch new initiatives.

Thank you for the opportunity to comment on these important issues, and I would welcome any questions.

Mrs. MORELLA. Thank you, Judge King; and thank the three of you for your testimony.

[The prepared statement of Judge King follows:]

STATEMENT OF RUFUS KING, III
CHIEF JUDGE
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
TO THE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

Madam Chairwoman, Representative Norton, members of the Subcommittee: Thank you for this opportunity to discuss coordination of criminal justice activities in the District of Columbia and the on-going work of our criminal justice agencies to enhance public safety.

The District of Columbia Courts are committed to administering justice in a fair, prompt, and effective manner. Comprised of the Court of Appeals, the Superior Court, and the Court System, the District of Columbia Courts constitute the Judicial Branch of the District of Columbia government. The Joint Committee on Judicial Administration, of which I am a member, is the policy-making body for the Courts. Through our strategic goals, the Courts strive to provide fair, swift, and accessible justice; enhance public safety; and inspire trust and confidence in the justice system.

A Council of Independent Agencies

Essential to the Courts' mission of administering justice fairly, promptly, and effectively is close coordination with other District criminal justice agencies. Over the past several years, the Criminal Justice Coordinating Council (CJCC) has provided a valuable forum for discussion of criminal justice issues in the District. The CJCC was created by a Memorandum of Understanding among the various agencies responsible for addressing criminal justice issues. An essential characteristic of the Council has been that it was funded by the D.C. Control Board, and therefore no single agency had authority over the proceedings or dictated the agenda. Because of this, criminal justice agencies were willing participants who worked toward mutual goals and objectives, which enhanced public safety for citizens of the District of Columbia. The Control Board provided the personnel needed to staff committees, research projects, coordinate activities and perform administrative functions as well as the funding needed for expert studies, pilot projects, and other cross-agency projects. The District of Columbia Domestic Violence Coordinating Council serves as a useful precedent for the kind of effective, voluntary coordination that can occur. Similar, though less closely analogous, is the District of Columbia Advisory Commission on Sentencing.

The CJCC, in its current configuration as a council of independent agencies, has fostered a spirit of cooperation, which has enabled it to accomplish several successful projects and initiate others. To continue the progress made by the CJCC during the past three years, it is important that any successor not become a "superagency" which dictates to the independent criminal justice agencies what the agenda should be or how problems involving multiple agencies should be approached. Despite the suggestion of the recent GAO report to the contrary, the strength of the CJCC has been its lack of a hierarchical structure with the ability to compel agencies to act in a certain way. Adding a layer of bureaucracy to every agency's management structure would ultimately cost more in delay and demoralization of the responsible officials than it would save in better coordination.

Furthermore, the interests of justice demand autonomy for many criminal justice agencies. For public defenders to function effectively, they must be independent of police and prosecutors. Since criminal justice in the District is essentially a local matter,

it would be inappropriate for the federal agencies (e.g. CSOSA and the U.S. Attorney's Office) to take the dominant role in the CJCC successor agency. An independent judiciary is a cornerstone of American government. Requiring the Courts to seek the Mayor's or another agency's approval for projects and initiatives, should the CJCC be funded through the District, could undermine that independence. The mere perception that criminal justice agencies have become one monolithic whole could endanger the public's trust in the justice system.

Successes of the CJCC

The key to the past success of the CJCC has been cooperation among independent agencies. Through this forum, criminal justice agencies are addressing several long-standing problems and making progress toward solutions.

Police Overtime

Excessive police overtime costs plague criminal justice systems in many of the nation's cities. Recently, through the CJCC, criminal justice agencies in the District have begun implementing pilot programs to attack several sources of police overtime costs.

Police overtime results from both ordinary law enforcement efforts and case processing strategies. This second function, often called "court related overtime", is the byproduct of the judicial process and is driven by two governmental entities: the prosecutor and the Court. Some "court related overtime" is required, because it is necessary to schedule more than one case at a time in order to make maximum use of limited court time. CJCC members are working cooperatively to ensure that police overtime is limited to the amount absolutely necessary.

A system-wide study of court related police overtime and its causes in the District was recently conducted by The Council for Court Excellence (CCE) and the Justice Management Institute (JMI), under the auspices of the CJCC. The report recommends two primary changes to address these problems: (1) better use of modern technology to more efficiently coordinate police court appearances and share information among government agencies; and (2) more active and efficient judicial management of the court process.

To implement the first recommendation of this study, the Metropolitan Police Department and the Office of the Corporation Counsel have implemented a pilot program of officerless papering (drawing up and filing charges). This program will use technology to eliminate the need for police officers to meet with prosecutors immediately after an arrest has been made to complete the papering process, thus eliminating one source of court related police overtime. This effort is an important first step in using technology to coordinate actions in the criminal justice system.

To implement the second study recommendation, the Superior Court is implementing a pilot differentiated case management project, with the support of the CJCC. The goal of the pilot project will be to design a system to dispose of cases timely and efficiently by encouraging early resolution of cases. The pilot program will group cases by complexity and schedule them accordingly. The judge will closely monitor each case before the trial date to maximize opportunities for an early disposition by promoting early discovery, plea offers with time limits, and early rulings on evidentiary and other motions. The long-standing tradition has been for defendants to make the decision whether to plead guilty on the day of trial, after officers have had to be present in preparation for trial. Early plea decisions will thus limit the need for police officers' presence at the

courthouse. The Superior Court is now working with the CJCC to contract with experts in court management to facilitate implementation of this program by October, 2001.

Information Technology

The CJCC and its Information Technology Advisory Committee (ITAC), which I chair, are spearheading an effort to integrate all criminal justice information systems in the District. The CJCC has provided the staff and assisted in putting projects involving multiple agencies on a fast track and provided a forum for working-level groups to address common IT problem areas, such as security.

The information-sharing effort is centered on creating a web based information system, called JUSTIS, to share data among agencies. The CJCC coordinated grant funding for agencies to help develop information systems capable of sharing data. The JUSTIS system, under construction for several years, recently underwent a successful trial period. We anticipate that the system will be fully developed and in use by September, 2001.

Approach for the Future

The Superior Court strongly recommends continuation of the CJCC as an organization of independent criminal justice agencies, financed to provide staff and resources for inter-agency initiatives. Great care must be taken to ensure that the mechanism selected for providing needed funding preserves the independence and neutrality of the CJCC.

We envision the CJCC as an independent agency with an Executive Director, selected by the CJCC members, and not more than five staff members. The Executive Director would seek grants for system-wide projects and administer appropriated funds for criminal justice initiatives.

The Executive Director would also provide annual reports to the CJCC and to Congress on accomplishments, progress, and needed improvements. Placing this responsibility on the Executive Director preserves the principle of separation of powers within the District government and the independence of the local and Federal agencies in the criminal justice system.

In addition, the CJCC would coordinate budget requests from the various funding authorities for projects whose costs and benefits fall unevenly among different criminal justice agencies. The potential for system-wide gains without disproportionate costs would provide the incentive needed for criminal justice agencies to enhance cooperation and resolve issues for which solutions have proven elusive in the past.

In summary, the Superior Court believes the Criminal Justice Coordinating Council is an invaluable forum for discussion and interagency problem solving. The essential feature for its success has been the autonomy of the criminal justice agencies. The Court strongly supports continuing an association of independent criminal justice agencies with the resources to staff projects and launch new initiatives.

Thank you for the opportunity to comment on these important issues for the District's criminal justice system.

Mrs. MORELLA. It's great to have the three of you together at the table, too, because there is some differences of opinion with regard to the CJCC, whether it should be funded, how to keep it independent, if it should in fact be totally independent.

I guess I would ask you, Judge King, how should CJCC be funded in order to maintain its independence? Should there be a partnership? Should there be funding through the Mayor's office? I mean, the Council has, as was mentioned by Councilwoman Patterson, feels that the $169,000 would be adequate, and it should be totally through the local office, and there is no need for the CJCC. Would funding by the District government or other participating agencies affect its independence?

Judge KING. In my view, without having really thought through the mechanics of how it might be funded, I think in general it would be better to have it come through the city. But less important than the actual mechanism for the funding is that the funding come not encumbered by any kind of governmental or bureaucratic strings. In other words, I fully support the notion that there should be accountability through an annual report. And that obviously is going to play out in the discussions here, whether through the agencies or directly through the Federal Government in funding discussions for that year.

But the most important thing is that the CJCC itself remain an autonomous sort of federation-like council; and where the funding comes from is less critical, in my view.

Mrs. MORELLA. Have you looked at the amount that might be necessary to adequately——

Judge KING. I think $169,000, I believe it is, is certainly a good start. It's going to take more than that, in my belief. It should be—the core funding to operate the CJCC should remain rather modest. What will drive it up somewhat is the funding necessary for projects.

For example, the justis system needs—and I can provide accurate figures, which I do not have at the moment, if that's of interest, but it will need at least several millions more in order to complete the phases 2 and 3 to bring all the agencies in and to fully enhance the data-sharing capabilities that we contemplate. So I think the funding to operate the CJCC is rather modest, more than is out there now but rather modest. The funding for particular projects or initiatives may go up from there, but obviously would be planned as we go along.

Mrs. MORELLA. Thank you.

Let me ask Ms. Kellems how many meetings there have been of the CJCC and who the current Chair is.

Ms. KELLEMS. The current Chair is Mayor Williams. There have been—since the beginning of the fiscal year, which was October 1st, I believe there have been three. I'm not certain about that. It should be a monthly occurrence. It was not the first couple of months of the fiscal year, and I believe there have been three.

Mrs. MORELLA. There have been three since——

Ms. KELLEMS. Since——

Mrs. MORELLA. Since October——

Ms. KELLEMS. Since we lost the——

Mrs. MORELLA. Have the principals been showing up? We heard from our previous panel about the need for the leadership.

Ms. KELLEMS. Yes, ma'am. They always have. One of the best characteristics of the CJCC has been the commitment of the principals themselves, with a few exceptions. There's—some of the members are a little less interested in appearing every single time, but a vast majority of the time it is every member who appears.

Mrs. MORELLA. I guess to all of you, should the CJCC have the ability to compel the submission of information from the member agencies?

Judge KING. No, in a word. The system that we have—for example, in the data-sharing system, what we have done is to invite participation. That's not to say that there shouldn't be compulsion, perhaps, to participate, but if it's a particular agency that is not participating, the political and bureaucratic access to that agency ought to be the means by which compulsion takes place.

So if, for example, it is an agency that's under the command of the Mayor, it would be to the Mayor to reach out to his agency head and say "You need to participate in this," rather than make the CJCC a compulsory forum which would then lose its strength of providing a forum for a free-ranging discussion of initiatives and approaches and preparing initiatives with the best kind of buy-in and voluntary participation.

Mrs. MORELLA. Just—my time has expired, so just a yes and no from Councilwoman Patterson and Ms. Kellems on whether or not the CJCC should have the ability to compel information——

Ms. PATTERSON. Should not have it statutorily but should have sufficient skill to be able to compel partners to participate.

Mrs. MORELLA. That's a good answer.

Ms. PATTERSON. That's the answer.

Mrs. MORELLA. Thank you.

Ms. Norton.

Ms. NORTON. Thank you, Mrs. Morella.

Yes, I recognize that all kinds of legal issues could be raised by compulsion to share any and all information in a criminal justice system.

I do want to take note of part of Ms. Patterson's testimony in which she indicates that, despite the Revitalization Act—and I'm going to say despite some urging here on my part—there remains a large inequity embedded in that act that has defunding implications for the District of Columbia, and that is when an inmate becomes a Federal prisoner.

Now, you know this notion of making the District government spend—of saying—of taking credit for taking over these functions, now we—you know, big, big, big Federal Government—now we have all the responsibility for paying for these prisoners while saying, well, not really, not until they've been designated a Federal prisoner, not until we found a bed for them. That—considering that they're now going over to the BOP, now it might not be so bad.

What I would ask this committee to look closely at is that if, since felons are facing additional charges, then the District of Columbia is required to pay for that inmate to remain in the District of Columbia. That is at cross-purposes, indeed that is in conflict with the Revitalization Act, and I would like—I wonder if either of

you have any information on the cost to the District of Columbia of that part of Mrs. Morella's testimony on page 5, the designation, retaining control and, therefore, containing—you don't so much contain control. What you do is contain cost control.

Ms. KELLEMS. I don't have information on the cost with me. I'm happy to provide that to you.

On the next panel, I think John Clark, the D.C. Corrections trustee, will also address a different organization called the Interagency Detention Work Group that is working on specifically that problem to try to minimize the amount of time and the cost associated—that the District continues to bear before they're designated.

But I agree with you. It's not working the way it is right now, and the District is bearing a disproportionate share of the cost.

Ms. PATTERSON. My recollection is the dollar figure is somewhere in the range of $20 million; and, again, the issue is that these decisions are not ours to make. If someone violates parole or if the U.S. attorney wants someone held for some reason, they're not—those decisions to incur the cost are not the District's to make.

Ms. NORTON. So there's nothing the District can do but pay the piper. We've got to do something about that. It's just not fair. You can't take it over and then continue to give us costs.

What issues—first of all, I note that the CJCC is not now funded. What issues—could you give me examples of issues that are under consideration by the CJCC at the present—at this time?

Ms. KELLEMS. I will speak a little generously for the rest of the group.

I would imagine that several issues that will continue to be of concern would be substance abuse treatment for folks in the justice system. Treatments are—drug abuse and substance abuse have continued to be an enormous driver of crime and something the CJCC has really struggled with, made some progress with in the last couple of years but hasn't been able to give as much coordinated attention to. Officer time in court is certainly one of the highest priorities. It's part of a larger issue that the CJCC grapples with, which is the resource drain on all of the agencies, not just the police department.

Ms. NORTON. So what you're giving me is an agenda. I'm asking for issues now in the process of coordination.

Ms. KELLEMS. I'm sorry. Ones we are currently working on?

Ms. NORTON. Uh-huh.

Ms. KELLEMS. The several large ones would be the court calendaring issue that relates to police overtime as well. The technology integration is also another one that we're actively working on.

Ms. NORTON. Go ahead, please. I don't want to stop you.

Ms. KELLEMS. We continue to focus on the management of pretrial offenders, particularly halfway houses. There's a whole range of issues surrounding that, and a group of people continue to work on that.

Those are three of the primary ones.

Ms. NORTON. But there is no paid staff for the coordination council as such. So people simply borrow staff, I take it, or use their own staff?

Ms. KELLEMS. We use our own staff. There is one staff member who is paid by grant who manages the technology piece. He was paid by a grant before as well. There's a staff member detailed from the Metropolitan Police Department that also works on the technology piece. The rest of the staff is the staff of the agencies that continue to work on projects.

Ms. NORTON. Well, I ask the question, because, first, I want to thank Ms. Patterson, because Ms. Patterson has sent a letter. She's a member of the Council. I don't even think she would be a member of the coordinating group, but on her own initiative she has done something that it seems to me the CJCC should have done.

She has sent a letter, and I want to thank her for it here, to ask for all the representatives—I have her letter of May 4th to one of the representatives from the court services to ask them—now, here's a member of the city Council having to do this, and she's sending this to Federal agencies as well, of course, as to District agencies, asking them to meet on Thursday the 24th in order to discuss the detention issues, precisely the halfway house issues that I mentioned in my opening statement.

These issues are flaring—and I know Ms. Kellems and I have had numerous discussions about them, and I know of your concern to get moving on this, but it is some indication to me that, if the Coordinating Council exists, it must exist on an ad hoc basis. Because if there was any issue that a member of the Council should not have had to coordinate but should have been coordinated under the Council, surely it would have been this issue where there is no neighborhood in the District of Columbia now that wants to accept halfway houses. And your crime rate, despite anything that our police chief can do, is just going to go up, because these are the people—the residents of our city who are most inclined to commit crimes if they are left on their own without any help.

So I don't know why this is being done by a Council member, except she saw the need—she sits on the Council and sees the problem, but it concerns me that it's not a problem on the front of the agenda for the Coordinating Council.

Ms. KELLEMS. That is a very good example of what I think the panel before us and the panel after us will also focus on. That is an interagency multijurisdictional problem that requires someone who can focus across all of the agencies. There are individual pockets of activity related to halfway houses that will involve one or two people, and they try to put staff on it. But each of the agencies is responsible for their own individual mission, and that's what they tend to go back to—what is my role in this. They all recognize that there is——

Ms. NORTON. So you tell me the Coordinating Council still exists. So if it still exists, there ought to be some mechanism that by now would have pulled these agencies together.

Ms. Patterson, do you have anything to——

Ms. PATTERSON. I would just say I appreciate you bringing this up, but a year ago or a year from now this briefing that you mention on May 24th probably could have been a briefing between the CJCC and members of the D.C. city Council who are policymakers who need to be up to speed on these issues. And it's the fact of the lack of staff and the lack of regular meetings and so forth for this

interim before we get up and running fully again that caused it to be generated by me but knowing full well that it's primarily CJCC members that we're inviting to the briefing.

Ms. NORTON. Well, you know, I can only thank you for taking up the slack.

May I ask you, Ms. Patterson, first if you know why the control board did not fund the CJCC in its own 2001 budget, since it was still had jurisdiction over your budget, and why you believe that $160,000 was the appropriate amount.

Ms. PATTERSON. I do not know why the control board did not fund the CJCC a year ago, and I can also not explain why the Council and Mayor did not take the initiative a year ago to fund it as we are doing now. I wish we had done so. That's my 20/20 hindsight speaking.

I think the $169,000 that the Mayor proposed and that the Council affirmed is basically seen by me anyway as seed money and the District's share. It would be my hope that other partner agencies could either provide some additional funding or, as has been mentioned, project funding on a per project basis. I think we could use a larger dollar figure, but I think that was viewed as the District's contribution at this point.

Ms. NORTON. Could I ask the opinion of each of you on the kinds of things we're beginning to flesh out here?

You can see that there is a supremacy clause problem here with the Federal Government and the local agencies involved. There's also a 10th amendment problem, because, you know, local police departments and local agencies operate on their own jurisdictions and not under the Federal Government. So we establish that in order to have any legislation that would have jurisdiction over the Federal agency it would have to be congressional legislation.

You've heard me say I think there should be comparable legislation as well for the District of Columbia. Suppose there was congressional legislation, established in a kind of clearinghouse notion, where the agencies had to operate on a consensual basis, but the leadership, the Mayor and whoever would be designated by the Federal Government, had responsibility for ensuring cooperation and funding could be through the Federal Government or by Federal grants. Do you believe that kind of legislation would be acceptable to the District of Columbia?

Ms. PATTERSON. For myself, again, not having had this affirmed by the Council, I would prefer to see, if there is congressional legislation enacted, that it address itself, as you indicate, to the Federal partners to basically say, "Federal agencies, you will participate in such an entity as this" to give them both the authority and the direction to so participate as Federal partners.

Ms. KELLEMS. I agree.

Judge KING. I agree. Essentially, I think we need to create some entity that can be funded and operated. Now it's run by MOU still. That could be by city Council legislation, just to create the physical entity of some sort of corporate body. But then the need for legislation is really very minimal.

Ms. NORTON. So—excuse me, if I could just—so you think maybe the whole thing could be done by an MOU? Could the whole thing

be done by an MOU with an MOU between the Federal Government and the District government?

Ms. KELLEMS. The issue that I see where we have an MOU is if we wanted to create something that could receive money, and the MOU cannot create an entity that can receive money. The MOU can only create the sort of board of directors, the CJCC members itself. That's what would require additional legislation if we got to that point.

Judge KING. We can do the partnership but not the body that receives the funds and disburses them.

Mrs. MORELLA. That's very helpful.

I'm just going to ask one final question so we can go on to our next panel, to, I guess, Councilwoman Patterson. The District of Columbia has proposed funding, as we've discussed over and over again, for CJCC for fiscal year 2002. I'm wondering organizationally that, under that concept, where would CJCC be located?

Ms. PATTERSON. I think, as envisioned in the budget, the funding would go to the Office of the City Administrator to be part of the staffing pattern, I assume, within the Deputy Mayor, Ms. Kellems's budget. That's insofar—again, as the District dollars are concerned, that would be, as I said, seed money. That would be where you would start from. But I could foresee—as the nonlawyer on the panel here, I could foresee some entity being created that could then use that funding and add to it.

Mrs. MORELLA. It seemed to me that one of the difficulties may be the independence that we've heard over and over again, if you in fact have it. So then the Office—as your draft legislation states, the Office of the Chief Administrator, that it appears to me that it might take away some of the need for independence.

Would you like to comment on it, Ms. Kellems?

Ms. KELLEMS. I'd be happy to.

That is certainly the concern that some of the members have, that if the funding comes through any one agency, whether it's the Mayor's office or others, that those staff people will be influenced by the individual interests of the agency paying their salary. I think that's a very legitimate concern, and I understand it.

My only—I can only speak from experience. At the time that I was executive director—and I had two staff people—we were funded by the control board. They paid our paychecks, but we did not work for them. We quite clearly worked for the Criminal Justice Coordinating Council, and that was the control board's contribution to it.

In the same way, we've made the commitment that the funding that's earmarked in the budget for the CJCC will be controlled by the CJCC, whether that's a—that's the formality that we've put in the budget with that language. But I understand the concern, and I think that's legitimate.

Mrs. MORELLA. Do you feel that—would Federal funding be appropriate, do you think, for the CJCC, Ms. Kellems? And I'm going to ask you, Councilwoman Patterson.

Ms. KELLEMS. I've struggled with this issue a lot—of where the funding should come from. I'm not opposed to it. I think because so much of our system is Federal and there's so much Federal obligation, then there's certainly some cost to be borne.

As Ms. Norton pointed out, it's difficult to put the District in the position of saying we're taking away your responsibilities, but we're leaving you with costs of—that are associated with those responsibilities.

The reason that I think I have some confidence about the upcoming fiscal year is because I know how much of the CJCC activities in the past were funded through grants, and the administration has made the commitment, working with the CJCC, to use grant dollars extensively in this year.

Mrs. MORELLA. Right.

Ms. Patterson.

Ms. PATTERSON. Thank you. I think my preference would be for Federal funds to come from Federal agencies, as opposed to some kind of a blanket grant, because then I think that—if a U.S. attorney or whoever brought money to the table, if you will, I think that helps to vest those partners in the end.

Mrs. MORELLA. Judge King.

Judge KING. I think I essentially agree that if we had clearly earmarked funds, so they had to come in, it would be helpful to have them come through the several agencies. So it brings everybody to the table as a participant.

Again, I don't think that's the crucial issue. And as Ms. Kellems said, if it's clear that the funding comes to the CJCC for administration by the CJCC, it's less critical where it comes from, but it would be helpful to have it come from the agencies.

Mrs. MORELLA. I want to thank the three of you for being here. I hope that you will respond to additional questions we may have, but also feel free—since we've had this discussion this morning, feel free to send us any other suggestions as a result of this hearing today.

Thank you, Ms. Kellems—I guess I should call—what do you call the Deputy Mayor, Mayor?

Ms. KELLEMS. Margret is fine.

Mrs. MORELLA. Councilwoman Patterson and Judge King, thank you.

So our third panel, we have the chief of police, Charles Ramsey, chief of police of the District of Columbia; Kenneth Wainstein, acting U.S. attorney, District of Columbia; John Clark, Corrections trustee, D.C. Office of the Corrections Trustee; Cynthia Jones, director, Public Defender Service of D.C.; Susan Shaffer, director of the District of Columbia Pretrial Services Agency; and Michael Gaines, chairman of the U.S. Parole Commission.

Boy, that's a big panel.

Again, I will ask you, when you are so assembled, if you would continue to stand so that I could administer the oath. If you would raise your right hands.

[Witnesses sworn.]

Mrs. MORELLA. The affirmative response is recorded.

So, again, if we'll continue as we have for the others with condensing your comments to 5 minutes or less, it would be most appropriate. You have sort of the benefit of having heard what we had already said. We will try not to repeat too much, but you've also had the pain of waiting, and so I appreciate that, too.

We'll start off with the chief. Thank you all for being here. Thank you, Chief Ramsey.

STATEMENTS OF CHARLES H. RAMSEY, CHIEF OF POLICE, GOVERNMENT OF THE DISTRICT OF COLUMBIA; KENNETH L. WAINSTEIN, ACTING U.S. ATTORNEY, DISTRICT OF COLUMBIA; JOHN L. CLARK, CORRECTIONS TRUSTEE, D.C. OFFICE OF THE CORRECTIONS TRUSTEE; CYNTHIA E. JONES, DIRECTOR, PUBLIC DEFENDER SERVICE OF D.C.; SUSAN W. SHAFFER, ESQ., DIRECTOR, DISTRICT OF COLUMBIA PRETRIAL SERVICES AGENCY; AND MICHAEL J. GAINES, CHAIRMAN, U.S. PAROLE COMMISSION

Mr. RAMSEY. Thank you and good morning, Madam Chair, Congresswoman Norton. I appreciate the opportunity to be present here this morning and to present this statement concerning coordination in the District of Columbia's criminal justice system. For your information, the text of my remarks is available on our Department's Web site, MPDC.org.

This hearing comes at a time of continued progress and tremendous promise within the Metropolitan Police Department and the entire D.C. criminal justice system.

This year, as in the 5 preceding years, crime in our city is down and down significantly. Thus far, in 2001, index crime has declined 6 percent when compared to the same time last year. Homicides are down 34 percent this year, after reaching a 13-year low in the year 2000. Lower crime rates, in turn, have translated into increased public confidence in the police, the justice system and the entire District government and new investment in housing, jobs and the city's physical and technological infrastructure. Enhanced public safety has been a major factor, I believe, in the rebirth of the District of Columbia.

The reasons for the continuing decline in crime are many and varied. There is no one specific program or trend that we can point to with complete certainty. Still I'm certain that our success in reducing crime and improving public safety does revolve around one basic principle, and that principle is partnerships.

If the history of law enforcement in our Nation has taught us anything, it's taught us that the police are most effective and successful when we work in partnership with other individuals and entities that have a role in public safety in our communities. That lesson has served as the foundation of the community policing movement in our Nation over the last decade or so, a movement that has brought police, other government agencies and citizens together in new and meaningful ways.

I do not believe it is mere coincidence that the current 6-year reduction in crime in the District of Columbia began right after our city first implemented community policing in the summer of 1997 or that our record of success has continued as we have updated and expanded our original model into the current strategy known as policing for prevention.

When people think of community policing, they often focus on partnerships between police officers and residents. These partnerships are certainly critical to the success of community policing, but

they represent only two sides of what we call the partnership triangle.

The third side, one that is critically important but frequently overlooked, represents other government agencies and service providers, especially other agencies of the criminal justice system.

In policing for prevention, we take the third side of the partnership triangle very seriously. Working with our city and Federal partners in the criminal justice system, we have put together a number of innovative partnership strategies and incorporated them into our larger community policing strategy.

For example, I believe D.C. is fast becoming a national model for the emerging concept of community prosecution. Today in our city, assistant U.S. attorneys and members of our corporation counsel's office work hand-in-hand with our police community PSA teams, often using office space in our police district stations to target their prosecutorial efforts on those crimes that are of greatest concern to the community.

As such, the criminal prosecution of cases flows naturally and smoothly from the problem-solving process initiated at the neighborhood level.

In the area of probation and parole, our officers are teaming up with adult probation and parole officers to strengthen supervision and enhance offender accountability. It sends a powerful message to the offenders on supervision and to the community when MPD officers and probation and parole officers work side by side.

In addition to increased supervision, these teams are developing networks in the community to assist probationers and parolees with training and educational opportunities, job placement, substance abuse assistance, and critical life skills.

Another example of enhanced coordination, under the leadership of Congresswoman Norton, the MPD has now executed four Police Coordination Act agreements with Federal law enforcement agencies that have jurisdiction in the District. These agreements expand the jurisdiction of these Federal agencies, allowing them to assist our Department in patrol and other law enforcement activities.

In communities such as Capitol Hill, where the U.S. Capitol Police have a longstanding agreement with the Metropolitan Police Department on expanded patrols, our Federal partners are part and parcel of the community policing and problem-solving process.

These Police Coordination Act agreements and the MOUs are in addition to the numerous very successful task forces involving the MPD, various Federal, State, and local agencies, the U.S. attorney's office, and others.

In short, I believe the level of cooperation and coordination in the D.C. criminal justice system is strong and getting stronger. Community policing has provided an umbrella, a guiding philosophy, if you will, under which this coordination can take place. I believe all of us at this table share in a commitment to seeing this spirit of partnership continue to grow and develop.

That said, the District of Columbia, like States across the Nation, continues to face coordination issues that are almost inherent in the way criminal justice is structured in our Nation. Our situation here is somewhat unique in that the entities involved are a com-

bination of local agencies, Federal agencies, and local agencies under some form of Federal oversight.

But the underlying challenge is much the same here as it is elsewhere: to be efficient and effective; to act as a true system, working toward the common goal of justice. We must ensure that coordination occurs not just on a case-by-case, project-by-project basis, but rather, we must strive toward a smooth and seamless system of working together.

In recent years, under the leadership of the District's Criminal Justice Coordinating Council [CJCC], we have been able to identify, research, and analyze some of the critical, systemic issues facing our criminal justice agencies.

For example, on the continuing matters of papering reform and court overtime cost, the CJCC funded a comprehensive study by the Council for Court Excellence, a study that documented the shortcomings in the current system and offers a number of common-sense reforms. The Metropolitan Police Department is committed to doing our part to ensure these recommendations are implemented in a timely and efficient manner.

We recently began a pilot project with the Office of Corporation Counsel to authorize so-called officerless papering and other reforms in a variety of misdemeanor quality-of-life cases prosecuted by that office.

We continue to work with Chief Judge King and the U.S. attorney's office in developing similar reforms in the processing of felony cases, as well.

In this and other key areas, the CJCC has proven to be an invaluable partner in identifying issues that cut across multiple agencies and in presenting recommendations from a system-wide perspective.

I strongly support the continuation of the CJCC, and recommend that its scope be expanded. For the CJCC to be truly effective and for our criminal justice agencies in the District to form a more unified and effective system, the CJCC must have the resources and the responsibility not just to raise and discuss these issues, but also to provide leadership and impetus for ensuring action and affecting change.

The CJCC's role will be especially critical as our system tackles the continued problem of drug abuse and drug-related crime, youth violence, illegal weapons, and cyber crime.

The CJCC will be equally important in coordinating our response to such promising new endeavors as papering reform, new information technology, and restorative justice, just to name a few.

I applaud this subcommittee for examining the crime and public safety problems in the District of Columbia from a holistic perspective, and the Metropolitan Police Department looks forward to an era of even greater cooperation and coordination with our sister agencies as we continue working toward our common goals of safer streets, stronger neighborhoods, and justice for all.

Thank you very much.

Mrs. MORELLA. Thank you, Chief Ramsey.

[The prepared statement of Mr. Ramsey follows:]

Hearing on Coordination of Criminal Justice Activities in the District of Columbia

United States House of Representatives
Committee on Government Reform
Subcommittee on the District of Columbia

The Honorable Constance A. Morella
Chairwoman

Charles H. Ramsey
Chief of Police
Metropolitan Police Department

May 11, 2001

Madame Chair, Congresswoman Norton, other members of the Subcommittee, staff, and guests – I appreciate the opportunity to present this statement concerning coordination in the District of Columbia's criminal justice system. For your information, the text of my remarks is available on our Department's Web site – www.mpdc.org.

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When people think of community policing, they often focus on partnerships between police officers and residents. These partnerships are certainly critical to the success of community policing, but they represent only two sides of what we call the "Partnership Triangle." The third side – one that is critically important, but frequently overlooked – represents other government agencies and service providers, especially other agencies of the criminal justice system. In "Policing for Prevention," we take this third side of the Partnership Triangle very seriously. And, working with our city and federal partners in the criminal justice system, we have put together a number of innovative partnership strategies and incorporated them into our larger community policing strategy.

For example, I believe DC is fast becoming a national model for the emerging concept of "community prosecution." Today in our city, Assistant United States Attorneys and members of our Corporation Counsel's Office work hand-in-hand with our police-community PSA teams – often using office space in our police district stations – to target their prosecutorial efforts on those crimes that are of greatest concern to the community. As such, the criminal prosecution of cases flows naturally and smoothly from the problem-solving process initiated at the neighborhood level.

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In this and other key areas, the CJCC has proven to be an invaluable partner in identifying issues that cut across multiple agencies and in presenting recommendations from a system-wide perspective. I strongly support the continuation of the CJCC, and recommend that its scope be expanded. For the CJCC to be truly effective – and for our criminal justice agencies in the District to form a more unified and effective system – the CJCC must have the resources and the responsibility not just to raise and discuss issues, but also to provide leadership and impetus for ensuring action and effecting change.

The CJCC's role will be especially critical as our system tackles the continuing problems of drug abuse and drug-related crime, youth violence, illegal weapons and cyber-crime. The CJCC will be equally important in coordinating our response to such promising new endeavors as papering reform, new information technology, and restorative justice, to name a few.

I applaud this subcommittee for examining the crime and public safety problems in the District of Columbia from a holistic perspective. And the Metropolitan Police Department looks forward to an era of even greater cooperation and coordination with our sisters agencies, as we continue working toward our common goals of safer streets, stronger neighborhoods and justice for all. Thank you very much.

Mrs. MORELLA. I am pleased to recognize Mr. Kenneth Wainstein.

Mr. WAINSTEIN. Thank you, Madam Chairman, Congresswoman Norton. Good morning. Thank you for the opportunity to appear before you this morning.

The U.S. attorney's office for the District of Columbia is pleased to participate in this hearing on the important issue of coordination of criminal justice activities in the District of Columbia.

The U.S. attorney's office for the District of Columbia for years has been involved in and at the forefront of efforts to facilitate enhanced coordination and cooperation among law enforcement agencies in the District of Columbia.

It is in this spirit that we support the creation of a permanent and independent Criminal Justice Coordinating Council. To that end, we offer several principles that should guide or that we believe should guide the design and operation of a permanent CJCC.

First, independence. Given its Federal and local agency composition, the CJCC should be, in our view, an independent agency that is beholden to no member or political entity. The CJCC should, however, be prepared to issue periodic reports on the status of its findings, objectives, recommendations, and initiatives for review by all interested entities.

Second, principals. The CJCC should be comprised of the principals of the various agencies or entities involved in the criminal justice system. While there may be times when a particular principal cannot attend a regularly scheduled meeting and must send a representative in his or her case, these instances should be rare. It is our perception that interagency efforts of this type succeed only if the principals make a personal and an institutional commitment to them.

Third, coordination. As its name connotes, the purpose of the CJCC should be to coordinate those efforts which involve or affect more than one agency in the criminal justice system of the District of Columbia. The CJCC cannot and should not have the power to require an agency to take any particular action that agency believes to be contrary to its mandate, to its statutory, constitutional, and ethical responsibilities, or to the integrity of its internal operations.

While the CJCC can urge, cajole, or otherwise attempt to persuade its members, it must not have the authority to order them to adopt any course of action. Ultimately, the success of the CJCC, in our view, will be built on mutual trust among its members, the recognition of mutual self-interest among the members, and the establishment of a track record of successful cooperative initiatives.

As the staffing, the staff of the CJCC should report to the CJCC and not to any individual agency or entity. The staff's role should be to gather information and data, draft reports and recommendations, seek funding for joint projects, manage joint projects as appropriate, facilitate the meetings, and provide other support services to the CJCC members.

Structure. Because the mission of the CJCC will be defined by the members, we believe that the members themselves should be given the opportunity to develop a governing and an operational structure for the CJCC that will best serve its mission.

We believe that because of their expertise and firsthand knowledge of their needs, the members are in the best position to establish these structures.

Project facilitation. The CJCC is uniquely positioned to facilitate the design and implementation of those information technology projects that involve the participation of multiple agencies in the criminal justice system.

The GAO report and our own experience tell us that the absence of integrated information technology and communications is the single most significant barrier to effective coordination in our criminal justice system.

Time and again, we have been stymied in our efforts to make improvements to the criminal process by our inability to transfer information efficiently, to provide accurate reports, and to track the progress of cases and criminal defendants.

We can envision information technology projects that would benefit greatly from cooperative management by the CJCC. As the GAO report cited, the papering process is an area in need of an integrated information technology system. We would realize significant savings of time and resources if we had the technology that would permit the police to prepare arrest paperwork electronically instead of by hand, and transfer that paperwork electronically to the U.S. attorney's office and the other agencies who use that information to perform the subsequent steps in the process of charging and of presenting a criminal defendant in court.

Such a project requires the commitment of the agencies involved in that process, and highlights the need for a coordinating body that can bring those agencies together and help them mold a plan that would achieve the systemic objective while taking into consideration each agency's particular concerns.

We believe the interagency coordination and collaboration among the agencies involved in the District of Columbia criminal justice system will inure to the benefit of our victims and witnesses, the criminal defendants and their counsel, and the District of Columbia community at large.

Therefore, the U.S. attorney's office stands ready, as it has been since the institution of the current CJCC, to participate as an enthusiastic and an active member of a permanent and independent CJCC.

We thank you for this opportunity to express our views about the CJCC. I will be happy to answer any questions that you may have. Thank you.

Mrs. MORELLA. Thank you very much. We appreciate your testimony.

[The prepared statement of Mr. Wainstein follows:]

Department of Justice

STATEMENT

OF

KENNETH L. WAINSTEIN

ACTING UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA

BEFORE THE

BEFORE THE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

COMMITTEE ON GOVERNMENT REFORM

UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

COORDINATION OF CRIMINAL JUSTICE ACTIVITIES
IN THE DISTRICT OF COLUMBIA

PRESENTED ON

MAY 11, 2001

Madam Chairman and members of the Subcommittee. Thank you for the opportunity to appear before you this afternoon. The United States Attorney's Office for the District of Columbia is pleased to participate in this hearing on the important issue of "Coordination of Criminal Justice Activities in the District of Columbia."

The United States Attorney's Office for the District of Columbia for years has been at the forefront of efforts to facilitate enhanced coordination and cooperation among law enforcement agencies in the District of Columbia. In 1993, the Office spearheaded the Federal Assistance Program, an effort involving several federal law enforcement agencies which was geared towards providing critical resources to the Metropolitan Police Department during the City's financial crisis. More recently, our Office implemented a city-wide Community Prosecution initiative that aligns the Office's resources more closely with the Community Policing and Community Supervision programs of the Metropolitan Police Department and the Court Services and Offender Supervision Agency. We have taken the lead in coordinating the provisions of the District of Columbia Police Coordination Act that enable the Metropolitan Police Department to enter into cooperative agreements with federal law enforcement entities for assistance in policing the areas adjacent to federal facilities. Finally, this Office has been an active participant

in the Criminal Justice Coordinating Council for the District of Columbia ("CJCC").

It is in this spirit that we support the creation of a permanent, independent Criminal Justice Coordinating Council. As you know, the criminal justice system in the District of Columbia relies on the contributions of a number of agencies, all of which must act interdependently to ensure that justice is achieved in a fair and efficient manner. An advisory coordinating body, comprised of the principals of these agencies, helps to maximize the level of cooperation among the agencies and minimize the amount of interagency discord that can pose such an obstacle to progress in the system. Given the disruption caused by the shifts in governance and funding that many of the agencies have experienced over the past three or four years, it is all the more imperative that the principals of these agencies meet on a regular basis to address issues of common concern, to work cooperatively on joint projects, and to seek solutions to persistent problems.

We offer the following principles that should guide the design and operation of a permanent CJCC:

(1) Independence: Given its federal and local agency composition, the CJCC should be an independent agency that is beholden to no member or political entity. The CJCC should, however, be prepared to issue periodic reports on the status of

its findings, objectives, recommendations and initiatives for review by all interested entities.

(2) Principals: The CJCC should be comprised of the principals of the various agencies or entities involved in the criminal justice system. While there may be times when a principal cannot attend a regularly scheduled meeting and must send a representative in his or her place, these instances should be rare. It is our perception that interagency efforts of this type succeed only if the principals make a personal and institutional commitment to them.

(3) Coordination: As its name connotes, the purpose of the CJCC should be to *coordinate* those efforts which involve or affect more than one agency in the criminal justice system of the District of Columbia. The CJCC cannot, and should not, have the power to require an agency to take any particular action that that agency believes to be contrary to its mandate, to its statutory, constitutional, and ethical responsibilities, or to the integrity of its internal operations. While the CJCC can urge, cajole or otherwise attempt to persuade its members, it must not have the authority to order them to adopt any course of action. Ultimately, the success of the CJCC will be built on mutual trust among its members, the recognition of mutual self-interest, and the establishment of a track record of successful cooperative initiatives.

(4) Staffing. The staff of the CJCC should report to the CJCC and not to an individual agency or entity. The staff's role should be to gather information and data, draft reports and recommendations, seek funding for joint projects, manage joint projects as appropriate, facilitate meetings, and provide other support services to the CJCC members.

(5) Structure: Because the mission of the CJCC will be defined by the members, we believe that the members should be given the opportunity to develop a governing and operational structure for the CJCC that will best serve that mission. We believe that because of their experience and first-hand knowledge of their needs, the members are in the best position to establish these structures.

(6) Project Facilitation: The CJCC is uniquely positioned to facilitate the design and implementation of those information technology projects that involve the participation of multiple agencies. The GAO report and our own experience tell us that the absence of integrated information technology and communications is the single most significant barrier to effective coordination in our criminal justice system. Time and again, we have been stymied in our efforts to make improvements to the criminal process by our inability to transfer information efficiently, to provide accurate reports, and to track the progress of cases and criminal defendants.

We can envision information technology projects that would benefit greatly from collaborative management by the CJCC. The Conditions Of Release Enforcement Program ("CORE"), implemented by the United States Attorney's Office and the Metropolitan Police Department in 1998, is one example of a program that could be much more effective if facilitated and promoted by the CJCC. That program, which is designed to equip police officers on the street with the information necessary to arrest pretrial releasees who violate release conditions such as stay-away and curfew orders, depends on those officers having accurate and up-to-date information regarding a releasee's conditions of release. While we have made great progress in making this information available to the police, there remain systemic problems that delay its transmission and reduce its availability to the officers. Our enforcement of these conditions would be much more effective if we had the technology and systems that allowed this information to be entered into a computer in the courtroom and made instantaneously available throughout the criminal justice system.

As the GAO Report cited, the papering process is another area in need of an integrated information technology system. We would realize significant savings of time and resources if we had the technology that would permit the police to prepare arrest paperwork electronically, instead of by hand, and transfer it

electronically to the United States Attorney's Office and the other agencies who use that information to perform the subsequent steps in the process of charging and presenting a criminal defendant in court.[1] Such a project requires the commitment of the agencies involved in that process, and highlights the need for a coordinating body that can bring those agencies together and help them mold a plan that would achieve the systemic objective while taking into consideration each agency's particular concerns.

We believe that interagency coordination and collaboration among the agencies involved in the District of Columbia criminal justice system will inure to the benefit of our victims and witnesses, the criminal defendants and their counsel, and the District of Columbia community at large. Therefore, the United States Attorney's Office stands ready, as it has been since the institution of the current CJCC, to participate as an

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[1]As my predecessor, Wilma A. Lewis, testified to the Subcommittee on District of Columbia Appropriations on April 4, 2001 (copy of written testimony attached) and explained in her March 6, 2001, letter to Mr. Richard M. Stana of the General Accounting Office (attached), this Office is evaluating several possible papering initiatives designed to reduce the number and duration of police appearances at the papering office. The implementation of one such initiative, the officerless papering of certain misdemeanor offenses, is awaiting the outcome of a currently-operating pilot project in which MPD and the Office of the Corporation Counsel are papering certain citation cases through electronic transmission of police paperwork and without the presence of the arresting officers.

enthusiastic and active member of a permanent and independent CJCC.

We thank you for this opportunity to express our views about the CJCC, and I would be happy to answer any questions that the Subcommittee may have.

U.S. Department of Justice

United States Attorney
District of Columbia

Judiciary Center
555 Fourth St. N.W.
Washington, D.C. 20001

ATTACHMENT 1

Statement of
The Honorable Wilma A. Lewis
United States Attorney for the District of Columbia

Before the Subcommittee on District of Columbia Appropriations

Wednesday, April 4, 2001

Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to appear before you today. The United States Attorney's Office for the District of Columbia is pleased to participate in this hearing on the important issue of the scheduling of court appearances for officers of the Metropolitan Police Department ("MPD").

The issue of limiting police overtime for court-related appearances has long been a challenge to the law enforcement community in the District of Columbia. Court-related overtime costs are incurred by MPD when officers, who are not on duty, are summoned by the U.S. Attorney's Office to appear for trials, other court proceedings (e.g., preliminary, detention or motions hearings), grand jury testimony, witness conferences, or follow-up investigative work. Such costs are also incurred when off-duty officers appear for "papering" -- that is, the stage of the charging process at which officers present their reports to a prosecutor and explain the circumstances under which they arrested an individual.

The fundamental problem is that court-related proceedings for which an officer's presence is required proceed on schedules that usually have no relation to that officer's tour of duty. As a result, officers who are witnesses or investigators in a prosecution frequently make appearances for that prosecution during times that they are not on duty. While it is critically important for the principal parties involved -- the Superior Court of the District of Columbia, the United States Attorney's Office and MPD -- to make every possible effort to eliminate unnecessary overtime costs, it should be emphasized that overtime costs cannot be eliminated completely because some overtime is necessary to effective law enforcement.

The U.S. Attorney's Office has been making substantial efforts to improve the efficiency and effectiveness with which case work with MPD is accomplished. In addition to conducting regular training which instructs prosecutors on the proper use of officer appearance notices and the various means of minimizing officer overtime, we have collaborated with MPD in several respects.

Our collaborative efforts actually began in the early 1990's when representatives of our office discussed with various MPD officials the need to develop greater control by MPD's command structure of the officers involved in cases. To that end we suggested the creation of an MPD standard form, which has since come to be called the 168, which is designed to list every officer on a case and describe each officer's role. MPD officials are required to review and approve

the list in every case. If there is an excessive number of officers, for example, in the category of chain of custody, the MPD approving official is required to take appropriate action to prevent a recurrence. The form recognizes that the responsibility for controlling officer involvement rests, in the first instance, with the MPD command structure. MPD form 168 is an important tool that enables MPD officials to control the number of officers who may become involved in each case, by documenting their involvement and reviewing their roles. It is also an important tool for prosecutors, enabling them to determine, from the police paperwork, the role of each officer involved in a case and whether that officer needs to be called for a witness conference or to testify in court, thus seeking to minimize to the greatest extent practicable the number of officers called for court-related proceedings.

Additionally, in 1996, then United States Attorney Eric H. Holder, Jr., signed a Memorandum of Understanding with MPD, in which the parties agreed to various measures intended to enhance the efficiency of officer deployment and scheduling as it pertains to investigative and court-related responsibilities of MPD officers. Some aspects of the MOU have been implemented, but its full implementation will require MPD to complete its necessary automation system.

Lastly, we have also discussed a pilot program in "officerless papering" that was designed to test whether papering could be accomplished without the presence of officers in prostitution and shoplifting cases. I will discuss that

program more fully below.

In short, these are all ongoing efforts working toward the important goal of minimizing court-related overtime costs.

It appears from the preliminary guidance we received from the staff of this Subcommittee that the members would like me to focus my comments specifically on overtime spent by police officers when they appear in court to "paper" a case. Before discussing the overtime issue in that context, it might be useful to briefly describe the "papering" process.

The term "papering" refers to the process by which a police officer who has made an arrest presents the facts underlying that arrest to prosecutors in the United States Attorney's Office, and the prosecutors decide whether to file charges or "paper" the case and proceed with a prosecution. That process has historically required the arresting officer to appear at the papering office in the District of Columbia Superior Court, present the arrest paperwork, and provide an account of the case to a supervisory prosecutor. That supervisory prosecutor then decides whether the defendant should be charged, what charge should be brought, and whether the government should ask the Hearing Commissioner to order the defendant detained pending trial on that charge. If the supervisory prosecutor decides to "paper" the case, he or she refers the officer to a line prosecutor who reviews and evaluates the evidence and the Gerstein statement of facts, prepares the case jacket, and establishes the plan and schedule for any ensuing

investigation of the case. Once those tasks are completed and the case jacket is sent into presentment court, the papering officer is signed out by the supervisory prosecutor and returns to the MPD Liaison Office to check off duty. A recent study by the U.S. Attorney's Office has shown that the papering process takes an average of 86 minutes per case, as measured from the time that an officer first sits down with an attorney to paper a case to submission of the papered court jacket to the court.

The following two initiatives relate to the "papering" process:

Officerless Papering

During the 1998-1999 time period, the U.S. Attorney's Office and MPD agreed to implement a pilot program in "officerless papering," that was designed to test whether papering could be accomplished without the presence of officers in prostitution and shoplifting cases. Part of that agreement was the mutual recognition that MPD officers needed training to ensure that the paperwork prepared by the officers would contain all of the necessary information to allow papering to proceed without the presence of the officers. Another essential criterion was a reliable communication system, with accountability, within MPD to ensure that prosecutors could contact officers in the event that additional information was necessary to complete the papering process. Consistent with our agreement, Assistant U.S. Attorneys reviewed MPD paperwork in prostitution and shoplifting cases, identified deficiencies, and returned the paperwork so that MPD

could use the paperwork and our comments as the basis for training on the essentials of papering. Because the training has not taken place, the pilot project has not yet been implemented.

Recently, the Metropolitan Police Department and the Office of the Corporation Counsel ("OCC") have been working toward officerless papering for minor offenses that MPD officers present to OCC. As part of that effort, MPD is addressing with OCC the same types of issues that bear on the successful implementation of a similar pilot program with the U.S. Attorney's Office. When the officerless papering program with OCC is operational -- with the necessary training, technology and communication in place -- we intend to extend it to prostitution and shoplifting cases papered by the U.S. Attorney's Office. Under this program, MPD will save the overtime costs it now incurs whenever an officer must appear at the courthouse after his or her tour of duty to paper such a case.

Night Papering

The Chief Judge of the Superior Court, Chief of Police and I have agreed that during the next ninety days, our respective organizations will engage in a careful analysis of the feasibility and utility of a night papering operation. The purpose of this analysis is to review our prior history with night papering in the District of Columbia and to consider whether such a program should be reinstituted in light of the current operation and needs of our criminal justice system.

By way of background, from 1986 through 1989, the U.S. Attorney's Office operated a night papering program, whereby Assistant United States Attorneys staffed the papering office from 8:00 a.m. to 10:00 p.m., approximately 5 hours past the end of the normal papering work day. The purpose of the program was to permit officers to paper those arrests they made in the afternoon and early evening hours, and thereby relieve them from having to appear in the papering office in their off-duty hours the next morning. We discontinued that program after four years of operation when it was determined that the number of arrests papered during the extended evening hours did not justify the necessary commitment of staff and resources.

The current analysis must evaluate whether a night papering operation will result in an efficient and cost-effective utilization of resources under existing circumstances. Such an analysis must address several issues, including:

- Whether the number of adult arrests justifies an expansion of the papering hours;
- Whether night papering will save an appreciable amount of police overtime;
- How the costs (financial and otherwise) to the U.S. Attorney's Office and the Superior Court of maintaining a night papering operation compare to any resulting savings in police overtime and other efficiencies; and

- Whether a sufficient number of cases can be papered after normal work hours, given that many cases require the involvement of entities and persons who are on duty only during normal work hours.

Once the U.S. Attorney's Office, the Superior Court, and the Metropolitan Police Department have evaluated these and other issues related to a night papering operation, we will be in a position to make an informed decision on the utility of night papering.

In closing, I would like to reiterate that the United States Attorney's Office stands committed to enhancing the efficiency of our joint operations with the Metropolitan Police Department, and remains open to constructive ideas for reducing the expenditure of police overtime. We will work closely with MPD and the Superior Court to ensure that the residents of this city receive the maximum law enforcement value for their tax dollars.

Thank you for the opportunity to testify. I will be pleased to answer any questions that this Subcommittee may have regarding my testimony.

ATTACHMENT 2

U.S. Department of Justice

United States Attorney

District of Columbia

Judiciary Center
555 Fourth St. N.W.
Washington, D.C. 20001

March 6, 2001

Mr. Richard M. Stana
Director, Justice Issues
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Stana:

I am submitting, at Mark Tremba's request, this amended version of the letter I submitted on February 22, 2001. Per Mr. Tremba's instructions, I have omitted the technical changes that I recommended in the earlier letter, which I understand have been incorporated into the final report. The following are my substantive comments on your draft report.

- On page 27, the report reads:

> In the past, several attempts have been made to change the initial stages of case processing in D.C. These efforts -- which were made by MPDC, Corporation Counsel, and USAO, in conjunction with consulting firms -- involved projects in the areas of night papering, night court, and officerless papering. However, the involved agencies never reached agreement on all components of the projects, and each of the projects was ultimately suspended. The Chief of MPDC has publicly advocated the establishment of some type of arrangement for making charging decisions during the evening and/or night police shifts.

Night Papering

The report is inaccurate in its suggestion that night papering was never implemented in the District of Columbia. In fact, at MPD's request, this Office implemented and staffed night papering for four years -- from January 1986 to December 1989. The Office ultimately abandoned the program when it became clear that the number of cases papered during the expanded hours did not justify the necessary commitment of staff and resources from our Office and the Superior Court. That cost-benefit analysis and an explanation of the practical problems of papering cases after business

hours were described in an October 11, 1995, letter from then United States Attorney Eric H. Holder, Jr., to John Hill, Executive Director of the D.C. Financial Responsibility and Management Assistance Authority (copy enclosed). To ensure completeness and accuracy, this historical perspective should be reflected in the report.

In addition, by referring solely to Chief Charles Ramsey's public advocacy of night papering, the report paints an incomplete picture of the more recent resurgence of the night papering concept. As the enclosed correspondence reflects, by letter dated August 30, 2000, I responded to Chief Charles Ramsey's August 25, 2000, letter to me on the subject by expressing certain concerns regarding the proposal and suggesting that a meeting be convened to discuss its costs and benefits. ("I suggest that we meet as soon as possible to discuss this matter further.") I received no response to either the letter or the suggestion for a meeting to discuss night papering. Accordingly, we request that you expand on your observation on page 27 that "[t]he Chief of MPDC has publicly advocated" the concept, by adding the following: "While the U.S. Attorney has expressed concern -- based, in part, on her Office's prior experience with night papering -- regarding the efficacy of the proposal, she has nevertheless expressed to MPD a willingness to discuss the subject on its merits. To date, the Chief of Police has not responded to the U.S. Attorney's offer to discuss the feasibility of night papering."

Officerless Papering

The report makes numerous references to "officerless papering," the practice of papering a case without a face-to-face meeting between the arresting officer and the prosecutor screening the case.[1] On page 4, the report cites efforts in 1998 and 1999 to change the case processing system and implement officerless papering, and explains that such efforts failed because of the allocation among the relevant agencies of the "costs" of adopting such a procedure.

It is not accurate to say that budgetary "costs" are either a factor in this Office's consideration of officerless papering or a reason that the current practice requires officer interviews at the intake stage. Rather, there are a number of practical reasons -- completely unrelated to "costs" -- why officer interviews are necessary in the majority of criminal cases and why officerless papering has not yet been implemented for any cases in this jurisdiction.

First, it bears reminding that the purpose of the officer interviews at the intake stage is to ensure that the USAO screener has all the information necessary to make an

[1]There are many references to officerless papering in the report, including on pages 4, 22, 26, 27-28, 29 and 30.

informed and responsible papering decision. That information includes: (1) the facts surrounding the arrest; (2) the circumstances relating to potential suppression issues -- such as the factual basis for a Terry stop or a car search; (3) the substance of a defendant's post-arrest statements; and (4) the results of tests performed on guns or drugs that were seized from arrested subjects. Without that information -- in accurate and complete form -- we cannot be confident that we are making fair and sound papering decisions, and that we are bringing prosecutions only against those defendants for whom we have a prosecutable case.[2]

Second, we have not historically received police paperwork that is sufficiently complete and accurate to obviate the need for officer interviews. This problem goes beyond typographical errors that can be alleviated through automation, as discussed on pages 23-24 of the report, to deficiencies in the substance of the written police report. According to your report, we no-papered eight percent of the arrests between November 1999 and June 2000 because of problems with the police and their paperwork (page 23). Undoubtedly, that number would be significantly higher if the arresting officers were not present to make up for the failings of the paperwork.

Third, there are aspects of our criminal justice system that pose obstacles to officerless papering that are not found in other systems around the country. Unlike Philadelphia, whose system your report cites as an example worth emulating, the District of Columbia requires that an officer swear to a Gerstein statement of the facts prior to presentment on the charge, a function that currently is performed only at the District of Columbia Superior Court. Also, we focus more attention than other systems on evaluating cases, identifying those with questionable merit and weeding them out of the system at the intake stage. While these efforts might necessitate face-to-face interaction with the arresting officers at the intake stage, they are critical for streamlining the process.

Fourth, another practical obstacle is the lack of a reliable communications system whereby our prosecutors could contact an arresting officer for clarification about paperwork the officer produced. According to page 26 of your report, prosecutors in Philadelphia review arrest paperwork electronically and simply contact the officer when clarification or missing information is needed. Such a procedure works only if

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[2]The report correctly explains that this Office on occasion declines prosecution in cases where the police paperwork may establish evidence of probable cause, because we determine it unlikely that the evidence will satisfy the "beyond a reasonable doubt" standard for conviction at trial. However, it is not accurate to say that we decline those cases because "[t]he prosecutor's goal is to prevail in those cases selected for prosecution" (page 22). Rather, our prosecutors make such decisions because they are ethically bound by the District of Columbia rules and the United States Attorneys' Manual to initiate a prosecution only when we have a reasonable belief that we will be able to prove the case beyond a reasonable doubt.

the police department can arrange for that communication. At this point, MPD does not have all its members on a unitary communication system by which we could reliably contact officers with papering questions.

Lastly, it is important to note that, despite the report's observation on page 26 that "[t]here is currently no [officerless papering] pilot planned for misdemeanors prosecuted by USAO," this Office has made concerted efforts to coordinate such a pilot project with MPD. In 1998, a group of supervisors in this Office began meeting with MPD personnel to discuss undertaking such a pilot project. In 1999, we took steps towards initiating a pilot offficerless papering project with MPD in shoplifting and prostitution cases. As part of the project, our intake supervisors evaluated the paperwork in those two categories of misdemeanor cases and provided written comments to MPD on each case we reviewed. The agreement that we had with MPD was that MPD would use these written comments about the deficiencies we identified in the paperwork to develop training about paperwork preparation. MPD ultimately did not act on our comments or develop the training that would have ensured the uniformly reliable paperwork that is a prerequisite for officerless papering. Accordingly, the project has stalled. As we have maintained from the outset, if police paperwork can be prepared in a way that it provides the information we need to handle cases effectively, and a reliable means of contacting officers for follow-up questions can be instituted, then officerless papering could be a viable option in certain types of cases.[3]

I assume that your report was referring to this project when it explained on page 30 that CJCC attempted to assist MPD, the USAO and Corporation Counsel in a project in 1998 and 1999, but that the "USAO would not agree to participate in the project unless certain conditions were met, and the project was ultimately suspended." In light of the foregoing explanation of the project and the efforts we took to lay the groundwork for a workable officerless papering system, it is neither accurate nor fair to attribute the failure of the project to our unwillingness to "participate in the project unless certain conditions were met." We participated fully, and the project never materialized because our legitimate recommendations for addressing the deficiencies of police paperwork were never addressed by MPD.

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[3]Having the necessary information at intake is particularly important in misdemeanor cases, since the judges in Superior Court do not conduct pretrial hearings in those cases and we do not generally conduct witness conferences with MPD officers prior to the trial date -- an effort on our part to conserve the use of officer time. As a result, we need to obtain sufficient information at the time of intake -- such as whether the defendant made any statements, whether any evidence was seized and who seized it -- in order to provide discovery to the defense and to prepare for trial.

- On page 21, you provide statistics that appear to reflect the amount of time that police officers spent in papering in 1999. In fact, there is not a mechanism in place to ensure the accuracy of those statistics. Officers who are required to paper a case often have other court appearances as well, which may account for some of the time recorded by MPD as time spent in papering. We are working with MPD to establish a system, including the presence of a Sergeant in our intake office, to track and minimize the amount of actual time that an officer spends in papering.

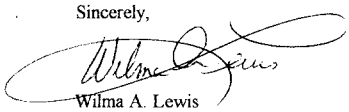
- The Proposed Independent Entity

  This Office has been an enthusiastic participant in the CJCC and joins in all efforts to improve coordination among all the agencies in the criminal justice system, such as the working group that is chaired by the Chief Judge, and includes MPD, Court Services, and others, that continually reviews and recommends ways to streamline the intake/initial appearance process. We believe that this cooperation and coordination will enhance our criminal justice system and permit all agencies to better perform their jobs.

  However, I have some concern about your proposal that Congress "consider requiring that all D.C. criminal justice initiatives that could potentially involve more than one agency be coordinated through the new independent entity" that would succeed the CJCC (pages 6, 35). While I agree that coordination through a central body is appropriate for those broad initiatives that have major implications for multiple agencies in the system, I question whether such review is necessary for *all* initiatives that could *potentially* involve more than one agency. Given the interrelatedness of the agencies in our system, it is difficult to think of any initiative -- no matter how limited in scope or application -- that would not fit that definition and require review by that entity. As such, I am concerned that such a requirement would be counterproductive, as it would hamstring each agency's ability to implement policies and practices within its appropriate sphere of activity. It would be the better course to propose that Congress simply recommend that this entity review all initiatives that have a significant impact on multiple agencies in the criminal justice system.

I trust that you will find these comments helpful. Please feel free to contact me at (202) 514-6600 if you would like additional information.

Sincerely,



Wilma A. Lewis
United States Attorney

Mrs. MORELLA. Mr. Clark.

Mr. CLARK. Thank you, Madam Chair. Good morning, and good morning, Congresswoman Norton.

It is a privilege to appear before the committee today to discuss what I consider to be very important issues. Though I feel very strongly about these issues, in view of the hour, I will try to be brief, stressing just several points from my written statement.

First, it has been my experience over the last several years as an official in the District that a great deal of effective work is going on by the agencies represented here today, and by others in the District, to improve the quality of the criminal justice system. I think you have heard a number of examples mentioned already.

But by the same token, there are also significant inefficiencies in the system, as was detailed by the Council of Court Excellence report, including, certainly, the need for greater coordination and collaboration.

Next, I strongly endorse, as have a number of others, the thrust of the GAO report on the need to formalize and strengthen the CJCC as the most effective vehicle for that improved collaboration, though I do, as a number of others, oppose giving it any authority to mandate changes in internal policy or practice by the member agencies.

Quite simply, there are no quick, easy fixes or solutions which can be mandated to these difficult issues. These issues seem to be more susceptible to good planning and dogged, sustained attention.

Regarding the manner of structuring the CJCC's administrative apparatus and staffing, I do support formalizing it, but as an independent District agency. However, if the CJCC is to be fully effective—if it is, in other words, to be more than a mere discussion round table—it also needs significant resources, or some resources, certainly.

I cannot emphasize enough that it needs a sustained, stable stream of funding, first for staff, and second for projects and initiatives such as those required to implement the various recommendations of the report by the Council of Court Excellence.

In that regard, the CJCC is currently off to a modest but solid start on several projects, some of which have been mentioned already, including the papering reform, making use of the $1 million that Congress made available this year to the CJCC through the budget of our office at the corrections trustee.

That kind of substantial funding, to my mind, needs to be sustained, and hopefully in the future that kind of money which came through our office, would come directly to, in some form or fashion, directly to the CJCC.

Further, I strongly endorse the thrust of the GAO recommendation that the CJCC issue an annual report. This requirement would provide for public accountability and would, I think, promote the sense of urgency and focus for the CJCC.

Finally, on a somewhat different note, I am pleased to point out to the subcommittee a lesser known success story in the District in terms of coordination; namely, the significant progress made by a parallel coordination group previously mentioned by Margaret Kellums, the Interagency Detention Work Group, which is com-

posed of about 15 agencies and court offices, including Judge King in the Superior Court and most of the agencies at this table.

For the past 18 months, we have been meeting monthly, working in six committees. Two documents detailing the very concrete progress of that group have been made available already to the committee.

With those brief comments, I will close and will be eager to discuss these important issues with the subcommittee.

Mrs. MORELLA. Thank you, Mr. Clark.

[The prepared statement of Mr. Clark follows:]

UNITED STATES HOUSE OF REPRESENTATIVES

COMMITTEE ON GOVERNMENT REFORM

SUBCOMMITTEE ON THE

DISTRICT OF COLUMBIA

TESTIMONY OF JOHN L. CLARK

CORRECTIONS TRUSTEE

FOR THE DISTRICT OF COLUMBIA

MAY 11, 2001

Testimony of John L. Clark
Corrections Trustee for the District of Columbia
Before the United States House of Representatives
Committee on Government Reform
Subcommittee on the District of Columbia
May 11, 2001

Good morning Chairwoman Morella, Congresswoman Norton and Members of the Subcommittee. Thank you for this opportunity to discuss important issues facing the District of Columbia criminal justice system and the complex relationship among the District and Federal agencies who are key players in maintaining public safety in the District of Columbia.

I have reviewed with great interest the General Accounting Office's (GAO) report, *D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies*. I strongly support its findings and conclusions that the divergent roles and agendas of the various District and Federal players create a unique set of problems that are best addressed through enhanced communication and coordination. Further, I strongly endorse the District's Criminal Justice Coordinating Council (CJCC) as the best vehicle for that coordination and communication. In order to fully function in that role, the previously informal nature of the CJCC must be formalized and the Council provided with adequate professional staff, as well as resources to pursue important initiatives.

Progress Achieved, But Opportunities Being Lost

I want to emphasize that it had been my experience over the past three and a half years of day-to-day involvement in the DC criminal justice system that significant

improvements are occurring in the operations of agencies and of the system as a whole. I am impressed with dedicated and effective professionals in so many leadership roles in various agencies. These are professional administrators who strongly believe in interagency coordination and collaboration. Apart from the CJCC initiative, there have been a number of other examples in the District of multi-agency collaboration, especially on specific projects.

However, the longer I am here, the more I regret the many lost opportunities for improvements that I see. It is most frustrating that opportunities are being lost, not from the lack of dedication and expertise, but from the lack of a fully effective vehicle for the process of joint coordination and action. As the GAO correctly points out, the coordination is not happening nearly as effectively as it could be – resulting in some harm to the District's justice system in terms of diminished credibility, documented inefficiencies, wasted human resources, and, most importantly, without capitalizing on opportunities to improve public safety.

Lessons Learned

Over the past two and a half years, the CJCC has had some initial success in beginning the process of enhanced coordination, and at the same time has suffered some setbacks. We started to see the good that could happen: communication improved, system-wide priorities were identified, projects and very active committees took shape. The Council began to show promise and give hope, but then momentum was slowed. The CJCC has not yet begun to fulfill its potential or to function as effectively it might. In the process over this period, some important lessons have been learned.

Voluntary Coordination versus Control: The voluntary and independent nature of the Council is critical. The various co-equal Federal and local partners came together voluntarily in 1998 to form the CJCC, and I know we all consider that this voluntary participation was fundamental to any initial success the CJCC may have had and to the level of acceptance and enthusiasm the partners bring to the table. Similarly, the participants value their own autonomy and the fact that the none of the recommendations of the CJCC is binding on the member agencies. For the CJCC to become increasingly successful in the future, it must maintain this focus of interagency coordination without the prospect of mandated control. The GAO report expressed very well that this Council cannot continue to bring so many diverse actors and interests to the table if they do not come voluntarily.

Direct Participation of Ranking Principals: Another lesson learned has been the importance of having the top leaders in the District's justice system participate directly in deliberations. The CJCC has been most effective when the principals come together to join in the frank deliberations and to establish priorities, to plan courses of action and to confront differences. While less ranking administrators and staff of the agencies have worked effectively on specific projects and committees, the value of having the top leadership from across the spectrum participate face-to-face in the core deliberations cannot be overestimated.

Professional Staff Support: It has also become clear to the participants that having a functioning, full-time staff, under the direction of a professional executive director, to support the work of the Council is indispensable. During the first two years while such a staff was in place, funded by the Financial Authority, much progress was made, not only in the general meetings, but more importantly on specific projects and in the various

functioning committees which received the ongoing daily support of the staff. Though the staff was small, they were each competent in specialized areas and they were well led. Over the past seven months, however, there has been no executive director and virtually no staff, and the work of the CJCC as a whole and of most of the committees has suffered. This has reaffirmed our awareness of the indispensable value of such professional staff support.

Executive Director's Role: It strikes me that an associated lesson comes from the value of having a professionally competent executive director such as Margret Kellems. Much of the effectiveness of the CJCC had to do with the fact that she received strong support from the several chairs of the CJCC and that she had ready access to the key leadership participants, often successfully brokering differences between parties or cajoling some competing partners into workable projects. It will continue to be important for a new director to be able to carry out such multiple responsibilities as coordinating research and data collection, interagency planning, report writing and simultaneously supporting multiple projects and committees. Reestablishing a strong, professional executive director's role will go a long way to making this body effective.

Resources Are Necessary for Initiatives: It became clear to many of us that if the CJCC was to be more than a discussion roundtable, significant resources would have to be available to implement any number of cross-agency improvements. In addition to resources for professional staffing, resources became available for several other initiatives:

- The in-depth study on the efficiency of processes in the system performed by the Council for Court Excellence (CCE) and Justice Management Institute (JMI) was

funded for the CJCC by the Financial Authority.

- In order to begin to implement some of the 25 Recommendations of the CCE/JMI study, $1 million has been provided this year to the CJCC by the Congress through the budget of the Office of the Corrections Trustee. Several important projects are getting underway in that regard. These projects include: a pilot project to assess increased efficiencies in the utilization of police officer resources by implementing a system of officerless papering of certain misdemeanor offenses; a pilot project to assess the value of providing additional out patient community and mental health services to non-violent offenders placed on pretrial release; an analysis of D.C. Superior Court case processing data to assess if more formal differentiation between discrete categories of traffic and misdemeanor offenses can conserve judicial resources and time; and support for reinvigorated police officer citation release training, and investigation of an automated citation appearance calendaring process. A similar amount has been requested in the President's budget for next year to continue additional implementation steps.
- A two-year multi-agency initiative to improve the functioning of the District's pretrial systems and its pretrial halfway houses has received staff support and funding from the National Institute of Corrections.
- Coordination of information technology is arguably the most critical interagency area in need of overhaul and resources. Here, significant Department of Justice grant money for the past three years has supported a full-time staffer and extensive resources to bring in to effect the JUSTIS system. Support for this project from some source will be necessary for at least several more years.

Other Important Issues for Structuring the CJCC

In addition to the characteristics posited in the previous section, in order for the CJCC to be most effective and well-structured there are several other important issues to be addressed:

- Formalizing the Status of the CJCC: What has previously been only a voluntary, informal arrangement needs to be formalized. In that regard, the District Council recently endorsed the existence of the CJCC and provided some initial funding. An additional action by the District Council formally establishing the CJCC and its administrative support apparatus is necessary.
- Local agency status: To the extent that the staff and administrative apparatus of the CJCC functions as an agency, it should be an independent agency of the District government and its staff should be District employees, at times supplemented where appropriate by local or federal agency staff detailed for specific projects. It might also be advisable to give some added administrative flexibility to this agency, making it exempt from certain local personnel and procurement regulations.
- Flexibility and autonomy in governance: As much as possible, the internal governance of the CJCC should be left un-prescribed and should be established at the discretion of the body of members. The CJCC should be left with the ability to adapt over time to changing conditions on such matters as the chairmanship, possible establishment of an executive committee or other committees, and adding new member agencies.
- Staff directly responsible to the CJCC. The executive director should be directly hired by and responsible to the entire body of the CJCC, rather than any single component member.

- Reporting Requirement: I endorse the thrust of the GAO recommendation for the CJCC to issue an annual report. Such a report should be mandated in the legislative charter and should be addressed to the public and the member agencies and submitted to at least the District Council. This requirement would provide for public accountability and would promote a sense of urgency and focus for the CJCC. While much of the work on such a report might be drafted by agency staff, the report should be issued by and with the agreement of the entire CJCC body. The report should include at least the following elements:
  - An annually updated strategic plan;
  - A report of the CJCC's progress to date;
  - An agenda of ongoing challenges and obstacles to achievement of goals and priorities.

The Interagency Detention Work Group

On the general issue of coordination of multi-agency activities in the District, I would like to report another less well-known story of success, the Interagency Detention Work Group. This Work Group was formed at the request of former Deputy Attorney General Eric Holder, who in late 1999 asked the Corrections Trustee to convene and facilitate the group to address a number of perceived problems. For the past year and a half, a concerted effort has been underway to actively coordinate numerous interagency detention processes, as well as the procedures for handling felons after they are convicted or have had their paroles revoked. During this time, at least 15 agencies and offices, including judges and staff from both the Federal and Superior Courts have been meeting on a monthly basis, working diligently in six separate committees. Very concrete progress has been made in a number of areas, as detailed in a Progress Report issued in

March of this year. This Progress Report was previously made available to the Subcommittee.

Re-engineering the Processing of Newly Committed Felons: As an example, one major area of growing concern to the agencies focuses on the complexities of processing and transporting felons after sentencing or parole revocation, as we now face the closure of Lorton and the prospective reduction of available bedspace. Between 2,500 and 3,000 new cases per year will need to be processed into the system through the D.C. Department of Corrections and transported to federal prisons. These complex procedures involve two courts, the U.S. Parole Commission, two offices of the U.S. Marshals, the U.S. Attorney's Office, Court Services and Offender Supervision Agency, Federal Probation, and the Federal Bureau of Prisons. Quite simply, we are all concerned that if these agencies do not expeditiously process these cases as well as several thousand associated case documents and reports, then the already tight supply of bedspace at the DC Jail will be over capacity and we could face a real, albeit avoidable, systemic crisis.

However I am glad to report that there has been excellent progress made by the involved agencies on this particular issue through the work of three separate committees. We are hopeful that the new interagency protocols we have developed and begun to implement will move cases quickly and avoid any such unnecessary congestion.

Backlog Elimination Project: An additional project arose last fall when backlogs were publicly identified relating to the shortage of halfway house beds and to the timely processing of cases scheduled for release from prison. In response to requests from both Congresswoman Norton and Deputy Attorney General Holder, the participating Work Group agencies functioned collaboratively to develop and implement a series of short-

term action steps, leading to successful resolution of several of the most critical immediate difficulties. These joint efforts resulted in the effective elimination of the backlogs of two major categories of cases, those beyond their parole dates due to lack of available halfway house (HWH) beds and those ordered into HWH's by the Court as a condition of pretrial work release. A report on this progress was submitted to Congresswoman Norton in January of this year. I would add the caution that maintaining this level of progress requires continued daily interagency collaboration because of the pressure of the number of cases involved. At the same time, significant longer-term difficulties regarding community corrections resources in the District remain to be resolved, particularly the shortage of available halfway house beds and other transitional services for felons scheduled for release in the District of Columbia. Continued cooperative work by the various local and Federal stakeholders on development and implementation of a longer term plan is critical.

Impact of Parole Issues

Finally, the Subcommittee this week requested that my testimony address the impact of the revised parole processes on the local detention system. Under the 1997 Revitalization Act, the responsibility for conducting all parole hearings for D.C. Code offenders was shifted from the D.C. Board of Parole to the U. S. Parole Commission. In August 1998, the Commission initially became responsible for all parole release decisions incarcerated felons. Subsequently, in August 2000, the Commission assumed what had previously been a local responsibility, that is, the revocation process for D.C. Superior Court felons who had previously been paroled into the community. This transition of responsibility from the D.C. Board of Parole to the USPC has resulted in some unanticipated consequences, including the need for more detailed USPC rules and

procedures addressing local issues, and certain delays in the docketing and conduct of hearings.

Among other difficulties, the Commission and the Department of Justice have noted with concern that the Commission has not had adequate staff and resources to handle these new responsibilities which often involve local non-Federal offenses and local documentation, and which have more than doubled their prior workload. They have received incremental increases over the past two years, but they still indicate the need for additional staff, a request which has been endorsed by inclusion in the President's 2002 budget request to the Congress.

Several agencies are involved with the Commission in the docketing and processing of these hearings and in gathering the relevant documents, and they are working together to make some headway on the re-engineering of the interagency processes necessary to fully address these issues. Although concerted work by the USPC, DOC and other stakeholders has reduced the backlogs which occurred in the early stages of the implementation of the Revitalization Act, these difficult issues seem to be susceptible more to slow steady attention than to quick, easy solutions. Consequently, there continue to be delays in some cases.

To the extent that there are delays in parole hearings for prisoners still serving sentences, there is an impact on the size of the population in DOC and BOP facilities and contract prisons, in addition to the impact on the prisoners. To the extent that there are delays in holding hearings or making final adjudications on alleged parole violators, there are at least two impacts on the District government:

1. Crowding in detention facilities. The crowding of already limited bedspace at the Department of Corrections facilities is compounded.

2. Increased costs fall upon the DOC and the District government. Because of the provisions of the 1997 MOU between the District and the Federal government regarding the realignment of responsibilities for correctional operations, the District is financially responsible for alleged parole violators until they have had their hearing, although the actual responsibility for conducting the hearings lies with the federal agency. I might note that I am informed that in most states in this region and around the country, the financial responsibility for detaining alleged parole violators pending their hearing falls upon the state agency, not the local one as is now the case here.

Conclusion

Madam Chairwoman, this concludes my formal testimony. I would be glad to respond to any questions the Subcommittee might have.

Mrs. MORELLA. Mrs. Jones.

Ms. JONES. Good afternoon. I appreciate the opportunity to appear before you today on behalf of the Public Defender Service for the District of Columbia.

It is the mission of the Public Defender Service to provide quality legal representation to indigent people facing a loss of liberty in the criminal justice system, in juvenile delinquency proceedings, and in mental health proceedings. We share the responsibility for providing legal representation with the Superior Court. The court makes appointments under the Criminal Justice Act.

In addition to litigating cases in the local and Federal courts on behalf of indigent people, the Public Defender Service is also devoted to ensuring that sound criminal justice policy decisions are made.

The D.C. Criminal Justice Coordinating Council is an effective forum for this function. I have been working with the CJCC since its early creation, first as the deputy director of the D.C. Pretrial Services Agency, and now as the director of the D.C. Public Defender Service.

I know firsthand that the CJCC has been effective in bringing all criminal justice agencies, local, independent, and Federal, to the table for productive interagency collaboration. In short, the CJCC works.

Just recently, the Public Defender Service, the Superior Court, the Pretrial Services Agency, and the corrections trustee worked to create the Options Program, a community-based mental health treatment program for nonviolent mentally ill defendants. Each agency contributed its resources and expertise to the creation and successful implementation of this critical program. This level of collaboration would not have been possible without the forum of the CJCC.

We all look forward to expanding this program over the course of the next year to provide even greater services to this vulnerable population.

How can the CJCC be improved? First, the Public Defender Service supports the efforts underway by the D.C. Council and the Mayor's office to further strengthen and institutionalize the CJCC. While we have made great strides, we have much more work to do.

Second, the CJCC does, in fact, need a small, permanent staff to research best practices among criminal justice agencies around the country, establish an annual performance plan, and set priorities for the CJCC. The CJCC has been most productive when it is properly staffed with skilled professionals who are solely dedicated to the implementation of CJCC initiatives by providing research to assist the group in making informed decisions.

Finally, the success or failure of the CJCC will depend largely on the level of coordination and cooperation of the CJCC members. The CJCC members do not always agree on the best course of action to achieve the best criminal justice reforms. That is to be expected with the diversity of perspectives we represent. But we are all at the table. We have all willingly and voluntarily assumed the responsibility to collaborate.

Most importantly, we all recognize the fact that productive collaboration is not optional. The missions of each of our respective

agencies are so inextricably intertwined that we must cooperate or we will surely fail.

There are many, many problems in the criminal justice system that are of great concern to the Public Defender Service. These issues will no doubt always keep PDS at the table.

Foremost on our agenda is ensuring that the poor receive fair and equitable treatment by the police, the court system, and all those charged with supervising and incarcerating adults and juveniles. PDS will continue to work to ensure that there is adequate medical and mental health care for incarcerated and institutionalized juveniles and adults. I continue to believe that the CJCC is and should be the starting point for addressing these very serious problems.

Where do we go from here? I very much look forward to working with the CJCC over the course of the next year in establishing a mental health diversion court in the District of Columbia. Mental health treatment in the criminal justice system has received a great deal of attention across the country lately, and mental health treatment and diversion courts are rapidly increasing in number.

In order to successfully implement such a new program, the U.S. attorney's office, the D.C. Superior Court, the Public Defender Service, the Pretrial Services Agency, and others will have to collaborate and compromise and participate. I am confident that we will do that.

I also look forward to working with other CJCC members to create a comprehensive community reentry program for offenders who are returning to area communities after lengthy periods of incarceration. In order to implement this project, PDS will have to cooperate and collaborate with the Court Services and Offender Supervision Agency, the Federal Bureau of Prisons, and the D.C. Department of Corrections.

Again, I am confident that this level of collaboration will occur.

In sum, the District of Columbia criminal justice system needs a strong CJCC, and it has one. I am sure that all of the other member agencies will agree that we have a great deal of work to do, but we have already made some progress, and we have all made a very strong commitment to working together.

Thank you very much for this opportunity.

I would be happy to answer any questions.

Mrs. MORELLA. Thank you, Mrs. Jones. Excellent testimony by all of you.

[The prepared statement of Ms. Jones follows:]

PUBLIC DEFENDER SERVICE
FOR THE
DISTRICT OF COLUMBIA

Testimony of
Cynthia E. Jones, Esq.
Director
Public Defender Service
For the District of Columbia
before

House Committee on Government Reform
Subcommittee on the District of Columbia

May 11, 2001

SUBMITTED BY:

CYNTHIA E. JONES
DIRECTOR

Testimony of
Cynthia E. Jones, Esq.
Director
Public Defender Service for the District of Columbia
Before

House Committee on Government Reform
Subcommittee on the District of Columbia
May 11, 2001

Good afternoon Madame Chair, Delegate Norton, and members of the Subcommittee, I welcome the opportunity to appear before you today on behalf of the Public Defender Service for the District of Columbia (PDS).

The Public Defender Service is a federally funded, independent District of Columbia agency. It is the mission of the Public Defender Service is to provide quality legal representation to indigent people facing a loss of liberty. While most of our efforts are devoted to insuring that no innocent person is ever wrongfully convicted of a crime, the approximately 100 lawyers at the Public Defender Service also provide legal representation to mentally ill people facing involuntary civil commitment, children in the delinquency system who are entitled to special educational accommodations under the federal Individuals with Disabilities in Education Act (IDEA), as well as recovering substance abusers who are participating in the highly successful Superior Court Drug Intervention Program ("Drug Court") and on the road to sobriety.

The responsibility for providing legal representation to indigent people in the District of Columbia is divided between the Public Defender Service and the private

attorneys appointed by the Court under the Criminal Justice Act. In its 30-year history PDS has always been relied upon by the courts to handle the more serious, high-profile trial cases, as well as the many appellate cases involving novel or complex legal issues in criminal law, criminal procedure or constitutional law. As a result, litigation generated by PDS has greatly helped to shape and refine the jurisprudence in the District of Columbia.

In addition to litigating cases in the local and federal courts on behalf of indigent people, the Public Defender Service is also devoted to ensuring that sound criminal justice policy decisions are made. The DC Criminal Justice Coordinating Council, the CJCC, is an effective forum for this function. As you are no doubt aware, the CJCC has been comprised of a very experienced and qualified group of criminal justice professionals who represent every local and federal agency working in the DC criminal justice system. Through the CJCC, each member agency is able to collaborate on critical issues of criminal justice reform. I have been working with the CJCC since its early inception, first as the Deputy Director of the D.C. Pretrial Services Agency, and now as the Director of the DC Public Defender Service. I know first-hand that the CJCC has been effective in bringing all DC criminal justice agencies—local, independent and federal—to the table for productive, inter-agency collaboration. In short, the CJCC works.

Just recently, the Public Defender Service, the Superior Court, the Pretrial Services Agency and the Corrections Trustee worked together to create the OPTIONS

program, a community-based mental health treatment program for non-violent, mentally ill offenders and defendants. Each agency contributed its resources and expertise to the creation and successful implementation of this critical program. This level of collaboration would have been virtually impossible without the forum of the CJCC. We all look forward to expanding the scope of this program over the course of the next year to provide even greater services to this vulnerable population.

The CJCC members are also equally excited about the technology and information-sharing initiatives among CJCC member agencies which should virtually eliminate the current practice of duplicative data entry, inaccurate and incomplete transfers of critical information between agencies, and overall inefficiency in tracking and processing cases that enter the criminal justice system. All of the CJCC member agencies have participated on a technology subcommittee and all member agencies will contribute to the new system being developed by the CJCC. This level of technological advancement will revolutionize and further revitalize the DC criminal justice system. Again, it would have been extremely difficult to complete this project without the voluntary inter-agency cooperation of each member agency.

How can the CJCC be improved? First, PDS supports the efforts already underway by the DC Council and the Mayor's Office to further strengthen and institutionalize the CJCC. While we have made great strides thus far, we still have much work to do.

Second, the CJCC needs a small, permanent, full-time staff to research best practices among criminal justice agencies around the country, establish an annual performance plan and set priorities for the CJCC. The CJCC is most productive when it is properly staffed with skilled professionals who are solely dedicated to the implementation of CJCC initiatives and providing research to assist the group in making informed decisions. This staff support and stability is critical.

Third, the CJCC should be a leader in seeking grant funding to assist with local criminal justice reforms. Most of the work of the CJCC involves studying the criminal justice system and implementing new approaches to old problems. While each of the member agencies, standing alone, may not be able to secure sufficient grant funds to study, evaluate and address their individual share of the problems in the criminal justice system, the CJCC is uniquely-situated as the representative for all member agencies to obtain critical resources to assist in the overall improvement of the DC criminal justice system.

Fourth, I believe the CJCC can and should be the vehicle to propose and recommend legislation to the DC Council to address problems in the criminal justice system. With every agency in the criminal justice system represented, the CJCC is the most effective forum for discussing concerns, resolving differences and providing the DC Council with the most comprehensive analysis of all criminal justice legislation.

Finally, the success or failure of the CJCC will depend largely on the level of coordination and cooperation of the CJCC members. CJCC members do not always agree on the best course of action to achieve the best criminal justice reform. That is to be expected with the diversity of perspectives we represent. But, we are all at the table. We have all willingly and voluntarily assumed the responsibility to collaborate. Most importantly, we all recognize the fact that productive collaboration in the CJCC is not optional; the missions of each of our respective agencies are so inextricably intertwined that we will surely fail if we do not work together. It is this recognition that motivates the CJCC member organizations, and will keep the CJCC strong.

There are many, many problems in the criminal justice system that are of great concern to the Public Defender Service. These issues will, no doubt, always keep PDS at the CJCC table. Foremost on our agenda is ensuring that the poor receive fair and equitable treatment by the police, the court system, and all those charged with supervising or incarcerating adults and juveniles. PDS will continue to work to ensure that there is adequate medical and mental health care for incarcerated and institutionalized juveniles and adults, and treatment and other services, just to name a few. I continue to believe that the CJCC is, and should be, the starting point for addressing these very serious concerns.

Where do we go from here? I very much look forward to working with the CJCC over the course of the coming year to establish a Mental Health Diversion Court in the District of Columbia. Mental health treatment in the criminal justice system has received

a great deal of attention across the country lately and Mental Health Treatment and Diversion Courts are rapidly increasing in number. In order to successfully implement such a new program, the United States Attorney's Office, the D.C. Superior Court, the Public Defender Service, the Pretrial Services Agency and others will have to collaborate, compromise and participate. I am confident that, through the CJCC, we can, and will achieve that level of cooperation. I am also confident that the CJCC can be an effective vehicle for creating other needed programs that will reduce the time and resources currently devoted by the defense bar, CSOSA, and the Superior Court towards minor, non-violent offenders. Unlike surrounding jurisdictions and most other major metropolitan areas in the country, the District of Columbia does not have a large-scale program designed to divert these cases from the system early in the process.

I also look forward to working with the other CJCC member agencies to create a comprehensive Community Re-entry program for offenders who will return to area communities following lengthy periods of incarceration. In order to implement this project, PDS will have to collaborate with CSOSA, the Federal Bureau of Prisons and the D.C. Department of Corrections. Again, I am confident that each of these agencies will work together through the CJCC to create a program that will address the rehabilitative needs of this high-risk population and reduce the recidivism and revocation rate.

In sum, the District of Columbia criminal justice system needs a CJCC that works, and it has one. I am sure that all of the other CJCC member agencies will agree that we have a great deal of work to do, but we have already made some progress, and we all have a very strong commitment to working together to insure that the CJCC continues

to be effective in promoting and implementing criminal justice reform in the District of Columbia.

Thank you very much. I would be happy to answer any questions the Committee might have.

Mrs. MORELLA. Ms. Schaffer.

Ms. SHAFFER. Good afternoon, Madam Chairwoman and Congresswoman Norton. Thank you for inviting me to appear before you today.

I am the director of the D.C. Pretrial Services Agency. Pretrial Services assists both the Federal and the local courts in determining eligibility for pretrial release by providing background and criminal history information on arrestees in the District of Columbia.

We are also responsible for supervising conditions of release for approximately 24,000 defendants a year, and reporting on compliance to the U.S. District Court and to the D.C. Superior Court.

The Pretrial Services Agency would like to emphasize its support for some of the central underpinnings of the GAO report: One, that the CJCC is the primary venue in which D.C. criminal justice agencies can identify and address interagency coordination issues; two, that the CJCC has had some success, and in fact, some notable success, in improving agency coordination, particularly in areas such as data sharing; three, that the CJCC should be an independent body with its own director and staff; four, that the role of the CJCC is to help coordinate but not to mandate control of the operations of the D.C. criminal justice system; and five, that an annual report on the results achieved and issues that require further attention would be a sufficient way to provide a spotlight on areas of disagreement and continuing concern.

I think this report could be a very strong incentive for all agencies to cooperate, as it will highlight the cooperative efforts, or lack thereof, in a very public way.

Pretrial Services does respectfully disagree with one finding in the GAO report regarding the extent of disagreement between agencies on goals and participants in various initiatives, initiatives that in many instances were just beginning to be put together, quite honestly, when the GAO report was written.

From Pretrial's perspective, there was really no major disagreement on who should participate in various initiatives, but basically, there was occasional uncertainty about which agencies wanted to be at the table. This was really because many of these projects were just beginning.

There was some disagreement about goals, and that generally related to different goals connected with the particular agency's mission. So it was not so much that the members could not agree on the overall goal of the committee, but some of the writing that was done to support the various initiatives that were drafted by different agencies reflected a slightly different slant on how they looked at it.

We don't believe, however, that there is any lack of commitment among the agencies to try to resolve issues of common concern. We believe that participation on the CJCC should be voluntary. We believe that agencies should come to the table because they see the clear, mutual benefit in doing so.

Over the years, Pretrial has successfully participated in a number of very good collaborative efforts which we have enumerated in our written testimony. They include the highly successful D.C. Superior Court Drug Intervention Program, many halfway house ini-

tiatives, the CJCC-sponsored justis system, and the new Options mental health programs that Ms. Jones described.

With these many successes, however, I do caution that it is imperative that a dedicated staff of an independent CJCC support these continuing collaborations. This will allow ongoing collection and analysis of multiagency data, as well as independent consideration of policy choices presented by the data, including alternative ways of doing business that could enhance the entire criminal justice system.

I thank this committee for taking the time to bring attention to these issues. I would be happy to answer any questions.

[The prepared statement of Ms. Shaffer follows:]

Statement

of

Susan W. Shaffer
Director
D.C. Pretrial Services Agency

Before The

U.S. House of Representatives
Committee on Government Reform
Subcommittee on the District of Columbia

Hearing On Criminal Justice Coordination
In the District of Columbia

May 11, 2001

Good Morning Chairwoman Morella, Congresswoman Norton, and Members of the Subcommittee:

I am pleased to appear before you today to discuss coordination of criminal justice activities in the District of Columbia. I am the Director of the D.C. Pretrial Services Agency (PSA). PSA has supervised the pretrial defendant population in the District of Columbia for the past thirty years as an independent agency of the District of Columbia. Under the terms of the Revitalization Act, PSA now functions as an entity within the Court Services and Offender Supervision Agency. The mission of Pretrial Services is to assist both the federal and local courts in determining eligibility for pretrial release by providing background information on the majority of arrestees. Pretrial Services is also responsible for supervising or monitoring conditions of release of approximately 24,000 defendants a year and reporting on compliance or lack thereof to the U.S. District Court and D.C. Superior Court. Pretrial Services also operates a forensic laboratory that provides drug testing for persons on pretrial release, probation, parole, or supervised release.

The recent GAO Report (March 2001) entitled "D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies" correctly pointed out that D.C.'s criminal justice system is complex, with a mix of federal and local agencies and more than 70 different information systems in use among the various participating agencies.[1] Most importantly, many of these systems are not linked, which makes it difficult to share information in a timely and useful manner. Although many collaborative initiatives are underway for improving the D.C. criminal justice system, and many have had some notable successes, the key has been ongoing coordination among the agencies. During its two and a half year existence, the Criminal Justice Coordinating Council (CJCC) has served as an indispensable forum for discussing issues that affect multiple agencies. An important characteristic of the CJCC is that its small staff was funded by the D.C. Control Board, and therefore no single agency had "control" over any other. As the GAO report indicated, funding the CJCC through any participating agency would "diminish its stature as an independent entity in the eyes of a number of CJCC's member agencies, reducing their willingness to participate."[2] As the D.C. Control Board is scheduled to

[1] GAO Report, page 13.
[2] GAO Report, page 31.

disband and did not fund CJCC staff for fiscal year 2001, the sole remaining staff member is funded by a grant from the U.S. Department of Justice. Although the CJCC members have continued to meet, the lack of staff has diminished the effectiveness of the Council. Dedicated staff can be the key to institutionalizing what has proven to be a most valuable resource.

Building on the recommendations contained in the GAO report, PSA strongly supports an independent District of Columbia CJCC with an Executive Director appointed by and accountable to the CJCC members. The CJCC should be a coordinating, not controlling, authority. It should coordinate the activities of its member agencies to improve the criminal justice system and public safety in the District of Columbia. It should make recommendations after analyzing criminal justice and operational issues and identifying alternative solutions. It should work collaboratively with the Office of the Deputy Mayor for Public Safety and Justice, Justice Grants Administration, in developing justice planning grants and developing priorities for allocating grant funds. It should develop a strategic plan and establish measurable goals and objectives for priority reform initiatives. Although there are times when agencies' interests diverge, a strategic plan would ensure that cross-cutting criminal justice issues are identified, prioritized, and improved upon, and it would lend structure to the development of common priorities. In order to ensure public accountability, the CJCC should report on these initiatives on an annual basis to its membership and to the public. The report should detail progress and identify continuing issues and stumbling blocks, as well as set out priorities for the coming year. The report could also serve as a unified voice for the D.C. criminal justice system and allow agencies to come together in support of new initiatives or new legislation.

PSA Collaborations—The Successes and Limitations

Over the years, PSA has participated in a number of successful collaborative efforts. Although these collaborative efforts differ substantially, each has been successful because the partners have committed themselves to common goals and objectives. The work needed to sustain these partnerships is substantial. Despite our success at the project level, PSA's experience suggests that if there were additional support from dedicated CJCC staff to support

more uniform (and, eventually, real-time) data collection and analysis among the participating agencies, even more comprehensive and long lasting coordination could be achieved.

D.C. Drug Court

Since 1994, PSA has administered the D.C. Drug Court in conjunction with the D.C. Superior Court, the U.S. Attorney's Office and the D.C. Public Defender Service. Planning for the Drug Court required that these agencies and the court agree to a common set of goals for the project, change their standard practices, and redefine their individual measures of success. Through the years, the Drug Court has thrived despite turnover in executive leadership, a major programmatic redesign and legislative changes that have altered the environment in which the court operates. Much of the longevity of the Drug Court can be attributed to three things: commitment from agency and court leadership, dedicated resources, and performance measurement and evaluation. Executive commitment is embodied in the monthly meetings of Drug Court collaborators that are held to discuss and resolve problems, shape policy and review program accomplishments. The Drug Court is funded and managed by PSA, but the D.C. Superior Court, the U.S. Attorney's Office, and the D.C. Public Defender Service have also dedicated resources to the program. This pooling of resources gave each agency a stake in the success of the program. Early on, the originators of the Drug Court recognized the importance of an independent evaluation by the Urban Institute and on-going performance measurement. Because of this, the Drug Court can point to quantifiable measures of success. Independent recognition of the success of the program helped to solidify support.

Despite the value of the initial evaluation of the Drug Court by the Urban Institute, it is growing less relevant as the program changes and the Drug Court develops in new directions. It would no doubt be very helpful and add credibility to our efforts if independent CJCC staff were available to assist in ensuring that all the involved agencies collected and reported comparable data so that all Drug Court outcomes had widespread recognition.

Halfway House Improvement Initiative

One of the most successful collaborations supported by the CJCC has been the Halfway House Improvement Initiative. The goal of the initiative was to review and reform halfway house operations and related procedures to improve public safety and to strengthen coordination and cooperation among relevant criminal justice agencies. The courts release some pretrial defendants on condition that they go to work during the day but return to the custody of a Department of Corrections (DOC) halfway house in the evening. PSA assists with communications between DOC and the courts, keeping the judicial officers apprised of halfway house infractions, escapes, and noncompliance with conditions of release. This past year PSA began taking the lead to ensure that defendants in the halfway houses were drug tested on a regular basis and referred to sanction-based treatment when necessary. PSA also brings to the attention of the courts those defendants who are in good compliance with their work release conditions, so that they might be moved out of the halfway house back into their home community.

CJCC leadership was particularly effective in collaborating over the past two years and drafting amendments to the Bail Reform Act that will improve some of the problems that have hampered halfway house placements. Many CJCC members came together to oppose a bill before the City Council that would have excluded some defendants, on the basis of charge alone, from placement in a halfway house and another bill that would have reintroduced surety bonds as a way to supervise persons charged with dangerous or violent crimes. Instead, CJCC members collaborated on legislation that addressed two critical issues—(1) inappropriate halfway house placements of defendants who had been determined by the courts to be dangerous and merited preventive detention but whose detention period under law had expired and (2) inappropriate returns to the halfway house without judicial review after a remand to the D.C. Jail for disruptive behavior at the halfway house. Proposed legislation, now under review in Congress, allows appropriate extensions of the pretrial detention period when approved by the court, so that defendants who have been determined to be dangerous after a preventive detention hearing do not have to be released automatically (often to a halfway house) when they have not yet been

brought to trial within the statutory timeframe. The legislation also mandates that in a situation where the Department of Corrections returns a defendant to the D.C. Jail for disruptive or dangerous behavior in the halfway house, appropriate due process procedures must be followed both to protect the defendant's rights and to ensure a judicial hearing before the defendant is returned to the halfway house or his/her work release is revoked completely.

Despite the successes resulting from the collaboration of the CJCC members, we have also seen that the lack of CJCC staff during this fiscal year has resulted in greater difficulty in securing and distributing data on a regular basis regarding issues such as the escape rates from halfway houses, the length of time to obtain a warrant for halfway house walkaways, the number of vacant beds at any given time, or the extent of the waiting list for halfway house beds. CJCC staff, supplemented by staff from the National Institute of Corrections, had been coordinating the collection of this data on a regular basis and supplying monthly graphs and charts to the members of the CJCC's Pretrial Systems Subcommittee. That data distribution stopped when staff departed and regular meetings of the subcommittee became more infrequent. Given the pressing nature of day-to-day demands faced by all member criminal justice agencies, it is imperative that independent CJCC staff be dedicated to ongoing collection and distribution of data from individual agencies that is useful in evaluation of the entire criminal justice system.

District of Columbia Justice Information Systems (JUSTIS)

One of the primary challenges to collaboration identified by the CJCC has been the lack of integrated information systems. With each agency reliant on its own systems, real-time exchange of data has been severely limited. In July 2000 the CJCC partnered with the D.C. Office of the Chief Technology Officer in contracting with a consulting firm to design JUSTIS, a dedicated browser-based intranet system that will allow extraction of specific data from each agency's criminal justice records. Extracted data will be made available via this shared intranet, although it will not, at least in its first release, be real-time information. The advantage of JUSTIS is that it will allow each agency to maintain its own system while accessing selected data from other criminal justice agencies.

PSA is currently writing programs to extract its case information data and will be participating this fall in the first production release of JUSTIS. As the development continues, the CJCC can play a critical role in prioritizing among and addressing the many concerns that development on this scale will eventually generate. There will no doubt be myriad issues regarding the reliability of the data that is being shared. Further staff support will in all likelihood be needed in the future to replace the one grant-funded position that now supports the development of JUSTIS.

Conditions of Release Enforcement Program (CORE)

The need for continued attention to the issue of real-time data exchanges is dramatically illustrated by the difficulties that have been encountered in the full implementation of the Conditions of Release Enforcement (CORE) program. The US Attorney's Office and the Metropolitan Police Department (MPD) had hoped to be able to develop the ability to effectuate immediate arrests of defendants who were in apparent violation of their stay away orders, without first going to court and securing an arrest warrant, but successful implementation and fairness to the defendant depends on access to up-to-the minute, accurate information about conditions of release. Current information exchanges do not provide patrol officers with the information that they need to be sure that PSA's release condition information, which is currently housed in MPD's mainframe system, is absolutely current. Judges may change release conditions based on a defendant's record of compliance, a defendant's case may be dismissed, or he may be sentenced to probation with the pretrial release conditions lifted. PSA ordinarily receives a copy of a subsequent release order within a few days of the court action and enters the new information into its computer system, but that delay could lead to the erroneous arrest of a defendant whose release conditions have recently changed. With a forum such as the CJCC to continue the push for a coordinated, real-time information system and a dedicated staff to assist in the analysis of the information systems and development of recommendations for enhancement, programs such as CORE could be a public safety success.

Let me conclude by emphasizing PSA's full support of the Criminal Justice Coordinating Council. The CJCC has played and will continue to play a vital leadership role in

the District of Columbia criminal justice system. Strong staff support is essential to achieving its mission, and with that support, the CJCC can be a unified voice in attempting to solve many of the issues that should be addressed in a coordinated fashion by our criminal justice agencies. Thank you for your time and interest in making this issue a priority. I would be happy to answer any questions you may have at this time.

Mrs. MORELLA. Thank you, Ms. Schaffer.

Now our last panelist, Mr. Gaines.

Mr. GAINES. Thank you, Madam Chair, Congresswoman Norton. I appreciate the opportunity to appear before you today on behalf of the U.S. Parole Commission.

The Revitalization Act gave the U.S. Parole Commission a unique role in turning over the District of Columbia parole responsibilities previously handled by the D.C. Board of Parole to it. It is not totally unlike one State being given the parole authority of another State, and I am certain it is something that has never even come even close to happening in the past.

It is vital for the Commission to succeed with these new responsibilities, that there be the highest possible level of coordination among the several participating Federal and local agencies that make up the system. The Criminal Justice Coordinating Council is effective and can play a vital role in the future in that regard.

The Commission was pleased that the GAO report included major initiatives undertaken by the Commission since August 5, 1998, to improve the parole release, supervision, and revocation functions transferred to the Commission by the Revitalization Act.

Chief among these initiatives was the securing of adequate background information concerning offenders who are considered for parole and for parole revocation.

It has required major effort on the Commission's part to build a system whereby the necessary documents are regularly provided to us by the courts and various agencies involved, and I would note that without cooperative efforts by everyone involved, it would have simply been impossible.

We are also pleased that the GAO report included the violence prediction scale developed by the Commission in 1998 to guide its parole release decisions. We believe the use of this scale in parole decisions has resulted in a better use of prison resources to protect the public from those offenders most likely to engage in violent recidivism, and has also saved tax dollars by avoiding the unnecessary incarceration of offenders who are most likely to be law-abiding citizens upon their release; again, citing the cooperative part of this, given the supervision that they receive from CSOSA, one of our major partners in this undertaking.

The GAO report does identify an area of concern for the Commission. It accurately notes that we, as well as some other Federal agencies involved in the D.C. criminal justice system, receive our appropriations from the Commerce, Justice, State, and Related Agencies Subcommittees.

The President's proposed fiscal year 2002 budget for the Commission provides badly needed additional funding for conducting parole revocation hearings for D.C. offenders. The Parole Commission has taken extraordinary measures in the current year to meet difficult challenges presented by the new responsibilities we have received under the Revitalization Act.

In particular, the Commission has had to cope with limited hearing examiners and support personnel to conduct revocation hearings within applicable deadlines. If anything, the GAO report understates the difficulties that we have encountered, including a major backlog of parolees overdue for revocation hearings that were

inherited by the Commission when we took over those responsibilities from August of last year, as well as difficulties in coordinating with the D.C. Department of Corrections over matters such as notification of arrests and appearance of parolees for scheduled revocation hearings.

Although the Commission has been able to put the revocation process back in reasonable working order since experiencing a near breakdown situation last October, the situation does continue to be very serious.

The Commission staff is working diligently, given serious staffing limitations, to meet demands for statistical reporting and information requests that we receive, as well.

Many of the problems that we have encountered we have dealt with on an ad hoc basis. As Congresswoman Norton knows, we had a halfway house situation back in the fall, and only through her efforts, I think, of bringing together the parties involved were we able to come to a resolution of that.

It turns out that is how we have dealt with a lot of problems that we have encountered during the revitalization process, simply by doing it on an ad hoc basis. I think the CJCC, if adequately established and funded, could provide the proper mechanism for dealing with those types of problems in the future, and I think that would be—I know that would be of very great benefit to the parole commission.

Thank you very much. I would welcome your questions.

Mrs. MORELLA. Thank you very much, Mr. Gaines.

[The prepared statement of Mr. Gaines follows:]

Department of Justice

STATEMENT

OF

MICHAEL J. GAINES
UNITED STATES PAROLE COMMISSION

BEFORE THE

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

COORDINATION OF CRIMINAL JUSTICE ACTIVITIES
IN THE DISTRICT OF COLUMBIA

PRESENTED ON

MAY 11, 2001

Statement of the United States Parole Commission

1. The Parole Commission and the GAO Report Concerning the Coordination of Criminal Justice Activities in the District of Columbia.

Having been given a major role in the District of Columbia criminal justice system by the National Capital Revitalization and Self-Government Improvement Act of 1997, the U.S. Parole Commission fully endorses the goal of achieving better coordination among the many participating Federal and local agencies that make up that system. The Criminal Justice Coordinating council plays a vital role in that regard. I am pleased that the GAO report on this subject has included the major initiatives undertaken by the Parole Commission since August 5, 1998, to improve the parole release, supervision, and revocation functions of the District of Columbia Board of Parole, which were transferred to the Commission by the Act.

Chief among these initiatives was the securing of adequate background information concerning the offenders who are considered for both parole and parole revocation. It has required a major effort on the Commission's part to build a system whereby the necessary documents are regularly provided to us by the various courts and agencies involved. We are also pleased that the GAO report included the violence prediction scale developed by the Commission in 1998 to guide its parole release decisions. We believe that the use of this scale in parole decisions has resulted in a better use of prison resources to protect the public from those offenders most likely to engage in violent recidivism. It saves tax dollars by avoiding unnecessary incarceration of those offenders who are most likely to become law-abiding citizens, given adequate supervision by Court Services and Offender Supervision Agency (CSOSA). Of course, the initiatives undertaken by CSOSA since August 5, 1998, have our full support and cooperation.

However, the GAO report also identifies an area of very serious concern. It accurately points out that the Commission, among other Federal agencies involved in the District of Columbia criminal justice system, receives its appropriations from the Commerce, Justice, State,

and Related Agencies Subcommittees. The President's proposed FY 2002 budget for the Commission provides additional funding for conducting parole revocation hearings for District of Columbia offenders. The Parole Commission has taken extraordinary measures in the current year to meet the difficult challenges presented by its new responsibility for District of Columbia offenders mandated by the Revitalization Act. In particular, the Commission has had to cope with limited hearing examiners and support personnel to conduct its revocation hearings within applicable deadlines. If anything, the GAO report understates the difficulties that the Commission has encountered. These have included a major backlog of over 230 parolees overdue for revocation hearings that the Commission inherited from the District of Columbia Board of Parole last August, and difficulties in coordinating with the Department of Corrections over such matters as notification of arrests and the appearance of parolees for their scheduled revocation hearings.

Although the Commission has been able to put the revocation process back in reasonable working order since last October (when the Parole Commission felt compelled to permit the emergency release of 116 arrested parolees who could not be given hearings within legal time frames), the situation continues to be serious. The Commission's staff is working diligently to meet the demands for statistical reporting and information that have recently been placed on us. Nonetheless, better coordination among local agencies would be a great help to the Commission in our efforts to conclude revocation proceedings on time. For example, we need to improve the likelihood that police officers will appear at our revocation hearings when their testimony is needed to establish the violation charges. Thus, we endorse the goal of making better use of MPD officer time.

Another area where we are working on improvements concerns the five-day holds placed on arrested parolees by the Superior Court. We are working with the Superior Court, CSOSA, and the U.S. Attorney's Office to improve our ability to issue warrants within the five days allowed by statute in these cases.

2. The U.S. Parole Commission's Current Status Regarding Commissioners and Enabling Legislation.

The U.S. Parole Commission is an independent agency within the Department of Justice. The Commission was created by the Parole Commission and Reorganization Act of 1976, which authorized nine (9) Commissioners to be appointed by the President to serve six-year terms, with holdover status (for up to six more years) until a successor is appointed and qualified. See 18 U.S.C. § 4201 et seq. There are presently four (4) Commissioners, three (3) in holdover status and one (1) recess appointment, as of May 9, 2001. The Commissioners exercise judge-like decision-making functions. At the professional staff level, hearing examiners conduct parole and parole revocation hearings throughout the United States, case analysts review requests for parole violation warrants and other actions, and other personnel provide case processing, legal, and administrative support.

3. The National Capital Revitalization Act.

In 1997, the looming financial crisis facing the District of Columbia and the many problems caused by its seriously troubled criminal justice system led Congress to give the Parole Commission a major new role when it passed the National Capital Revitalization and Self-Government Improvement Act (P.L. 105-33). The Revitalization Act provided a major restructuring of the District of Columbia's financial and criminal justice systems. Among other changes, it closes down the District's correctional facilities at Lorton, Virginia (effective December of 2001), and transfers the District's felony prisoner population to the Federal Bureau of Prisons. It also abolished the District of Columbia Board of Parole by transferring its functions to the U.S. Parole Commission. The transfer of the District's parole functions to the U.S. Parole Commission was mandated by the Act to occur in two stages: (A) Effective August 5, 1998, the Commission acquired parole-release jurisdiction over approximately 8,000 parole-eligible District of Columbia Code prisoners. This resulted in a major increase in the Commission's caseload of parole hearings. In 1999, the Commission conducted 2,253 District of

Columbia parole hearings in addition to its normal caseload of 1,804 Federal hearings. (B) Effective August 5, 2000, the Commission acquired the parole supervision and revocation function, thereby terminating the existence of the District of Columbia Parole Board. This action gave the Commission jurisdiction over 3,200 District of Columbia Code felons on parole, adding to the Commission's caseload approximately 80-90 new revocation hearings per month immediately following the transition, which has now leveled out to a rate of approximately 60-70 per month.

Finally, the Act increased the number of authorized Parole Commissioners from three (3) to five (5). It did not however change the provisions of the 1996 Phaseout Act that required the Commission to be abolished, or its functions transferred to another Federal entity, by November 1, 2002.

4. Funding Problems under the Revitalization Act.

Funding the Revitalization Act has proved to be a major problem for the Commission and left the Commission faced with severe management challenges brought on by its District of Columbia caseload. The Commissions efforts to bring District of Columbia parole decision-making up to Federal standards have been met with serious challenges. The chaotic state of record keeping in the District of Columbia criminal justice system required a major diversion of Commission staff time to prepare and process cases for hearings. Missing presentence reports and other vital background information made it impossible for the Commission, in many cases, to make responsible release decisions. Serious backlogs developed while this information was sought. Necessarily, as the District of Columbia Lorton complex continues to downsize, cooperation of District of Columbia Department of Corrections case management staff has become increasingly strained. These problems are compounded by the Commission having to conduct parole hearings for a prison population being transferred from District of Columbia facilities to Federal prison facilities. Many prisoners scheduled for hearings were not heard because they were transferred to other prisons by the District of Columbia Department of

Corrections without prior notice being given to the Commission, further contributing to the backlog of delayed parole hearings. These and other unanticipated challenges have added precipitously to the Commissions workload.

5. The Attorney General's Report to Congress for 2000.

On June 21, 2000, Attorney General Janet Reno certified that continuation of the Commission as an independent agency is necessarily the "most effective and cost-efficient manner" for carrying out the Commission's newly increased responsibilities. The Attorney General recommended repeal of the 1996 Phaseout Act, and proposed giving the Commission permanent existence with five authorized Commissioners. In the report, the Attorney General also warned that, if the Commission were not able to handle its caseload, the result would "... include a flood of related prisoner litigation that could overwhelm not only the Commission's physical and legal resources, but those of the Bureau, United States Attorneys and District of Columbia as well."

6. The Prospect for 2001.

Improvements in management efficiency, by which the Commission's limited staff are able to process revocation cases, and better coordination with the Department of Corrections, CSOSA, and the Public Defender Service, have enabled the Commission to complete revocation hearings, starting in 2001, at a rate sufficient to stay current with the rate of executed warrants, and to steadily work down the serious backlog of cases left over from the latter part of 2000. Maintaining a monthly rate of warrant issuance at around 60-70 warrants per month has prevented the Commission from being overwhelmed as it was immediately following the August 5, 2000, transition. Although there remain chronic problems with timeliness (particularly in the issuance of decisions following completed revocation hearings), arrested parole violators are now moved through the revocation process, with their legal rights observed, without serious breakdowns and backlogs.

Conclusion

Thank you for the opportunity to present this statement. I look forward to answering any questions that the members of the Subcommittee may have.

Mrs. MORELLA. Thank you all. You were all great in the testimony that you submitted and that you gave orally.

I do want you to know that I have looked at the testimony you have submitted, and for many of you, you submitted far more information than you had an opportunity to relate orally.

I am going to ask you all maybe one question. First of all, I understand all of you believe that there is the need for the CJCC. You all believe it should be independent. That has been emphasized over and over again. You all believe that there should be an annual report, you know. You all believe that nobody should be coerced or required to submit or to be involved. We should not be forcing entities, there should be leadership.

Now let me ask you, each and every one of you, do you think that Congress should legislatively authorize the CJCC, and how do you think it should be funded?

Anybody who wants to start off.

Ms. SHAFFER. I will start, since no one else is jumping up here to speak.

As to how it should be funded, I am really not in a position of authority to answer that, as it pertains to Federal funding. Let me address your question about whether it should be formally institutionalized by Congress, regardless of the funding issue.

I think there is a strong sentiment, which you have probably picked up on today, among the agencies that because we all, even the Federal agencies, serve a local criminal justice community and have a local mission, that the CJCC would most appropriately be established by the city Council.

We have heard today that the city Council has taken steps recently to endorse the existence of the CJCC, and has established limited funding. I think many of us believe that additional action is now needed to formally establish the CJCC and its administrative support structure.

As to whether the District will finally establish it and adequately fund it or whether it will want or expect contributions from the Federal Government, I am really not in a position to say. I think that it touches on what Councilmember Patterson addressed this morning.

Mrs. MORELLA. That is good getting us started on that.

Mrs. Jones.

Ms. JONES. I would say that currently we have a CJCC where no one is compelled to participate, yet everyone does. No one is required to be at the table, yet everyone is. I don't know that Federal legislation to create it is necessary. If the District of Columbia establishes an independent District of Columbia agency called the CJCC, I think it will have the same amount of participation.

I do believe it needs to be adequately funded, and probably $169,000 is not enough. As a practical matter, I believe that Federal funding may be necessary to fully implement all of the goals of the CJCC, but again, I would emphasize that I don't know that there needs to be Federal legislation to create a new entity in the District of Columbia to achieve the results this committee is looking for.

Mrs. MORELLA. Mr. Clark.

Mr. CLARK. I think there has been a real good discussion of these issues previously in this hearing.

I heard Congresswoman Norton mention that it might be—I identify with some of the remarks of Mr. Harlan, that it might be beneficial for the Congress to at least acknowledge the existence of an agency which may have been, and hopefully will be, more formalized in its creation by the D.C. city Council, especially since there is so much Federal participation, and since I think an acknowledgment by the Congress of the existence of the Council would give more focus and more motivation, possibly, to the Federal partners and federally funded partners.

So I think that makes sense to me, and I think that it probably would be helpful in focusing attention, and would be helpful if there was some indication of the intent of Congress for these agencies to seriously participate.

On the funding, again, obviously, I am in a position where I requested $1 million in this year's budget. I have another request for an additional $1 million for next year, which has been endorsed in the President's budget, for money to flow through our office to supplement or to fund CJCC projects.

So certainly I think in the practical reality of things that if these kinds of initiatives and projects are going to go forward, the local funding needs to be supplemented with some Federal funding.

Mrs. MORELLA. Mr. Wainstein.

Mr. WAINSTEIN. Thank you.

I am not going to stray far from the comments of the last two witnesses. I would echo what Mrs. Jones said about participation from all the agencies. I believe all the agencies to date have established a track record of willing and active participation. The principals have been appearing at the meetings. I think we can have more meetings and rejuvenate the CJCC to some extent.

But in terms of our—our being the agency's—the members' willingness to participate, I don't think that is a concern. That being said, I would also echo what Mr. Clark said, that we do need secure, sustained funding for the CJCC to be effective.

We have all commented so far on the small staff, I guess a staff of one. And if we want the CJCC to be able to undertake the kind of initiatives that we envision, it will need the funding. If that requires proportional funding from Congress and from D.C., that seems like that would be a wise construct. If that would, in turn, require Federal legislation at least acknowledging the existence of the CJCC, then I guess that would be necessary.

But the bottom line is for the CJCC to undertake the things that we want it to undertake, I believe it will need sustained and secured funding.

Mrs. MORELLA. You would agree that maybe an acknowledgment by Congress of its existence and importance might help?

Mr. WAINSTEIN. I will say, at least for this agency, we won't need that to be an active member of the CJCC. We will be, regardless of whether there is an acknowledgment. It certainly could not hurt.

Mrs. MORELLA. Chief Ramsey.

Chief RAMSEY. I think my opinion differs slightly on this issue. I think there needs to be probably a combination of both local and Federal legislation around this issue. I will tell you why.

It is true that to date all the agencies have voluntarily participated, but it is also true that we all acknowledge that we are in a crisis, if you will, and that has really prompted a lot of participation.

If we want CJCC to succeed into the future once we start to resolve some of these issues, then I think it is very important that critical agencies, both local agencies and Federal agencies, be mandated to participate in this. Otherwise, participation of a key agency could, in fact, fall off, and it could harm us in the long term, and we could find ourselves right back in the position that we are in right now.

Our local government, our Council, has already taken steps toward passing legislation around the CJCC, but the reality is that we have no authority over any of the Federal agencies that are participating. So I think there is a need for something at that level in order to make sure that all the people who are key players continue to participate.

I also think that in terms of funding, it ought to come from both sources. I think there is a need for both local and Federal funding. We need to take advantage of grants.

We have a lot of serious problems. It really has not been mentioned very often, at least I don't recall hearing it, but we have a lot of our problems centering around technology and the lack of integrated systems. It is going to take a tremendous amount of funding in order to correct a lot of those problems. I don't know where that money is going to come from. Not only do you have to create the system, you have to be able to maintain it over the long term. Technology, as rapidly as it changes, obviously there are going to be upgrades to the systems, and there are going to be all kinds of things that we need to take into consideration. There needs to be some way in which we can do that.

I also think that when all is said and done, there is going to have to be oversight of this body. I think that our city Council certainly will provide some oversight in this area, but there needs to be some at the Federal level as well. Because again, my experience, and I have been part of this for 3 years now, from when it was MOU partners and now CJCC, that we all are in agreement on certain changes. However, the reality is if that change is painful to any particular agency, there is nothing that really forces them to have to implement the change. Sometimes it is a philosophical difference that may make an agency reluctant. Other times, it could be a strain on the budget.

It is one thing to say we want to change something, but it is another issue when it comes to budgeting for that and making it happen when there is a shift in costs from one agency to another. That is a legitimate concern.

So there needs to be some oversight where, when these issues are laid out and the annual report is written, that there is a gathering like this where questions are asked and people are held accountable for their actions are in looking at the larger picture of the system as a whole, and just how it is functioning.

Mrs. MORELLA. In fact, in your testimony you mentioned expanding the scope of CJCC. Was that articulated by some of the comments that you now——

Chief RAMSEY. Yes, ma'am. I think right now we are kind of in a crisis mode. I think a lot of the issues we are looking at are simply because of the immediate urgency of some of the issues that we are dealing with.

But the potential of CJCC is just enormous. I think we need to really think about the potential that this group has. It may be a while before we begin to realize some of that, because we are still correcting many of the things that have been wrong with the system that plagued us for years.

But there is going to come a point in time when we can be very creative and proactive in a way in which criminal justice is administered here in the District of Columbia. I would just not like us to get too narrow in our thinking and really just leave the door open for a lot of other possibilities.

Mrs. MORELLA. Thank you.

I am pleased to recognize Ms. Norton.

Ms. NORTON. Thank you very much. I appreciate the answers you have just given to Mrs. Morella's questions. I hope these answers and her questions and other questions have helped to stimulate you to think about what is a very difficult problem.

I think that the question of funding should almost be put aside. The Federal Government can fund 100 percent a local entity, and does, or by some formula do the funding issue. I still—the notion that Mr. Wainstein raised about how—I don't think there will be any problem of people's willingness to participate, certainly there is no problem in the willingness to participate. The problem is how do you get Federal agencies to participate in something that has been—where the only statutory obligation is in legislation from a local entity.

I would just like to invite hard legal thinking on this question. Everyone knows where I am on the home rule question, but this is more than that.

Mr. Clark, when he said some acknowledgment of Federal responsibility in legislation might be necessary—again, I think this is not the kind of thing right off the top of our heads we can think about it, but the kind of answers that you have given, it seems to me, show how fertile the issue is. I very much appreciate them.

I would like to ask, I suppose beginning with Chief Ramsey, now—this is a chart that I used before. Perhaps it can go up again. What is not on that chart is the line I have now drawn.

Chief Ramsey, the line was drawn about March, and then you see stuff beginning to go up here. We have reached a low point. When they took over, when the Federal Government took over the halfway house operations, there were 158 people arrested who were on parole, out of jail. They got it down to 40. Now, the most recent figures have it up to 66. This thing is climbing again. This is the kind of thing we have to catch before it catches us.

I wonder, Chief Ramsey, if you are aware of increased arrests of recently released inmates yourself.

Chief RAMSEY. Yes, ma'am. There has been a slight increase, and certainly this chart begins to show that. Whether it will remain over time, I don't think anyone knows, but I think you are absolutely right, now is the time to be concerned and to really find out the reasons why that is, and to take steps now to see to it that we

once again get it back to lower levels, because we don't want to once again reach those high levels that we were at just a couple of years ago.

I think more and more inmates will be getting released. I don't know exactly what the figures are, but I know that many people who were sentenced back in the seventies and eighties under determinant sentencing are now beginning to come to the end of those terms, and they will be coming back into our communities. If we are not careful, we will have a problem with people once again engaging in criminal behavior.

So there are alternatives to that. Obviously, what we really have to work toward is working with these people as they come out of jail and helping them reintegrate into society.

Ms. NORTON. The alternative is they are out without all the services provided. I must say, I am very, very impressed with what happened in this. Let me give some considerable credit to Mr. Clark. For all of the talk about coordinating, Mr. Clark has shown that with one man, you can have a one-man coordinating system.

Because when people began to walk away from these halfway houses, and I read about it, frankly, in the Washington Post, I asked everybody to come, every single agency, just to find out how in the world—so this is where some of the fear developed in the community, because they were reading in the paper that these folks are out and they are walking away from the halfway houses.

I asked Mr. Clark, who had no—who was a peer and had been meeting with all these agencies—if he would take charge of this. Then I spoke to the deputy assistant attorney general to ask if he would reinforce that, and he did. He indicated that, yes, Mr. Clark would coordinate this.

I would like to ask Mr. Clark about what halfway houses did—what do they do so that you get this kind of reduction in crime by people recently released from jail?

Mr. CLARK. Thank you, Congresswoman Norton, for those comments and for the question.

First of all, I would like to help the committee understand a little better this chart that you have displayed, and how this came about.

It wasn't, I will have to say, solely because of a new Federal responsibility kicking in. What happened in 1998 was several of us, including the Parole Commission and the Court Services, got together with the director of the Department of Corrections, at that time Margaret Moore, where there was a situation where she was kind of out on a limb because of previous criticism, and did not feel she could put any felons coming out of prison in halfway houses.

We said that we will all get together and help you with the public responsibility and the public concern on this. So the program that went into effect in June 1998, which I think everyone acknowledges has had a significant impact on the rearrested parolees, for the most part was implemented by the D.C. Department of Corrections. These were that were coming out of D.C. prisons, out of Lorton or Youngstown and so on, and they were coming through halfway houses, Hope Village and Effect and so on.

Along with that, we had the court services supervision officers, committed by the Court Services Agency, to have offices in the halfway house. So not only was there the halfway house placement

with job assistance and so on. We had a situation where the parole officer was right in the halfway house helping with the transitional services there.

So to me, this is an example that occurred kind of on a parallel track with the CJCC, where several agencies got together, and I think had a real effect on the public safety in the District.

These issues with the halfway house I know, as you have mentioned, are difficult in terms of neighborhood concerns about the safety in that particular neighborhood. But the safety of the whole community is enhanced if we are able to bring these folks out through the halfway houses.

In addition to public safety, I think the economic development of the District is enhanced. If we do not have parolees, who are the most at-risk population in the District, getting rearrested and getting in trouble, then there is going to be an increased perception of safety, and then the economic development of the District is going to be enhanced.

Ms. NORTON. I think it is important—these parolees do not have to go to a halfway house, isn't that right, under the law?

Mr. CLARK. Under the law, they don't. There was great encouragement from the U.S. Parole Commission once they took over responsibility from the paroling authority for the District to go ahead and get in line with the policy of the Federal Bureau of Prisons of bringing all these cases through a halfway house.

Ms. NORTON. The Federal Bureau of Prisons does this as a matter of practice, not of law, is that right?

Mr. CLARK. That is correct.

Ms. NORTON. So I just want to know how important this is, because what we have here is a kind of social service responsibility that the District would never have had. Do these people get tested also for drug use while they are on parole?

Mr. CLARK. They get tested regularly in the halfway house. In fact, the policy in the Federal halfway houses was adopted as part of this problem. If there is one dirty urine, they go back. Their parole is delayed and they go back into a treatment program for about 60 days, and then they are placed again in the halfway house.

Ms. NORTON. You can get all the way back to prison, I take it, with dirty urine and whatever else?

Mr. CLARK. Absolutely.

Ms. NORTON. The incentive here is extraordinary, especially since you have job counseling. You have to get a job, don't you?

Mr. CLARK. Within 14 days.

Ms. NORTON. If you are on parole from BOP, what is the job responsibility that the recently released person has?

Mr. CLARK. Typically, in the halfway houses, it is the BOP policy that the releasing prisoner should be employed within 2 weeks. Sometimes they are not able to do that, but typically, it is my experience that when you tie that to some privileges of going home and seeing your family for a few hours on the weekend, and some of those other kinds of privileges, that people are motivated to go out and obtain employment.

Ms. NORTON. Could I have comparable information about pretrial detainees?

Ms. SHAFFER. Certainly. Your Honor, the pretrial work release defendants are actually released into the community but are ordered by the judges to return to the halfway house in the evening. They go out during the day to jobs. If this works out, they secure passes to go home on the weekend. They are actually not detained in the halfway house. It is a little different situation.

Ms. NORTON. How about the rearrest rates?

Ms. SHAFFER. The rearrest rates for violent or dangerous crimes is extremely low. In fact, it is going down. It is actually lower than that for the general pretrial population. It is still the case that about 75 percent of the rearrests that do take place are for not coming back to the halfway house. There are still a number of people every month who come back late or don't come back, who just walk away from it. They don't like the conditions of the halfway house, and they leave. We request bench warrants on them right away to bring them in, and they tell their story to the judge about the problems they had at the halfway house. Many times they are then stepped back and detained in the D.C. jail after that.

Ms. NORTON. Could I ask both of you—and this is maybe the most important information that came out of this hearing, when you consider that now we are forced, according to CSOSA—because the law says you have to release people. If you have not got the halfway house, the person is out there, on us, at our expense.

I have to ask you, given the wholesale opposition in the District, what have you done to make this information known to residents in the District of Columbia?

Ms. SHAFFER. I think not enough, is the answer. Not enough.

Mr. CLARK. Could I just mention one thing? And I think the committee should be aware that for the last 2 years, since the series of articles or one of the series of articles in the Washington Post that you mentioned created somewhat of a crisis, frankly, within the whole system here about the halfway house walkaways, under the leadership or guise of the CJCC there was established a standing committee on especially the pretrial halfway house situation, and all the agencies here, except the Parole Commission, who are not dealing with pretrial cases, came together with a number of other agencies and formed the Pretrial Services Subcommittee.

Judge Michael Rankin is currently the Chair of that committee. We met within the last 2 or 3 days. We typically meet every month. We appeared before the Citizen Council to brief the Citizen Council. I think a little over a year ago, a panel of, I think, eight or nine of us appeared at that time before Mr. Brazil, the Chair. We were influential, I think, in helping the Council reshape the Bail Reform Law within the District to tighten up a number of cases that were being—that have been problematic in being placed in halfway houses.

But on the other hand, I will agree with Ms. Shaffer, that there is a lot more that needs to be done to help the city Council help the citizenry understand this critical issue.

Ms. NORTON. I recognize, Madam Chair, that I'm over my time, but I would ask your leave, because I have a couple more questions that I would like to ask.

Mrs. MORELLA. And I would like to call—to adjourn the hearing close to 1 o'clock if we could, but, you know, I never gave you a

chance, Mr. Gains, to respond to that question that I asked the rest of the panel. It occurred to me that——

Mr. GAINES. Thank you very much.

Mrs. MORELLA. That was an omission on my part.

Mr. GAINES. I could only, I think, echo what the other panelists have said. I didn't hear a single thing, I don't believe, that I would disagree with. The critical thing is that there be a sufficient structure and funding there to deal with whatever the issues are you take on. You can take on the big issues, as the chief was talking about, which are very critical, but once you come to an agreement there, then you have the nuts and bolts issue that may require two or three of the participants. It may require committees and subcommittees and working groups and whatever, but you need the structure and the funding there so that you can take those problems and take them all the way to the resolution rather than just coming to a general agreement.

Mrs. MORELLA. Uh-huh. I thank you. I remember in the last Congress we worked very hard with the District of Columbia for the compliance with Y2K computer glitch to remedy it, and the discussion was after—after that worked out fine, did you learn something from it? And I remember the Mayor said, oh, yes, we have updated our technology, and we've learned a great deal about that. And I find in so many areas there is a need for updating technology and the people who work with it. And this, as you have said, Chief Ramsey, is an area where it's kind of surprising we don't have the coordination that will come about through technology with all of these agencies coming together. And I would ask you, do you all think that the need for integration that would come through technology and looking into the whole technology situation is a vital part of what we're trying to do?

Ms. JONES. I would say yes. I've seen the justice system that the CJCC is working on, and I believe all of the agencies—most of the agencies at the table have participated in that data base which takes data from all of our different agencies and coordinates them into one system. It's a major step in the direction of providing the interagency technological coordination that you're speaking of.

Mrs. MORELLA. Is it the technology or training the people? I mean, is the technology there?

Ms. JONES. Yes. There is a software package that has been developed and all the agents are provided with——

Mrs. MORELLA. So you're talking about training people, basically, to utilize it?

Ms. JONES. It's—yes, although it's fairly user friendly to operate. Everyone seems to be happy with the product so far.

Ms. SHAFFER. The one caveat I would add is it's not realtime information. I mean, it is a vast improvement, because we'll be able to look at each other's information, but it is not realtime. So there may be a 24-hour delay; for instance, there may be a police officer on the street who's looking into the WALES mainframe to see what the release conditions are for a particular defendant to see whether he can arrest the defendant for being in violation of a stay-away order. The officer cannot really rely on that information because he doesn't know if in the last 24 hours these release conditions have changed. So there still is—I don't want to be misleading. We are

very excited about the justis system, but there is still a tremendous amount of work to do to get to an integrated realtime information system for the district.

Mrs. MORELLA. Right. It certainly should be an aim.

Mr. RAMSEY. Yes. And I think that's a very important point here. Our systems, for the most part, many of them are still very old. The integration just isn't there. So there's an awful lot of work that needs to be done. The justice system is a positive step, but it's not going to solve all of our problems. There's a need for a huge investment in the technology infrastructure needed to really support information sharing between agencies in our area.

Mrs. MORELLA. This may be something we also want to monitor. I'm going to leave the last question to Congresswoman Norton, but I'm curious on the D.C. parolee's chart. Sixty-six out of a body of what? Do we have any idea of what the entire body is? Is it 66 people?

Mr. CLARK. I think the number of the parolees in the community supervised by court services, who are in the room somewhere, is somewhere in the range of 4,000, but I'm——

Mrs. MORELLA. I mean, I just wondered if that had increased enormously with the——

Mr. CLARK. No. In fact, it's been fairly stable.

Ms. NORTON. Parolees includes people, you know, who have been out for—you're not just including new——

Mr. CLARK. No. Those are clients who may have been on parole for 5 or 6 years or whatever. Those are not just new parolees——

Mrs. MORELLA. So the number is even much larger in terms of the number of parolees.

Ms. NORTON. He's saying just the opposite. He's saying that the 4,000 figure, will you explain what that figure involved, Mr. Gaines.

Mr. GAINES. The total—our understanding is that the total D.C. parolee population is about 3,200 currently.

Ms. NORTON. But that involves people who have been out for a very long time and people who are recently arrested. So we'd have to know—in order to answer Mrs. Morella's question, we'd have to know how many recent parolees we're talking about, because the longer you're out, the less likely you are to be arrested in the first place.

Mrs. MORELLA. I think the chief would like to add something.

Mr. RAMSEY. Well, what I'm trying to really—I think is a point—and please someone correct me if I'm wrong. There's another issue that needs to be laid out here. Over the next 18 months or so, there is a large number of people who will be released from the Bureau of Prisons and will be coming back into D.C.

I've heard that figure was as high as about 5,000. Now, I don't know if that's accurate or not, but that is certainly something that we need to be thinking about now, because we're looking at these numbers as they exist today. But within the next year and a half, another 5,000 or so people could be added to that, and that's going to certainly cause a lot of problems and issues.

Mr. CLARK. The number that are anticipated to be released is—it's somewhere between 2,500 and 3,000 a year coming out. Some of those have come out on parole. Some of them come out on a

mandatory release with some supervision, and some of them max out their term, so to speak, and come out with no community supervision of any kind.

Mrs. MORELLA. My point was the 66 is an even greater progress, given the entire body of the additions that have been made through the years, particularly when you look back at May 1999. So it's even bigger.

Thank you. Ms. Norton.

Ms. NORTON. Thank you. If I could clarify, the importance of the chart is the 158 figure. That is the importance of the chart. That would seem—that is a high point, and you look at the high point, and you go down to 40, and you don't—and you want to keep going down no matter what the overall numbers are, and I think that's how we're going to hold all of you accountable.

Could I just ask this question? In other jurisdictions, how do you—how does the Federal Government fund States or local jurisdictions who are holding felons for the convenience of the government? Mr. Clark, Mr. Wainstein might be able to help me on that one. Who funds—in Maryland, you're Montgomery County. Who funds you if the Federal Government asks you to hold somebody who has been convicted? Who funds the locality?

Mr. CLARK. I think there's a term of art called the primary jurisdiction. Not being a lawyer like some of those on the panel, but——

Ms. NORTON. Speak in English.

Mr. CLARK [continuing]. It's my understanding—yes—that whichever jurisdiction has, for instance, arrested the person, owns that—to speak in English, I guess, owns that body, that person until there is a conviction and then if—for instance, if the local government has—authority has arrested the person, they've been convicted, tried, sentenced in the local circuit court or whatever, they're sentenced when they're ready to go to State prison, they would go to the State prison. If the Federal Government—if the U.S. attorney's office at that point had another case that they wanted to prosecute, at that point, they would—there would be typically a detainer filed, and they would take over primary jurisdiction of that case. And they would stay in the local jail at the cost of the U.S. Marshals Service.

Ms. NORTON. So at the cost of the Federal Government, then.

Mr. CLARK. On the other hand, if the case was prosecuted by the Federal Government and sentenced and ready to go as a Federal responsibility and the local jurisdiction, in this case superior court—there was a case in superior court, and the U.S. attorney's office in this case being the local prosecutor, wanted to hold the case if it was in another jurisdiction, and it was the State's attorney that wanted to hold the case, then the State jurisdiction would have to sort of borrow that person by filing a detainer. And at that point, they would become financially responsible. So if that——

Ms. NORTON. It's reciprocity, then, of funding?

Mr. CLARK. Correct.

Ms. NORTON. Mr. Wainstein, you talked about papering as a kind of technological problem, and I understand that problem there. I'd like to ask you why you require face-to-face multiple meetings with policemen and whether you could, at least as an interim matter, release our police into the communities by finding some shortcut to

the enormous amount of time they now spend with prosecutors in the U.S. attorney's office.

Mr. WAINSTEIN. If I may, Congresswoman Norton, I'll answer that sort of in reverse order. We are actually working with MPD and the courts to try to reduce the number of——

Ms. NORTON. For as long as I've been in Congress, you've been doing that, sir.

Mr. WAINSTEIN. I know. We right now are actually engaged in a couple of efforts that would reduce the number of officers that have to come down for papering, specifically papering. I'm setting aside court calendaring, which is a completely separate issue. But as for papering, as I believe Chief Ramsey mentioned, they are working with corporation council on an officeless paperless pilot program right now.

That's something that we actually initiated with MPD back in 1989 and because of a host of reasons, why the actual project—the pilot project that we initiated did not get going—did not get into full swing, and we've actually explained that in one of the attachments to my testimony here today. Those reasons that derailed that project are what they're working through right now in citation cases, which is a very different animal than what we deal with.

We deal with cases where people are locked up and are brought in. So we have a time clock. Citation cases that they're working on right now in this pilot project, the person gets a citation and then appears, whatever, 20 or 30 days—I'm not sure what the timeframe is, but well down the road, giving corporation council and the police time to work through the paperwork and electronic issues.

Ms. NORTON. Look, you've heard me previously say, you know, all parts of the system we're now talking 60 days for a proposal to come to the community—to the Coordination Council, 90 days before it comes to the Congress.

Final question. We had a terrible situation to arise—Ms. Jones and Mr. Gaines may be most familiar with this—where people were actually held in prison because of backlogs at the patrol commission. This seemed to me to be absolutely dangerous. People were—had served their time, you know, had legally done what they thought they were supposed to do, and somebody says because the bureaucracy cannot process your paperwork, you'll remain in jail. The kind of rage that must build in somebody who has served his time is probably hard for any of us to imagine. Therefore I have to ask you what has been done about that, and what has been done and what are you doing to make sure that it does not occur in the future?

Ms. JONES. A few things have been done, but the problem still persists. It's a problem at every stage of the process. There are people who are eligible for parole. For example, if you got a 5 to 15-year sentence, at the end of 5 years, you're eligible for parole. There has been delay in making the initial eligibility determination. So you are sometimes not quite getting a timely hearing. There's been delay for people who are in the reparole status; and then the revocation status there have been a tremendous amount of delays, which results in the Public Defender Service filing a series of Federal habeas corpus actions in U.S. District Court and eventually filing a class action lawsuit against the U.S. Parole

Commission, seeking the release of numerous people who have not received a timely and expeditious adjudication of a revocation matter.

Where we are right now is trying to figure out the—what are all the problems in the system, but currently as we sit here today, there are still people who are incarcerated beyond the length of time that they're supposed to be incarcerated. One such individual spent an additional year in jail because his paperwork, somewhere in the system, did not get processed. And the Public Defender Service represented him, and the U.S. District Court ordered that he be released immediately after spending 1 additional year in jail. So it's not yet fixed.

And we're on the road to fixing it, but it's not yet fixed. And we get letters daily from people all over the country saying, I'm being held. They haven't had a hearing for me. I need to be released. I was supposed to be released months ago, and we are trying as best we can to work through those problems. Some of them we have been able to work through just by talking to court services and U.S. Parole Commission. Others we have to file litigation and get a judge to order that these people be released.

Ms. NORTON. Mr. Gaines, by the way, you say you have a class action suit, which may be—but beyond that, somebody is going to sue somebody for that year he spent in jail, and we're going to incur costs and damages for that sort of thing because of bureaucratic delay. Yes, Mr. Gaines.

Mr. GAINES. Yes. In August of this past year, when we took over the revocation responsibilities from the D.C. board, we learned shortly after that there were some 230 individuals who were incarcerated on alleged parole violations that had not had hearings. Some had been locked up for a number of months, as a matter of fact. This became a very critical issue for us and actually created some of the other problems, as far as the backlogs are involved.

We've refocused our limited staff resources on those individuals identified to ones that we could release that we did not feel would pose a threat to public safety. We ordered the release of some 116 parolees at that time and then put all of our resources—or most of our resources toward conducting hearings, revocation hearings, on the other individuals in that group. That caused us to put off Federal dockets that we had scheduled around the country. It caused us to delay some initial D.C. release hearings that had been scheduled. From our viewpoint, it is very much a resource problem. We are hoping that in the 2002 budget that's being supported by the President, if it is enacted, then we will get the sufficient staff that we need to take care of this backlog.

It is getting better. As Ms. Jones said, it is not corrected. People are moving through the system at a faster rate. There are no individuals who are simply locked down and not moving through the process. At some stages we're at 90 percent timeliness. At other stages, we're at 70 percent, but it's certainly not fixed yet. And that's the truth.

Ms. NORTON. Thank you very much, Madam Chair.

Mrs. MORELLA. Well, we're going to have to work on trying to help with fixing, too. There must be some standards and maybe CJCC could help, because that's outrageous, isn't it? I know you all

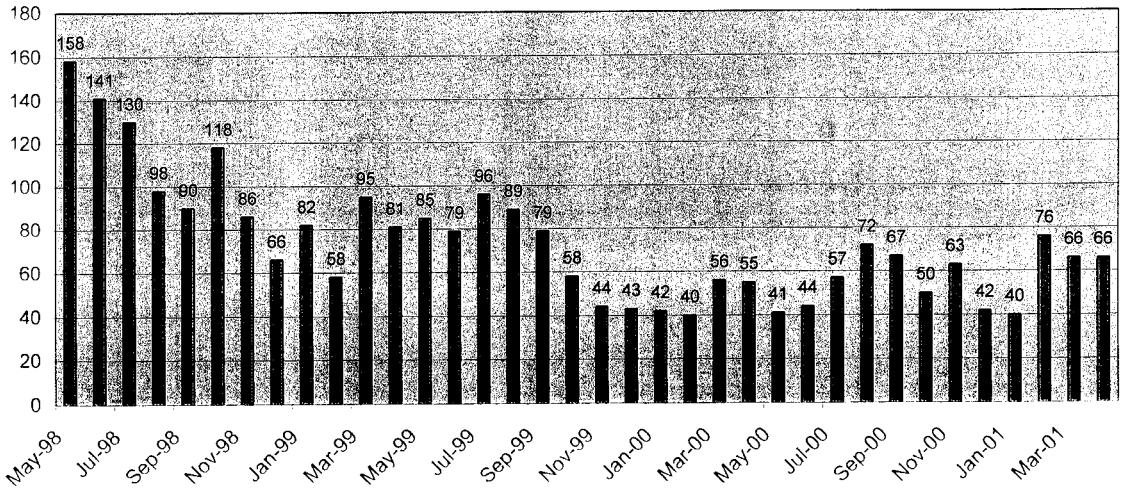
agree, and you're all committed. I want to thank you again for your patience, but thank you particularly for your expertise and the thoughtful comments that you made. We will probably be back in touch with you and hope you feel free to contact us with any suggestions or recommendations that you may have.

Ms. NORTON. I did not ask that this chart be put in the record, please.

Mrs. MORELLA. Without objection, it will be part of the record.

[The information referred to follows:]

D.C Parolees Arrested On New Charges
May 1998-April 2001



Mrs. MORELLA. I want to thank our subcommittee staff, Russell Smith, our staff director; Robert White, communications director; Matt Batt, clerk; and Heea Vazirani-Fales, deputy director and counsel, minority staff; John Bouker, Gene Gosa, Ellen Rayner, and all of you again. And so our subcommittee is now adjourned.

[Whereupon, at 1:09 p.m., the subcommittee was adjourned.]

[Additional information submitted for the record follows:]

Statement of Robert R. Rigsby
Corporation Counsel

before the

Subcommittee on the District of Columbia
Committee on Government Reform
United States House of Representatives

Office of the Corporation Counsel
District of Columbia

May 11, 2001

I would like to thank Chairwoman Morella and the members of the D.C. Subcommittee for the opportunity to make a statement concerning the coordination of criminal justice activities in the District of Columbia. I begin by discussing the obligations of the Office of the Corporation Counsel ("OCC" or "Office") in general. Next, I discuss specifically the Office's role in the District's criminal justice system. Finally, I discuss the role and benefits of the Criminal Justice Coordinating Council, or "CJCC," as a means of leveraging cooperation and support among the District's criminal justice agencies.

OCC is charged with conducting all the legal business for the District of Columbia, including all lawsuits instituted by and against the District government.[1] Because of its unique status, which involves aspects of state, county, and local government functions, the Office provides a variety of legal services. These services include matters typically handled by state attorneys general, county, and municipal law offices. Recently, OCC conducted a review of the D.C. Code to determine the breadth of our duties. There are over 300 statutory references. To accomplish its varied responsibilities, which relate to approximately 14,000 matters each year, four major "offices" and eleven divisions carry out the Office's

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[1] See D.C. Code § 1-362.

work. These units are divided among two major programmatic areas: legal services and child support.

OCC's criminal jurisdiction involves adult misdemeanor violations, criminal traffic offenses, and offenses committed by juveniles. There are other activities in the Office that often interact with the criminal justice system. In that regard, OCC attorneys are responsible for prosecuting civil commitments in the mental health area and are charged with seeking civil protective orders in matters involving domestic violence.

In addition to its numerous statutory duties, OCC is also involved in a number of Mayoral initiatives, such as the Neighborhood Services Initiative, or "NSI," that create a demand on our resources. The goals of NSI are to provide a coordinated delivery of services to District neighborhoods, solve chronic quality of life problems, and assist communities in becoming thriving parts of the District. OCC supports these goals by assigning an Assistant Corporation Counsel to each Ward as a core team representative responsible for providing legal advice. In addition, OCC realigned the attorneys of the Juvenile and General Crimes/Government Fraud Sections of the Criminal Division. These attorneys

serve on teams of prosecutors for each Ward, which allows them to become more knowledgeable about the problems arising in a certain neighborhoods.

Recently, the Office entered into a memorandum of understanding with the Child and Family Services Agency to support our joint efforts with regard to the Adoption and Safe Families Act, or "ASFA." Federal and local ASFA laws imposed new responsibilities on the District for initial child custody dispositions and permanent placements for children already in the system. Our responsibilities will be accomplished through the creation of a new unit in our Office, which will be co-located in the Children's Advocacy Center. That unit is litigating an increased volume of termination of parental rights cases and striving to resolve adoption cases within statutorily imposed deadlines. In order to comply with the federal and local laws, our attorneys must attend every court hearing until a permanent placement for a child has been determined.

This hearing comes at a time when OCC is undergoing a reengineering exercise designed to improve overall performance and provide the Office with important information that will allow us to maximize our resources. At the end of last year, two reports were issued about OCC, one by Hildebrandt International, Inc. and one by the DC Appleseed Center. We asked Hildebrandt to describe the

optimal organizational structure and staffing levels for OCC based on its statutory duties. The Appleseed report comments on the overall performance of the Office evaluated over an eighteen-month period. The Hildebrandt and Appleseed reports contain recommendations that agree or overlap in four main areas. First, the reports recommend augmenting professional and para-professional staffing levels. Second, they advise that funding for attorney and support staff training should be dramatically increased. Third, they recommend that OCC achieve pay parity with comparable law offices. In OCC's case, that includes federal agency law offices, the Office of the United States Attorney for the District of Columbia, state Attorney General offices, and city attorney's offices in jurisdictions of comparable size to the District. OCC attorney base salaries have not been adjusted since 1999, when they were already lagging far behind those of their federal, state, and municipal counterparts. Fourth, OCC must leverage technology to achieve greater efficiencies and to enhance performance management and accountability.

Resources are important, but they are not the only issue. That is why in the second phase of our reengineering effort OCC and Hildebrandt are focusing on "operationalizing" OCC's mission, vision, and values; redrafting position descriptions and establishing employee skill sets based on industry standards; and

retooling the way the Office manages and evaluates the performance of its attorneys and para-professional staff.

Of course, it is the responsibility of the Corporation Counsel to manage the internal operations of OCC based on available resources. Naturally, our managers have far less influence over matters outside the Office that, nevertheless, affect how it accomplishes its goals. As a member of District's criminal justice system, OCC must interact with a number of District and federal agencies. Since 1996, the CJCC and its predecessor group have served as the primary means by which the District's criminal justice agencies have addressed cross-cutting issues. OCC has served as member of the CJCC since its creation.

On March 30, 2001 the United States General Accounting Office issued a report on the District's criminal justice system.[2] The GAO report finds that because of the unique structure and funding of the District's criminal justice system, in which local and federal funding is at work, coordination challenges are present. As the report finds, this is so because it has been difficult taking a coordinated approach to addressing system-wide problems. It is a difficult system

[2] Report to Congressional Committees, *D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies*, March 2001 ("GAO report").

to manage principally because the costs of taking an action may fall on one agency while the savings accrue to another agency. The key to the successful functioning of the system is that all involved agencies – District and federal – must work together to guarantee that the criminal justice runs fairly, effectively, and efficiently.

An independent or neutral entity like the CJCC is needed to serve as a forum to identify problems and devise solutions. The GAO report comments favorably on that organization's role in improving coordination among the District's criminal justice agencies. I agree with the finding in the GAO report that one of the reasons for the CJCC's success is its independence.

During its brief life, the CJCC and its member agencies have ambitiously undertaken several important projects. The ongoing development of the District of Columbia Justice Information System, otherwise known as "JUSTIS," which will serve as a central information sharing entity for the District's criminal justice agencies, is but one of them. When it is established, the system will provide easy access to various existing systems, save agencies time, and ensure that justice is administered effectively.

Without continuing support for the CJCC, I am afraid that projects like JUSTIS will not come to fruition. From 1998 through September 2000, the CJCC was supported by three full-time employees, had several other detailed employees from member agencies, and was funded by the Control Board. Beginning in fiscal year 2001, however, the Control Board ended funding. Since that time, no staff have been dedicated to CJCC functions and the activities of the group have been curtailed. Local funding of $169,000 is being requested in fiscal year 2002 to get the CJCC running again. In addition, language is included in the budget support act for fiscal year 2002 that establishes an independent Criminal Justice Coordinating Council for the District of Columbia that consists of the current members of the CJCC established by a 1998 memorandum of understanding. The mandate of that entity will be to foster systematic change in the District's justice system by convening the major stakeholders and principals from the justice community in a shared mission to address persistent problems in the justice system. It will be charged with a number of important responsibilities, including the duties to make recommendations about coordinating the mobilizing the resources of the member agencies to improve public safety, to define and analyze issues and procedures in the criminal justice system, to make recommendations regarding systematic operational and infrastructural matters to improve public safety, and to establish goals and measures for reform initiatives. Accountability

will be achieved through the mandate to report to the member agencies and the public on the status and progress of these matters.

We at OCC are eager to work with our criminal justice partners through the CJCC to solve crosscutting problems. For example, as described in the recent report of the Council of Court Excellence and Justice Management Institute,[3] OCC and MPD recently embarked on an officer-less papering pilot project called Papering Reform 2001. Both the report and the project outcomes of the work of the CJCC. The goals of Papering Reform 2001 are to improve the overall quality of incident and arrest reporting and reduce the time spent by officers at the court and our Office in connection with papering cases. The pilot project began in three police Districts – Districts One, Three, and Five. Initially, it includes seventeen quality of life and traffic charges.

The use of automated reporting will streamline the process. It will eliminate both appearances at our Office for the papering of an initial set of charges and the need for the officer to obtain additional information, such as Department of Motor Vehicle traffic records, before papering a case. It will involve an enhanced

[3] *District of Columbia Criminal Justice Resource Management Project: Final Report and Recommendations on Management of District of Columbia Criminal Justice Resources*, prepared by the Council for Court Excellence and the Justice Management Institute, March 2001.

papering review process and establish a computerized tracking system to ensure timely problem identification and resolution. Over time, the pilot papering reform project will be expanded, as practicable, to additional police Districts and will include additional charges under OCC's jurisdiction. MPD and OCC estimate that the District will save considerable officer time during the pilot and its expansion to other police Districts and applicable offenses. This not only translates into budgetary savings, but it will obviate the need for officers to appear off duty to paper charges and can help to increase the presence of officers in our communities.

Papering Reform 2001 is just one step in a process of improving the District's criminal justice system. OCC will continue to work with its local and federal partners to promote efficiency within that system without compromising due process. The Office is committed to developing a coordinated approach to addressing problem areas.

In closing, the Office of the Corporation Counsel fully supports interagency coordination within the D.C. criminal justice system and the work of an independent, funded CJCC. Our pledge to the subcommittee is that OCC will continue to work with our District and federal partners in an effort to identify systemic problems, promote efficiency, and develop a coordinated approach to

problem solving that addresses competing institutional needs. Thank you again for the opportunity to provide this statement.

STATEMENT FOR THE RECORD

SUBMITTED BY

Jasper Ormond
Interim Director
Court Services and Offender Supervision Agency
for the District of Columbia

before the

U.S. House of Representatives
Committee on Government Reform
Subcommittee on the District of Columbia

Hearing on Criminal Justice Coordination
in the District of Columbia

May 11, 2001

I am pleased to submit Court Services and Offender Supervision Agency's (CSOSA) testimony to the Subcommittee on the District of Columbia regarding the General Accounting Office's March 2001 report on the District of Columbia criminal justice system and the need for improved coordination among the different agencies that comprise it.

I agree with the conclusion of the GAO report that greater coordination is vital to improving criminal justice functions in the District. I would like to commend the subcommittee for making this issue a priority and providing an opportunity to discuss it.

The Court Services and Offender Supervision Agency, or CSOSA, was established under the National Capital Revitalization and Self-Government Improvement Act of 1997. CSOSA began under a trustee and was certified as an independent executive branch agency in August of 2000.

Collaboration is central to our mission of increasing public safety through effective community supervision and providing quality information to criminal justice decisionmakers. We depend on our partners in the criminal justice system to support our mission, and their help is vital to our success.

Throughout CSOSA's development, we have sought to maximize opportunities for collaboration with other agencies. Collaboration with such partners as the Metropolitan Police Department increases the level of accountability we can achieve with the offenders we supervise. We have developed close working relationships with the MPD throughout the city, which helps us increase our supervision presence in the neighborhoods where offenders live and work.

We are also partnering with D.C. citizens, businesses, and non-profit organizations through our Community Justice Action Networks. We work with the Federal Bureau of Prisons to prepare offenders in halfway houses for parole. We are improving our collaboration with D.C.'s social service agencies to help offenders gain

access to education, employment, and treatment services. CSOSA's Community Supervision Program works closely with the Pretrial Services Agency and the D.C. Public Defender Service, which is funded through CSOSA's appropriation, to improve both our supervision practices and the quality of information regarding offenders on our caseloads.

These efforts have proven the effectiveness and necessity of collaborating to maximize the use of our resources. As a new agency, we are very conscious of our need to demonstrate success, and we know that our success depends on our ability to work with our partners and our internal coordination.

The GAO report points out that "[i]n the absence of a single hierarchy and funding structure, agencies have generally acted in their own interests rather than in the interest of the system as a whole."[1] We don't believe that CSOSA's record supports this conclusion. Our efforts have, instead, demonstrated the capacity to partner with virtually all of the Criminal Justice Coordinating Council's (CJCC's) members in a manner that is mutually beneficial—increasing the scope and quality of the services we all provide.

The CJCC has provided an invaluable forum in which to discuss and debate issues and initiatives of mutual concern to the member agencies. Perhaps most importantly, the Council has served as a reliable, neutral source of information. The value of such information cannot be overestimated. It helps define both the problems and the solutions. It improves our ability to reach consensus and commit to action. Along with this information-gathering and analysis function, the CJCC can and should formulate policy recommendations around the issues it considers.

In order for the CJCC to continue its work effectively, it must have permanent funding and staff. The mechanism to provide them is one of our subjects today, and I would like to address the remainder of my comments to that issue.

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[1] "D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies." United States General Accounting Office, March 2001, p. 3.

The unique nature of D.C.'s criminal justice system makes the CJCC's independence and autonomy particularly important. In a system where many local and federal agencies must communicate in order to achieve results, the forum in which they do so should not be dominated by any single agency's agenda. Such an approach to criminal justice coordination would discourage full participation by all stakeholders and might threaten the CJCC's longevity and effectiveness.

The CJCC should consider as its highest priority the issues, initiatives, and needs that affect multiple member agencies and the public safety of the District. It can address such issues more effectively than any single agency and provide a unified voice for a system that too often seems fragmented. To that end, the CJCC should work collaboratively with the Office of the Deputy Mayor for Public Safety and Justice to coordinate federal and local law enforcement, corrections, and supervision. It should develop priorities for allocating federal grant resources to maximize benefits to the entire criminal justice system. The CJCC should report on its initiatives and its progress annually to its membership and the public.

We support establishing the CJCC as an independent District of Columbia entity. This connection to the District should not limit the CJCC's independence or its membership, but should clearly establish the CJCC's focus and scope.

The GAO report recommends that Congress consider "requiring that all D.C. criminal justice agencies report multi-agency initiatives to [the Council], which would serve as a clearinghouse for these initiatives...."[2] Doing this on a collaborative, partnership basis has already proven to be an effective and efficient method of operation for the CJCC. We believe that in order to sustain this effectiveness and the buy-in of all CJCC members, participation must remain voluntary.

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[2] United States General Accounting Office, *op cit.*, p. 5.

The CJCC functioned best when it had independent funding to support a small professional staff. Those critical resources have been lost. Recent action by the Council of the District of Columbia to formally re-establish the CJCC and provide new funding and staff is a positive step forward. But that legislation is not yet final, and the opportunity for further consideration and discussion remains. All of the agencies that served on the CJCC should be involved in any deliberations regarding its future structure.

Let me conclude by stating that CSOSA remains fully committed to participating in the CJCC. Our hope is that it will flourish and facilitate coordination that benefits not only the criminal justice system in which we work, but also the citizens we serve.

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