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**Statement of the Council for Court Excellence
Before the Committee on the Judiciary & Public Safety
Council of the District of Columbia**

**Budget Oversight Hearing for the
Department of Corrections**

April 10, 2024

Thank you, Councilmember Pinto and members of the Committee, for this opportunity to present testimony. My name is Tracy Velázquez, and I am the Policy Director at the Council for Court Excellence (CCE). CCE is a nonpartisan, nonprofit organization with the mission to enhance justice in the District of Columbia. For nearly 40 years, CCE has worked to improve the administration of justice in the courts and related agencies in D.C. through research and policy analysis, convening diverse stakeholders, and creating educational resources for the public. Please note that in accordance with our policy, no judicial member of CCE participated in the formulation or approval of this testimony. This testimony does not reflect the specific views of, or endorsement by, any judicial member of CCE.

My testimony today concerns both the proposed operating budget for the Department of Corrections, as well as the proposed capital budget for the new jail facility.

Department of Corrections Operating Budget

Given what we know to be a very difficult financial environment for the District, and a rising average daily population at the jail, we were glad to see that

the DOC's operating budget increased and the number of FTEs is maintained at FY2024 level. There are modest increases to post release and inmate personal services and inmate custody and adjustment/developmental support, and a substantial \$19,351,000 (59%) increase in Inmate Health Services proposed to be spent through a contract. We hope that DOC provides some clarity around this jump in health care costs; for example, why is the increase in expenses so large; whether the contract is intended to be given to the current provider of healthcare at the jail; how the increase will be spent (for example, additional behavioral health); and why, if this increase is necessary, it is in one-time local funds not a recurring investment. The Department also has allocated \$4.5 million for providing educational services for young adults with Individual Education Plans (IEPs); this is also encouraging to see this continued investment in young adults, although it too should be a recurring investment. Patterns of healthcare and educational needs seem unlikely to change any time soon.

While we were glad that FTEs and funding weren't cut, with the potential increase in people in the jail as a result of changes in pretrial detention and sentencing it is unclear whether the proposed budget is sufficient to maintain current levels of services. We noted that the budget proposal states that "The FY 2025 Local funds budget proposal also includes a one-time increase of \$1,817,000 to support the new Secure D.C. Omnibus Amendment Act of 2024, by providing funding for DOC to handle increased populations being held in pretrial detention for violent crimes." There is no analysis presented in the budget itself indicating what this number is based on, for example how many more people are expected to be admitted to the jail and their average length of stay.

To estimate this ourselves, CCE looked at publicly available DOC data from last calendar year. At the end of 2023, the average lengths of stay for men in custody on felony charges was

302 days (about 83% of a year).¹ With an average daily population of 1,363 in 2023 (1,175 in the Central Detention Facility (CDF), and 188 in the Correctional Treatment Facility (CTF), the per bed cost (including institutional security and control and inmate health, personal services, and adjustment and developmental support) for the jail is over \$100,000 annually per person. While of course there are fixed costs that change little with population, assuming even \$50,000 per bed per year in variable costs, this new funding would cover only about 36 additional beds, or less than 50 additional people with felony charges. While of course we can all be optimistic that the newly-passed legislation will have a deterrent effect, or that the drop in serious crime that appears to have started even before Secure DC was passed continues, it seems very likely that the jail will see an increase in average daily population of more than 36, suggesting that those who are incarcerated may see declines in services, and those working in the jail will face greater workloads, with the possibility of DOC needing to use more expensive overtime.

We hope that in the process of these hearings, the Department provides more information regarding their estimates of increases in the jail population, so that the Council and the general public can understand the extent to which the current budget is sufficient to ensure the safety and wellbeing of both people detained in the jail and those who are working there.

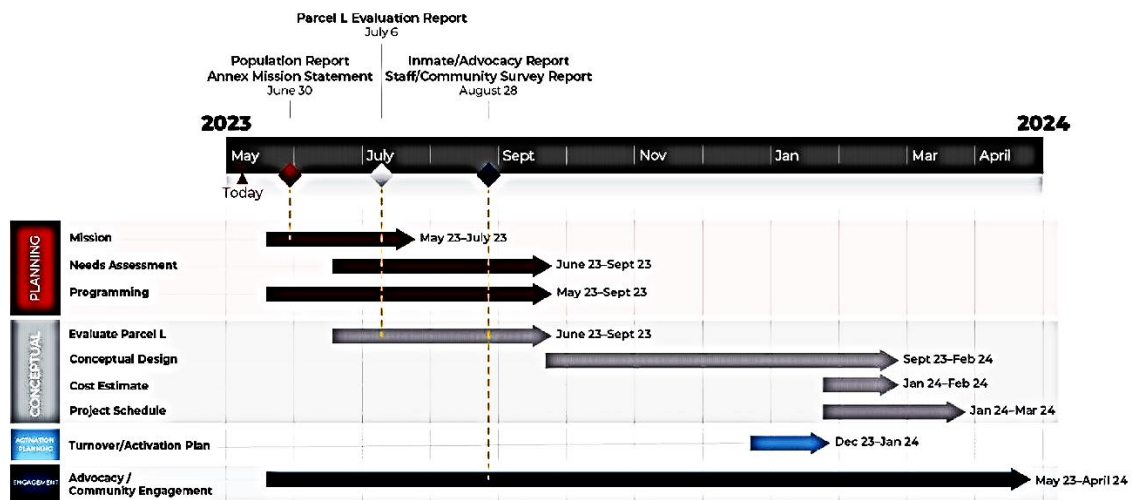
Department of Corrections Capital Budget

I'd like to now turn to the capital budget. For at least a decade, CCE has been supportive of the building of a new correctional facility that is the most humane and rehabilitative that is possible. This has included both our own work, through our criminal justice committee, but also as conveners of the District Taskforce on Jails and Justice. Setting aside even that the existing facility is ill-suited to providing rehabilitative services and treatment, that the cost of maintaining

¹ D.C. Department of Corrections. "Facts and Figures January 2024." https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20Department%20of%20Corrections%20Facts%20and%20Figures%20January%202024_0.pdf

the current decrepit facility – budgeted for a million dollars a year, plus an additional four million dollars in FY2025 just to keep the lights and power on – certainly speaks to the need for a new facility. It was therefore with tremendous enthusiasm and optimism that we lauded the District for committing substantial resources to a new Annex, and hiring a firm – CGL – noted for their collaborative approach to planning innovative correctional facilities. The FY2023 budget indicated an estimated full funding cost of \$280,500,000, with the facility to be completed by FY2029. The schedule from the first phase is below, as provided by CGL, DOC and DGS in a presentation to the Taskforce in May 2023. I draw your attention to the line for “Advocacy/Community Engagement” slated for May 2023 through April 2024.

SCHEDULE – PHASE 1: PRE-DESIGN



The proposed capital budget for the new facility is now \$477 million – an increase of just under \$200 million – with a completion date of FY2030 now instead of FY2029. Roughly half of the construction budget will not be spent until FY2029 or later.

It is unclear to what extent the new budget and timeline reflect changes to the project plan. As conveners of the Taskforce, last month CCE requested of DOC and DGS a presentation on the progress of the jail planning. Attached to this testimony is their response, indicating they

would not provide an update. So at this time, it is unclear which of the tasks that were scheduled for completion by now have in fact been completed. Additionally, while the timeline and the CGL contract – also attached to this testimony – indicates significant components of community engagement should have taken place at the beginning of the pre-design phase, we are unaware of what engagement has occurred. In our reply to the agency’s refusal to present, the Taskforce offered to facilitate community engagement activities, but to date we have not received a reply to our offer.

This is now a project approaching a half-billion dollars with a projected useful life of 50+ years, impacting generations of Washingtonians. The District has the opportunity to be a national leader in demonstrating that a detention facility can be a key component of an effective public safety strategy, through innovative design that is rehabilitative and healing rather than criminogenic and traumatic. While the new annex may be on track to become a shining example of modern correctional architecture, the lack of transparency means that we, and you, have no way of knowing whether that is the case. We hope that during these hearings, the Department of Corrections will share more about its planning activities, as well as how they will incorporate community voices and best practices from around the U.S. and beyond in the process moving forward.

Thank you, and I am of course happy to discuss this further with you at any point.