Back to the Future: The Case for the D.C. Parole Board

By Luke Carlsen

***Resolved: The United States Federal Government should significantly reform its policies regarding convicted prisoners under federal jurisdiction***

Case Summary: This plan passes H.R. 658, which will transfer power from the United States Parole Commission to the local government of the District of Columbia and allow them to manage their own parole system. Offenders convicted of crimes in the District of Columbia get sent to federal prison (even if the crimes they committed were not literally “federal” crimes). DC offenders therefore fit the resolution as convicted prisoners “under federal jurisdiction.” Congress has jurisdiction over the District in “all cases whatsoever” (Art. 1 Sec. 8 of the Constitution), but it has, since the mid-1970s, allowed the District some measure of self-government under local elected leaders. Congress still retains full jurisdiction and can change or retract local decision-making at any time.
 The District used to manage parole for its imprisoned offenders. But in 1998, an Act of Congress transferred power over parole from the local DC government to the US Parole Commission, the same agency that handles parole for all other federal inmates. This case argues it’s time to go back to the old way and let DC handle its own parole and supervised release prisoners, even if they’re still in federal prisons.
 Parole was abolished for all other federal inmates starting in 1987, so the USPC has only a few “regular” older inmates left who are still eligible for parole – the ones who were convicted before the rules were changed in ’87. The vast majority of USPC’s work involves DC prisoners, given that there are so few regular federal prisoners left from before 1987.
 The local DC government abolished parole beginning in August, 2000. But all the DC prisoners in federal custody convicted before that time are still eligible for it. In addition, the Parole Board manages the cases of prisoners on “supervised release,” which are an ongoing number that continues into the future, regardless of parole. Lots of prisoners are given terms of “supervised release” at the end of their sentence or as part of their sentence, and the abolition of DC parole does not change this.
 The US Parole Commission and the federal CSOSA (Community Supervision and Offender Services Agency) have been failing in their duties to manage DC prisoners properly, leading to unjust outcomes and not representing the needs of the local community in Washington. This bill gets USPC out of the picture, turns CSOSA over to the local District of Columbia government, and puts parole/supervised release under the localized CSOSA.

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Let Me Out Pls : The Case for the D.C. Parole Board

The District of Columbia has a unique status in American government. The Constitution gives Congress complete legislative control over the District. Congress delegates some responsibilities back to local leaders. And sometimes it runs things directly itself. But most Americans agree that local leaders are more accountable and responsive than the federal government for local issues. That’s why we’re affirming that: The United States Federal Government should significantly reform its policies regarding convicted prisoners under federal jurisdiction. We’ll begin with…

OBSERVATION 1. DEFINITIONS

CSOSA

Prof. Jessica Steinberg and Kathryn Ramsey 2018. (Steinberg – law professor at Georgetown Univ. law school; directs the Prisoner & Reentry Clinic at GWU Law School. Ramsey – LLM; Friedman Fellow in the Prisoner & Reentry Clinic at George Washington University Law School) PAROLE PRACTICE MANUAL for the District of Columbia <https://www.law.gwu.edu/sites/g/files/zaxdzs2351/f/downloads/Parole_Manual_Final_Print.pdf> (accessed 12 Nov 2021)

Community Supervision and Offender Services Agency (CSOSA): Federal agency that supervises D.C. Code offenders who are serving all or a portion of their sentences in the community under parole, probation, or supervised release.

U.S. Parole Commission (USPC)

The United States Government Manual last updated August 2021. (official handbook of the Federal Government, issued by National Archives' Office of the Federal Register) “UNITED STATES PAROLE COMMISSION” <https://www.usgovernmentmanual.gov/Agency?EntityId=NaHSG5fgvDM=&ParentEId=r+s4wm1+lcc=&EType=F2blCKa+e1g> Retrieved November 9th 2021

“The U.S. Parole Commission (USPC) makes parole release decisions for eligible Federal and District of Columbia prisoners; authorizes methods of release and conditions under which release occurs; prescribes, modifies, and monitors compliance with the terms and conditions governing offenders' behavior while on parole or mandatory or supervised release; issues warrants for violation of supervision; determines probable cause for the revocation process; revokes parole, mandatory, or supervised release; releases from supervision those offenders who are no longer a risk to public safety; and promulgates the rules, regulations, and guidelines for the exercise of USPC's authority and the implementation of a national parole policy.”

OBSERVATION 2. INHERENCY, the structure of the Status Quo. Two Key FACTS:

FACT 1. Federal takeover

The federal Parole Commission took over responsibility for District of Columbia offenders in 1998

Prof. Jessica Steinberg and Kathryn Ramsey 2018. (Steinberg – law professor at Georgetown Univ. law school; directs the Prisoner & Reentry Clinic at GWU Law School. Ramsey – LLM; Friedman Fellow in the Prisoner & Reentry Clinic at GWU Law School) PAROLE PRACTICE MANUAL for the District of Columbia <https://www.law.gwu.edu/sites/g/files/zaxdzs2351/f/downloads/Parole_Manual_Final_Print.pdf> (accessed 12 Nov 2021)

National Capital Revitalization and Self-Government Improvement Act of 1997: Law passed by Congress in 1997, effective August 5, 1998, which transferred responsibility for D.C. Code felony offenders and community supervision from the District of Columbia to the federal government. It closed the Lorton Correctional Complex and transferred all D.C. Code offenders to the federal Bureau of Prisons, abolished the D.C. Board of Parole and transferred its responsibilities to the U.S. Parole Commission, and established CSOSA as the agency responsibility for community supervision of D.C. Code offenders, including parole, probation, and supervised release.

FACT 2. Six Thousand Prisoners

There are 6,142 parolees and supervised release DC prisoners under federal jurisdiction

US Parole Commission 2021. “U.S. Department of Justice FY 2022 Performance Budget” May 2021 <https://www.justice.gov/jmd/page/file/1399316/download> (accessed 12 Nov 2021)

In FY 2020, the Parole Commission estimates the total prisoner and parolee population, federal and D.C., including D.C. supervised releases, to be approximately 6,980 a decrease of 1,039 from the previous year. The D.C. population under the Parole Commission’s jurisdiction is 6,142, including 1,760 DC parolees and 4,382 supervised releases.

OBSERVATION 3. We offer the following PLAN implemented by Congress and the President

1. Congress passes HR 658, the “District of Columbia Parole and Supervised Release Act.” This Act does 3 key things:
1) transfers parole and supervised release for DC offenders from the federal government to the local government of the District of Columbia
2) transfers CSOSA from federal control to the District of Columbia
3) removes US Parole Commission from any further involvement with DC offenders.

2. Funding is up to $13 million through increased IRS enforcement of existing tax laws to be given to the District to pay for the transition.
3. Enforcement of the prisoner mandates through normal administrative laws governing federal employees.
4. Plan begins one day after an affirmative ballot and continues until all responsibilities are handed over on November 1, 2022. The mandate and existence of the USPC are continued until the plan is completed.
5. Any other laws in conflict are superseded or amended and all Affirmative speeches may clarify

OBSERVATION 4. ADVANTAGES

ADVANTAGE 1. Justice through accountability

A. Not accountable. The US Parole Commission is not accountable to the District

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> Retrieved November 7th 2021

 “D.C. offenders account for roughly 90 percent of people under the commission’s control, or nearly 7,000 people, according to data [the commission submits to Congress](https://www.justice.gov/jmd/page/file/1399316/download). Its responsibilities are lopsided toward D.C. because federal law abolished the use of parole in federal sentencing in 1984. But the agency, which meets in D.C., includes just two commissioners — a Marylander and Kentucky native — both of whom are nominated by the president and not accountable to any D.C. entity. Prisoners from D.C. cannot appeal decisions granting or denying parole.”

B. Unjust. Lack of accountability produces unjust processes

Avis E. Buchanan 2015 (director of the Public Defender Service for the District of Columbia) 14 Aug 2015 WASHINGTON POST <https://www.washingtonpost.com/opinions/improve-dcs-parole-practices/2015/08/14/56b9f03c-3475-11e5-8e66-07b4603ec92a_story.html> (accessed 12 Nov 2021)

Parole boards often keep offenders in the dark. So, too, do the practices of the [U.S. Parole Commission](http://www.justice.gov/uspc), which has jurisdiction over people convicted in the District. The commission has many of the problems of parole boards and problems unique to the District, including unjust processes for the revocation of parole or supervised release.

C. DC is ready. The mayor of Washington DC advocates transferring parole authority

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> Retrieved November 7th 2021

“In a letter to Del. Eleanor Holmes Norton (D-D.C.) last year, Mayor Muriel E. Bowser (D) asked Norton to file legislation to return the paroling authority to D.C., [lamenting](https://cic.dc.gov/release/mayor-seeks-local-control-parole) how the U.S. Parole Commission sent hundreds of parolees back to prison for “technical violations.”

D. Better results. Local control brings better results than unaccountable commissioners

Avis E. Buchanan 2015 (director of the Public Defender Service for the District of Columbia) 14 Aug 2015 WASHINGTON POST <https://www.washingtonpost.com/opinions/improve-dcs-parole-practices/2015/08/14/56b9f03c-3475-11e5-8e66-07b4603ec92a_story.html> (accessed 12 Nov 2021)

Since the commission took over in 2000, the number of supervision revocations has increased, particularly the number of revocations based on minor violations; sentences have increased; and there’s an increasing lack of transparency in the revocation process. In many cases, a person leaves a hearing with a favorable recommendation only to find that the decision has been overturned and a harsher sentence imposed by an unnamed commissioner he or she has never met and who did not attend the hearing. In contrast, D.C. Superior Court judges, who address probation violations in open court, are generally much more amenable to alternatives to incarceration.

ADVANTAGE 2. Justice through fair sentencing

A. The Link: The US Parole Commission unjustly usurps control over sentencing

Philip Fornaci 2018 (with Washington Lawyers’ Committee for Civil Rights & Urban Affairs) RESTORING CONTROL OF PAROLE TO D.C. A Presentation to the D.C. Council March 16, 2018 https://www.washlaw.org/pdf/2018\_03\_16\_why\_we\_need\_a\_dc\_board\_of\_parole.PDF (accessed 12 Nov 2021)

The USPC frequently denies parole based on the seriousness of the original offense, rather than on evidence of rehabilitation. This approach imposes the USPC as a sort of “re-sentencing” court, usurping control over sentencing from the sentencing judge and substituting its own judgment about how much time a prisoner should serve for a particular offense before he or she can be released on parole. In 2000, the USPC issued its own parole guidelines, known as the federal guidelines. Using these federal guidelines, the USPC on its own initiative adds time to a prisoner’s minimum sentence (based on the severity of the offense and the prisoner’s institutional disciplinary history) before he or she will be considered eligible for parole by the USPC, directly undermining the role of the sentencing judge and all of the individuals who took part in the original sentencing hearing.

B. The Impact: Lost opportunities for reform and rehabilitation

Washington Post 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) 1 Aug 2021 <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> (accessed 7 Nov 2021) (brackets added)

“The result, [Patrice] Sulton [executive director of the D.C. Justice Lab, a criminal justice advocacy group] said, is a racially disproportionate parole system that drives high rates of incarceration in D.C. while depriving people the opportunity to rebuild their lives. At any given time in the D.C. jail, about10 to 15 percent of people are there for an alleged parole or supervision violation — and they can sometimes spend months behind bars awaiting a hearing, only for the U.S. Parole Commission to find no violation occurred. By then, Sulton said, the person may have lost their new job or new apartment.”

C. The Solution: A local DC parole board is more responsive

Malcolm C. Young 2020 (Co-Chair, New Visions Committee ReThink Justice DC Coalition; comprised of individuals and groups who are committed to reshaping the criminal legal system in DC.] “Testimony on the Budget of the Office of the Deputy Mayor for Public Safety and Justice for Fiscal Year 2021” 25 June 2020 <https://rethinkjusticedc.org/wp-content/uploads/2020/06/Testimony-to-DC-Council-of-the-Whole-by-ReThink-Justice-New-Visions-Comm-re-parole-and-budget_MCY.pdf> Retrieved November 9th 2021

A parole authority responsible to local conditions and local priorities could have expedited the release of individuals held on minor violations, such as drug and other technical violations, to their homes. A responsive Board could have expedited parole hearings and released individuals under its jurisdiction from the jail and halfway houses, setting appropriate conditions where necessary to protect the health and well-being of the entire community.

2A Evidence: D.C. Parole Board

DEFINITIONS & BACKGROUND

Summary of HR 658

Text of bill HR 658 2021. "Text: H.R.658 — 117th Congress (2021-2022)” 1 Feb 2021 <https://www.congress.gov/bill/117th-congress/house-bill/658/text> (accessed 7 Nov 2021)

“To transfer from the United States Parole Commission to the District of Columbia the authority to grant, deny, and revoke parole and impose conditions on an order of parole, and the authority to modify, revoke, and terminate a term of supervised release and impose conditions on an order of supervised release, in the case of individuals who are imprisoned felons eligible for parole, reparole, or supervised release under the laws of the District of Columbia, and for other purposes.”

Entire text of the bill – HR658

Text of bill HR 658 2021. "Text: H.R.658 — 117th Congress (2021-2022)” 1 Feb 2021 <https://www.congress.gov/bill/117th-congress/house-bill/658/text> (accessed 7 Nov 2021)

**SECTION 1.** **SHORT TITLE.**

This Act may be cited as the “District of Columbia Parole and Supervised Release Act”.

**SEC. 2. AUTHORITY OF DISTRICT OF COLUMBIA OVER PAROLE AND SUPERVISED RELEASE UNDER DISTRICT OF COLUMBIA LAWS.**

(a) Authority Described.—Effective November 1, 2022—

(1) the District of Columbia shall have the authority—

(A) to grant, deny, and revoke parole, and impose conditions on an order of parole, in the case of any individual who is an imprisoned felon who is eligible for parole or reparole, and in the case of any individual who is on parole or reparole, under the laws of the District of Columbia;

(B) to set conditions on, revoke, and terminate a term of supervised release imposed on any individual who is subject to supervised release under the laws of the District of Columbia; and

(C) to exercise any other jurisdiction or authority the United States Parole Commission had prior to such date over individuals described in subparagraphs (A) or (B) (whether such individuals are sentenced before, on, or after such date), as provided under subchapter 3 of subtitle C of title XI of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–131 et seq., D.C. Official Code); and

(2) the District of Columbia shall have the authority to enact legislation, promulgate regulations and guidelines, and take other actions to carry out paragraph (1).

(b) Termination Of Authority Of United States Parole Commission.—

(1) PAROLE.—Section 11231(a) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24–131(a), D.C. Official Code) is amended by adding at the end the following new paragraph:

“(4) TERMINATION.—The jurisdiction and authority of the United States Parole Commission under this section shall terminate on November 1, 2022.”.

(2) RULEMAKING AND LEGISLATIVE RESPONSIBILITY.—Section 11231(c) of such Act (sec. 24–131(c), D.C. Official Code) is amended by adding at the end the following new sentence: “This subsection shall terminate on November 1, 2022.”.

(c) Conforming Amendments Relating To Authority Of Court Services And Offender Supervision Agency.—

(1) POWERS AND DUTIES OF DIRECTOR.—Section 11233(b)(2)(B) of such Act (sec. 24–133(b)(2)(B), D.C. Official Code) is amended by striking “and the Chairman of the United States Parole Commission” and inserting “and the District of Columbia”.

(2) SUPERVISION OF RELEASED OFFENDERS.—Section 11233(c)(2) of such Act (sec. 24–133(c)(2), D.C. Official Code) is amended to read as follows:

“(2) SUPERVISION OF RELEASED OFFENDERS.—The Agency shall supervise any offender who is released from imprisonment for any term of supervised release imposed by the Superior Court of the District of Columbia. Such offender shall be subject to the authority of the District of Columbia.”.

(3) SUPERVISION OF PAROLEES.—Section 11233(c)(4) of such Act (sec. 24–133(c)(4), D.C. Official Code) is amended to read as follows:

“(4) SUPERVISION OF PAROLEES.—The Agency shall supervise all individuals on parole pursuant to the laws of the District of Columbia. The Agency shall carry out the conditions of release imposed by the District of Columbia and shall make such reports to the District of Columbia with respect to an individual on parole supervision as the District of Columbia may require.”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect November 1, 2022, and shall apply to individuals who are subject to supervised release or parole under the laws of the District of Columbia before, on, or after such date.

(d) Continuation Of Federal Benefits For Former Employees Of Parole Commission.—

(1) CONTINUATION.—Any individual who is an employee of the United States Parole Commission as of October 31, 2022, and who, on or after such date, is an employee of the office of the District of Columbia which exercises the authority described in paragraph (1) of subsection (a), shall continue to be treated as an employee of the Federal Government for purposes of receiving benefits under any chapter of subpart G of part III of title 5, United States Code.

(2) RESPONSIBILITY FOR EMPLOYER CONTRIBUTION.—Beginning on November 1, 2022, the District of Columbia shall be treated as the employing agency with respect to the benefits described in paragraph (1) which are provided to an individual who, for purposes of receiving such benefits, is continued to be treated as an employee of the Federal Government under such paragraph.

TOPICALITY

A/T “Small number of prisoners = Insignificant” – Caseload is still “significant”

The Justice Policy Institute on December 31st 2019 (Justice Policy Institute (JPI) is a national nonprofit organization developing workable solutions to problems plaguing juvenile and criminal justice systems) “Restoring Local Control of Parole to the District of Columbia” <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> Retrieved November 8th 2021

"Given the small and shrinking number of parole-eligible people from the District—many of whom likely will seek release under the IRAA—the prospect of creating a fully-staffed and funded parole board with a temporary, finite mission may seem ill-advised, and unnecessarily costly. However, the new parole board would also presumably assume the supervision authority of the USPC, which includes people in the community on supervised release. This caseload, while declining in recent years, is still significant and would comprise the majority of the parole board’s workload in the future.”

A/T “Not prisoners” - “Supervised Release” are still considered inmates

Chelsea Furman 2017 (journalist) A Flawed Corrections System 14 July 2017 https://theheartlandnewsonline.org/2017/07/14/a-flawed-corrections-system-poverty-community-news/

Also note that until the individual is released from supervised release they are still considered an inmate, even though they have served their time. Supervised release is considered time that is tacked on to the end of a prison sentence.

A/T “Not prisoners” – Parolees are still prisoners

Judge Leonard M. Friedman 1964. (California Court of Appeal Judge, 3rd Appellate District) 229 Cal. App. 2d 145 decision of the California appeals court in the case of People v. Hernandez <https://law.justia.com/cases/california/court-of-appeal/2d/229/143.html> (accessed 13 Nov 2021)

These standard concepts of arrest and probable cause for arrest have little relevance as between correctional authorities and paroled prisoners. The parolee, although physically outside the walls, is still a prisoner; his apprehension, although outwardly resembling arrest, is simply a return to physical custody. (People v. Denne, supra, 141 Cal.App.2d at p. 510.)

A/T “Not prisoners” – Home confinement is still considered incarceration

Harold A. Valentine 1993 (Associate Director, Administration of Justice Issues, General Accounting Office of the federal government) 29 Apr 1993 “GAO/GGD·93·69 Prison Boot Camps” <https://www.ojp.gov/pdffiles1/Digitization/144181NCJRS.pdf> (accessed 13 Nov 2021)

Home confinement is still considered incarceration but is the least restrictive form of custody available to federal inmates. Moreover, it plays a much larger role in the program than for non-program inmates, who generally are not released to home confinement except for the last 30 to 60 days. Some program participants may be on home confinement for more than a year.

INHERENCY

Who is the CSOSA

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“As explained above, CSOSA is a federal agency responsible for direct supervision of people on probation and parole, as well as individuals serving periods of supervised release under D.C. law. In addition to the conditions of release imposed by the Superior Court for the District of Columbia (for individuals on probation) or the USPC (for individuals on parole or supervised release), CSOSA develops an individualized supervision plan for each person entering supervision and engages in “contact and surveillance” throughout the release period. CSOSA also carries out registration functions in the District for people convicted of a sex offense.”

87% of USPC’s job is D.C. offenders

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“Because of changes initiated by the Revitalization Act, only people sentenced under the D.C. Code for crimes committed on or before August 4, 2000, are eligible for parole. The USPC also has responsibility for all individuals sentenced in the federal system and eligible for parole, but with the abolition of federal parole in 1984, that population has dwindled. As a result, about 87 percent of the USPC’s caseload in 2018, or 9,317 people, was comprised of the Washington, D.C., population in prison or jail, on parole, or on supervised release under the D.C. Code. As of 2018, there were 883 people held in the BOP who were convicted under the D.C. Code and eligible for parole release or currently held for a violation of parole supervision. There were an additional 2,395 held in BOP eligible for supervised release.”

USPC makes all parole decisions for D.C. convicts

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“The Revitalization Act abolished the D.C. Parole Board and directed the USPC to conduct parole hearings for people convicted under the D.C. felony Code. The USPC is currently comprised of two commissioners who are appointed by the President of the United States. It has sole authority for granting parole to these individuals serving parole-eligible “indeterminate” sentences (sentences for offenses committed prior to August 5, 2000). The USPC also determines who will be granted release on parole and when. The USPC enforces conditions governing individuals serving parole or supervised release terms, and has the power to revoke parole and return parolees to prison for violations of parole rules. For individuals serving periods of supervised release (those with offenses that occurred after August 4, 2000), the USPC can re-incarcerate them for violations of supervised release rules. The USPC makes all parole grant and parole revocation decisions for people convicted under the D.C. Code, people on parole, and people serving time under supervised release and has evolved into the de facto D.C. Board of Parole.”

Over 4000 DC inmates are imprisoned under federal jurisdiction in Bureau of Prisons (BOP) facilities

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“As of 2018, there were 4,126 people held in BOP facilities for a conviction under the District of Columbia criminal Code. This represents a decline of 34 percent since 2008, when the BOP held 6,283 individuals from the District. More than two in five (43 percent) people in BOP facilities were convicted of nonviolent offenses.

A/T “Parole was abolished in DC so problem goes away by itself” – But “supervised release” continues

Prof. Jessica Steinberg and Kathryn Ramsey 2018. (Steinberg – law professor at Georgetown Univ. law school; directs the Prisoner & Reentry Clinic at GWU Law School. Ramsey – LLM; Friedman Fellow in the Prisoner & Reentry Clinic at GWU Law School) PAROLE PRACTICE MANUAL for the District of Columbia <https://www.law.gwu.edu/sites/g/files/zaxdzs2351/f/downloads/Parole_Manual_Final_Print.pdf> (accessed 12 Nov 2021)

As a result of the Sentencing Reform Amendment Act of 2000, D.C. Code offenders are no longer eligible for parole or early release from prison. Instead, following a prison term, an offender’s sentence may include a period of community supervision called “supervised release.” Id. §  24-403.01(b)(1) (2013 & Supp. 2016). Similar to parole, supervised release imposes a set of terms and conditions that the offender must fulfill. Id. It involves supervision by CSOSA if the offender resides in the District of Columbia, or the U.S. Probation Office if the offender resides outside of the District of Columbia. Id. The number of years an offender is on supervised release is determined by the sentencing judge in accordance with D.C. Code Section 24-403.01(b)(2)-(4). USPC has jurisdiction over individuals on supervised release, as well as the authority to issue arrest warrants and revoke or modify supervised release based on a suspected violation. Id. § 24-403.01(b)(6)-(7).

A/T “DC Parole was abolished, so problem disappearing” - Sending hundreds back to prison after parole + Supervised release still continues

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> Retrieved November 7th 2021

“Because parole was also abolished in D.C. in 2000, there are fewer than 700 D.C. prisoners remaining with parole-eligible sentences. But the rest — offenderswho will be or are released from prison on community supervision after serving fixed sentences — must still report to the U.S. Parole Commission, accounting for much of its caseload. This means the agency also has the power to send D.C. residents back to prison for parole or supervision violations — which it does to hundreds of people per year.”

USPC only has 2 members and neither are from D.C

NPR October 28th 2021 (National Public Radio is an American privately and publicly funded non-profit media organization) <https://www.npr.org/2021/10/28/1049303477/after-prison-he-followed-the-rules-but-a-parole-mishap-delayed-his-full-freedom> (accessed 9 Nov 2021)

“Moyd said the problems with the Parole Commission run much deeper than miscommunication in the Davis case. The panel that once had a full complement of five commissioners is now down to two: one is from Maryland, the other from Kentucky. Neither has strong ties to Washington, even though about 90% of the people the commission oversees are Black men from the District.”

Conditions of Parole

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)



HARMS / SIGNIFICANCE

USPC has harsh sentences that deny reform and rehabilitation opportunity

James Dunn’s story

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> (accessed 7 Nov 2021) (brackets in original)

“By his third appearance in front of the U.S. Parole Commission, James Dunn had all but given up.

Imprisoned in 1991 at age 19, the D.C. native spent a decade behind bars for a drug-related offense before starting a 15-year-to-life sentence for second-degree murder. Without any blemishes on his disciplinary record, a parole examiner recommended Dunn’s release when he first became eligible in 2010. But the U.S. Parole Commission, which determines parole eligibility for hundreds of D.C. prisoners with indeterminate sentences, denied him. The commission denied him again in 2013. And again in 2018, citing the severity of his original offense. “My journey with the parole board was full of disappointment. I didn’t want to go or even tell my family anymore because it was so emotionally draining,” said Dunn, who was released in 2019 after 29 years, thanks to a [separate law](https://www.washingtonpost.com/local/public-safety/prison-reform-early-release/2020/11/27/39b75184-30bc-11eb-bae0-50bb17126614_story.html?itid=lk_inline_manual_6) intended to give teenage offenders a second chance. “Had it not been for the [law], I would still be in prison waiting to see the parole board again.””

James Dunn example: USPC policy blocks opportunity for reform and rehabilitation

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> Retrieved November 7th 2021

“Dunn still wonders why exactly he was denied parole three times despite the growth he demonstrated over nearly three decades behind bars, mentoring other inmates and teaching numerous classes.

But he always knew he would get a second chance. Since his release, Dunn has worked as a violence interrupter under the D.C. Office of the Attorney General, using his experiences to encourage at-risk youth who’ve been affected or exposed to gun violence — like he was — to consider alternatives.

He says the current parole system is keeping an untold number of people in prison from making the same positive change that he has.”

USPC extends sentences beyond what the court gave

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“A separate case, Daniel v. Fulwood, also highlighted the Commission’s tendency to extend sentences beyond the point envisioned by the sentencing court. Under a legal settlement of the case adopted in 2016, the USPC agreed to use the D.C. Board of Parole’s 1972 guidelines in deciding whether to grant or deny parole for most people in prison whose offenses occurred prior to March 4, 1985, many of whom are of an advanced age or disabled. Despite the settlement, the Commission contends that the nature of their crimes makes these people too great a risk for release—even though Superior Court judges initially issued sentences that included the possibility of parole.”

USPC usurping control over sentencing

Philip Fornaci, Washington Lawyers’ Committee for Civil Rights & Urban Affairs and 7 other authors on March 16th 2018 (with Olinda Moyd, Katerina Semyonova, Jamie Argento Rodriguez and Chiquisha Robinson, the Public Defender Service for the District of Columbia; Tammy Seltzer, University Legal Services; Louis Sawyer, D.C. Reentry Taskforce; Michelle Bonner, D.C. Corrections Information Council; Adam Schlosser, Drinker Biddle & Reath LLP – all are civil rights lawyers.) “RESTORING CONTROL OF PAROLE TO D.C. A Presentation to the D.C. Council” <https://www.washlaw.org/pdf/2018_03_16_why_we_need_a_dc_board_of_parole.PDF> (accessed 9 Nov 2021)

“After service of the minimum sentence, a D.C. prisoner with a parole-able sentence is eligible for a parole grant hearing before the USPC. Rather than focusing its assessments on evidence of rehabilitation since sentencing, the USPC more often bases its parole grant decisions on the nature of the offense of conviction itself. The USPC frequently denies parole based on the seriousness of the original offense, rather than on evidence of rehabilitation. This approach imposes the USPC as a sort of “re-sentencing” court, usurping control over sentencing from the sentencing judge and substituting its own judgment about how much time a prisoner should serve for a particular offense before he or she can be released on parole. In 2000, the USPC issued its own parole guidelines, known as the federal guidelines. 16 Using these federal guidelines, the USPC on its own initiative adds time to a prisoner’s minimum sentence (based on the severity of the offense and the prisoner’s institutional disciplinary history) before he or she will be considered eligible for parole by the USPC, directly undermining the role of the sentencing judge and all of the individuals who took part in the original sentencing hearing.”

USPC provides no way forward for those who are denied

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

 “Another common complaint is that the USPC seldom provides a pathway forward for those who are denied parole. Little guidance is given about what steps can be taken to mitigate the factors that led to the denial. In some cases, the USPC instructs the applicant to enroll in certain programs prior to returning for a subsequent review, but programming options in the BOP vary widely by facility, often based on security classification or whether it is managed by a private provider. Because of this, applicants face the difficult prospect of requesting a transfer to another prison, which is time consuming and not guaranteed, or even seeking to be moved to a higher security facility in order to access a program identified as necessary to win a grant of parole. The BOP is not obligated to grant such a transfer, and even if someone is willing to undergo this level of disruption and is successfully transferred to a facility with programming, there is no guarantee that the USPC will grant parole the next time around. In fact, an applicant may get a different hearing examiner in a subsequent review who imposes completely distinct feedback in the notice of action. There is no guarantee of consistency and this is a significant gamble for any individual seeking parole. JPI also heard examples of the USPC ordering an applicant to participate in programs that no longer exist within the BOP. Finally, the length of time between parole hearings, known as the “set off,” is not necessarily linked to the course of action prescribed in the notice of action. For example, a hearing can be “set off” for far 33 longer than the time necessary to complete necessary programming. Overall, the lack of coordination between the USPC and the BOP poses substantial challenges that will still need to be addressed when a local parole board replaces the USPC.”

No path for denied people

Office of Victim Services and Justice Grants 2020 (mission of the  OVSJG is to develop, fund, and coordinate programs that improve public safety; enhance the administration of justice; and create systems of care for crime victims, youth, and their families in the District) “GOVERNMENT OF THE DISTRICT OF COLUMBIA EXECUTIVE OFFICE OF THE MAYOR OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS”14 Feb 2020 <https://dccouncil.us/wp-content/uploads/2020/02/JPS-Performance-Oversight-Responses-2020-OVSJG.pdf> Retrieved November 9th 2021

Another common complaint is that the USPC seldom identifies a path forward for those persons who are denied parole. Little guidance is given about what steps can be taken to mitigate the factors that led to the denial. In some cases, the USPC instructs the applicant to enroll in certain programs prior to returning for a subsequent review. But programming options in the BOP vary widely by facility, often based on security classification or whether a private provider manages the prison. Given that, it may be impossible for an individual to complete a recommended program before a subsequent parole review—a Catch 22 that can lead to yet another denial.

Lack of local accountability

Lack of local accountability had USPC putting lives at risk during COVID pandemic

Malcolm C. Young Co-Chair, New Visions Committee ReThink Justice DC Coalition June 25th 2020 (ReThink Justice DC Coalition is an advocacy group for reforming the criminal legal system in the District of Columbia) “Testimony on the Budget of the Office of the Deputy Mayor for Public Safety and Justice for Fiscal Year 2021” <https://rethinkjusticedc.org/wp-content/uploads/2020/06/Testimony-to-DC-Council-of-the-Whole-by-ReThink-Justice-New-Visions-Comm-re-parole-and-budget_MCY.pdf> (accessed 9 Nov2021)

Meanwhile, the District received a lesson about the human cost of not having local control of the parole function when the coronavirus and Covid-19 struck in March – April 2020. The virus posed an immediate threat to people incarcerated in the Department of Corrections, in the Bureau of Prisons and in the BOP’s halfway houses under the USPC’s jurisdiction as well as to the corrections officers who supervise them. Corrections facilities are fertile grounds in which to spread a virus infection. Yet families, friends, advocates and attorneys sought the release of hundreds of individuals incarcerated prior to parole hearings or for hearings on alleged violations of parole or of conditions of their supervised release with little success as a distant, detached parole board failed to adapt or react to the situation, at one point persisting in a requirement that individuals held in the Department of Corrections and their attorneys travel in the midst of a pandemic to Bureau of Prison facilities for parole hearings.

Hundreds sent back by people who are “out-of-step”

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

Each year, hundreds of people on parole and supervised release in D.C. are returned to prison for violations, based on policy positions set by a federal panel currently comprised of two members, one from Maryland and one from Kentucky, who have no connection to the D.C. community or government and may be out-of-step with local priorities and national trends. In fact, JPI heard concerns from multiple sources that the new leadership at CSOSA has launched a more aggressive approach to dealing with violations of supervision. In some cases, parole and supervised release violations are connected to charges of a new criminal offense. But even when such charges are dismissed in court, the USPC often revokes parole or supervised release, leading to incarceration. In 2017, for example, a D.C. restaurant worker was acquitted for misdemeanor assault on a police officer but ordered back to prison by the USPC for 13 months. Such a sentence is routine for the USPC, which typically orders terms of between 12 and 16 months for technical violations. That contrasts with changes adopted in many states, where revocation caps substantially limit prison time for people who commit violations of parole.

USPC bumbling creates hardships for everyone involved, and forces long distance travel to hearings

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“JPI heard multiple reports of frustration about the USPC from attorneys who represent people at parole hearings as well as family members with loved ones held in the BOP and awaiting release. First, the mere process of preparing for parole is complex and fraught with systemic challenges, including poor communication between the USPC and the BOP about parole eligibility, notification, and scheduling. The docket for hearing examiners is supposed to be posted up to a year in advance, but the 2019 docket has not been publicly released. Individuals must apply to get on the docket and may only get one to two weeks’ notice of a scheduled hearing. In many cases, the applicant is not notified of the date of the hearing and must contact the USPC and BOP repeatedly to confirm. This presents substantial challenges for attorney and family travel, given the locations of hearings at institutions across the country.”

General USPC incompetence

Accessing information is a nightmare

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“Accessing information from the USPC and the BOP to prepare parole application materials is another source of aggravation. Attorneys expressed frustration in having to submit Freedom of Information Act (FOIA) requests for any information they need from the USPC and BOP in advance of the hearing. Requests for victim statements or witness statements are often ignored. Moreover, the USPC will only release documents that they create, so other meaningful information that a hearing examiner may consider like BOP reports or the pre-sentence investigation need to be requested separately. These delays are a significant obstacle when preparing parole materials. While the USPC typically responds to FOIA requests in a timely manner and prioritizes applications based on the date of the hearing, it was reported that there is seldom sufficient time to submit and receive a response from the BOP.”

Papers just seem to get lost all of a sudden (so weird right?)

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

JPI also heard repeated complaints of documents being submitted to the USPC in advance of a hearing and becoming lost, resulting in the need to resubmit; other reports said that documents are frequently lost if they are submitted too early, but that if they are submitted too close to the hearing, there is no guarantee that the hearing examiner will have time for a review. JPI also heard frequent complaints about lost letters of support and examiners holding review hearings despite not having reviewed all of the applicant’s paperwork.

SOLVENCY / ADVOCACY

Exact codes that will be changed

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“Amend Section 11231(a) of the Revitalization Act, which required the USPC to “assume the jurisdiction and authority” of the D.C. Board of Parole. • Amend Section 11233 of the Revitalization Act, which established CSOSA, to remove reference to the USPC, and likely replace it with references to the new governing body. In addition, Congress could amend Section 11231(c), which requires that the Attorney General concur in any changes to D.C. laws or regulations concerning parole. But, as discussed below, the Attorney General concurrence is rarely used, is subject to constitutional concerns, and is likely not a necessity in order to enact a transfer of parole authority to a new body. Congress also would need to repeal or amend two federal regulations to revoke USPC’s jurisdiction, Sections 2.200 and 2.70 of Title 28 of the Code of Federal Regulations.232”

Current Extension would be enough to transfer

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> (accessed 7 Nov 2021) (brackets added)

“The U.S. Parole Commission’s authority was set to expire last year, though at the mayor’s request, [DC House of Rep. Delegate Eleanor] Norton also pushed Congress to extend the deadline until November 2022, which Bowser said would be sufficient time to transition parole functions.”

A/T “USPC mandate expiring” - USPC under current law lasts until 1 Nov 2022 (plus our plan extends it as needed)

US Dept of Justice 2021. U.S. Parole Commission (USPC) <https://www.justice.gov/jmd/page/file/1399126/download> (accessed 12 Nov 2021; no month cited in the article as written)

The USPC has jurisdiction over Federal offenders who committed offenses before November 1, 1987; all District of Columbia offenders; Uniform Code of Military Justice offenders who are in the custody of the Bureau of Prisons; Transfer Treaty cases (United States citizens convicted in foreign countries, who have elected to serve their sentence in this country); and State probationers and parolees in the Federal Witness Protection Program. The USPC renders decisions on National Appeals Board cases and decides action on supervision, parole, or return to custody cases under its jurisdiction. Unless reauthorized, USPC authorities will sunset on November 1, 2022.

A/T “Negative whining about funding” – Plan costs less than $13 million – estimate is a little more than $4 million

Justice Policy Institute 2019 (national nonprofit organization developing workable solutions to problems plaguing juvenile and criminal justice systems) 31 Dec 2019 “Restoring Local Control of Parole to the District of Columbia” <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“We anticipate that the annual budget of a local parole board in the District would be far less than the $13 million currently spent by the USPC. A reasonable estimate is that the District would spend no more than $4 million annually on its board, plus additional start-up costs such as hiring staff, securing office space, and so forth. Additional funding would likely be needed for costs associated with ongoing judicial training and evaluation.”

A/T “Negative whining about funding” - Cost estimate: Between $4-13 million

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> Retrieved November 7th 2021

 City officials have estimated it could cost anywhere between [$4 million](https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf) to [$13 million](https://www.washingtonpost.com/dc-md-va/2021/06/04/dc-statehood-cost/?itid=lk_inline_manual_44) to stand up a parole board in D.C. Charles Feinberg, executive director of Interfaith Action for Human Rights, a nonprofit regional prison reform advocacy group, said the amount budgeted is afar cry from what’s necessary to get a parole system up and running.

Increased enforcement of existing tax laws would raise federal revenues by $1 trillion over the next decade

Galen Hendricks & Seth Hanlon 2021 (Hendricks is a research associate at the Center for American Progress. Hanlon is a senior fellow at the Center ) 19 Apr 2021 “Better Tax Enforcement Can Advance Fairness and Raise More Than $1 Trillion of Revenue” <https://www.americanprogress.org/issues/economy/reports/2021/04/19/498311/better-tax-enforcement-can-advance-fairness-raise-1-trillion-revenue/> (accessed 17 June 2021)

The good news is that Congress and the Biden administration have an opportunity this year to begin rebuilding the IRS’ enforcement capabilities, direct new resources toward thoroughly auditing high-income taxpayers and corporations, and modernize the agency’s computer systems in a way that will improve both compliance and taxpayer service. By taking these steps, the United States can increase revenues by more than $1 trillion over a decade, according to multiple estimates.  In other words, investments in tax enforcement would pay for themselves and could pay for other critical investments at the same time.

A/T “DC can’t afford it” 1) Our plan gives DC the money. 2) DC could afford it on their own within current budgets

Philip Fornaci, Washington Lawyers’ Committee for Civil Rights & Urban Affairs and 7 other authors on March 16th 2018 (with Olinda Moyd, Katerina Semyonova, Jamie Argento Rodriguez and Chiquisha Robinson, the Public Defender Service for the District of Columbia; Tammy Seltzer, University Legal Services; Louis Sawyer, D.C. Reentry Taskforce; Michelle Bonner, D.C. Corrections Information Council; Adam Schlosser, Drinker Biddle & Reath LLP – all are civil rights lawyers.) “RESTORING CONTROL OF PAROLE TO D.C. A Presentation to the D.C. Council” <https://www.washlaw.org/pdf/2018_03_16_why_we_need_a_dc_board_of_parole.PDF> (accessed 9 Nov 2021)

“The effort to restore local control of parole to the D.C. government would be the first significant amendment to the D.C. Revitalization Act in twenty-one years. Restoration of parole responsibilities to local control is an opportunity for D.C. officials and the community to address at least one significant shortcoming of the Act: parole authority. Hopefully, this will not be the last time that D.C. officials revisit the Revitalization Act and its other related shortcomings. The Act was enacted at a time when D.C.’s fiscal affairs were in serious difficulty, which is no longer the case. Although the costs of restoring local control of parole to D.C. are not insignificant, they are manageable within the current D.C. budget.”

Advocacy: Justification for Status Quo is gone, it’s time for change

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“The justification for the USPC maintaining release decision-making authority for people convicted under the D.C criminal code has eroded in recent years. The District is on much firmer financial standing today and there is a robust “home rule” movement in the community that is eager to restore local control to core government functions. The USPC is comprised of staff and commissioners that do not necessarily reside in the District. They are not directly accountable to local leadership or the residents of the District. And their historical patterns of release decisionmaking and revocations of supervision are increasingly out-of-step with the goals and objectives of District leadership and the broader community. In short, the practice of the USPC handling parole and supervised release decisions for the District is antiquated and the time has come for change.”

Local control is needed to solve USPC unjust sentencing

Justice Policy Institute 2019 (national nonprofit research organization developing workable solutions to problems plaguing juvenile and criminal justice systems.) “Restoring Local Control of Parole to the District of Columbia” 31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

Support for regaining local control over parole supervision and decision-making has been building for years and has been driven in part by concerns about the unfairness of the current system. One troubling issue is the restrictive nature of the USPC parole granting process. Under the District’s prior indeterminate sentencing structure, judges handed out sentences bookended by a minimum number of years, at which point an incarcerated person would become eligible for parole, and a maximum number of years, representing the end of a prison term. Assuming an individual worked toward rehabilitation while behind bars, he or she would expect to be paroled shortly after becoming eligible. Instead, the USPC systematically denies parole based on the severity of an individual’s original offense, rather than on evidence of a person’s progress toward rehabilitation.

Acting chairwoman says USPC advocates revering authority back to DC

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> Retrieved November 7th 2021

“The U.S. Parole Commission did not respond to a request for comment, but its acting chairwoman, Patricia Cushwa, has previously said the agency supports relinquishing authority to D.C.”

Advocacy for regaining control: Rethink Justice office

Malcolm C. Young Co-Chair, New Visions Committee ReThink Justice DC Coalition June 25th 2020 [The ReThink Justice DC Coalition is comprised of individuals and groups who are committed to reshaping the criminal legal system in the District of Columbia.] “Testimony on the Budget of the Office of the Deputy Mayor for Public Safety and Justice for Fiscal Year 2021” <https://rethinkjusticedc.org/wp-content/uploads/2020/06/Testimony-to-DC-Council-of-the-Whole-by-ReThink-Justice-New-Visions-Comm-re-parole-and-budget_MCY.pdf> Retrieved November 9th 2021

I am submitting this testimony as an individual and on behalf of participants of the ReThink Justice DC Coalition to urge that the DC government act to assume control of the parole function which now rests with the United States Parole Commission (USPC). The ReThink Justice Coalition has not reviewed or endorsed my testimony, but it has endorsed the June 2020 Community Call for Action: Restoring Local Control Over Parole in the District of Columbia prepared by the Reentry Task Force and attached to this submission.

DC Superior Court judges advocate for a D.C. parole board

Washington Post August 1st 2021 “D.C. wants to take back parole from the feds. But it’s taken almost no action as deadline looms.” (American daily newspaper published in Washington, D.C.) <https://www.washingtonpost.com/local/dc-politics/dc-parole-budget-vote/2021/07/31/258d4a0c-f13b-11eb-81d2-ffae0f931b8f_story.html> Retrieved November 7th 2021

““While we appreciate the interest expressed by certain advocates in having the Courts assume the parole function, it is not in the best interest of the Courts or the community we serve to do so,” the judges wrote, instead advocating that D.C. create its own parole board.”

USPC advocates giving up responsibility - everyone would benefit

Patricia Cushwa Chairman of the USPC and Charles Massaron vice chairman in 2019 [The United States Parole Commission is the parole board responsible for granting or denying parole to, and supervising the parole releases of, incarcerated individuals who fall under its jurisdiction. It is part of the United States Department of Justice.] “U.S. PAROLE COMMISSION TRANSFER OF DUTIES PLAN” <https://apps.npr.org/documents/document.html?id=21092732-parole-commission-transfer-of-duties-plan> Retrieved November 9th 2021

“In closing, the USPC urges Congress to support and adopt legislation to enable the USPC to transfer all cases added since it was marked for closure in 1987. Legislative action is necessary to enable the USPC to complete the orderly wind down of federal cases and ultimately shut down in accordance with Congress's intent in 1987. Duties added since 1987 should be sent to more appropriate agencies thereby leaving the USPC to manage the remaining federal cases with areduced footprint and cost to the U.S. taxpayer. Meanwhile, the addition of the USPC into the BOP will produce synergistic geins for both agencies enabling efficiencies to leave both entities—and the U.S. taxpayer—in a better position.”

Localized CSOSA and DC Superior Court can do a better job than Status Quo USPC

Patricia Cushwa Chairman of the USPC and Charles Massaron vice chairman in 2019 [The United States Parole Commission is the parole board responsible for granting or denying parole to, and supervising the parole releases of, incarcerated individuals who fall under its jurisdiction. It is part of the United States Department of Justice.] “U.S. PAROLE COMMISSION TRANSFER OF DUTIES PLAN” <https://apps.npr.org/documents/document.html?id=21092732-parole-commission-transfer-of-duties-plan> Retrieved November 9th 2021

“Furthermore, the D.C. Superior Court and CSOSA are much larger organizations than the USPC and their only focus is on the local DC population. These organizations can leverage their resources and expertise in the DC population to provide competent and perhaps improved services to the people of Washington, DC.”

ADVANTAGES

List of advantages

Malcolm C. Young Co-Chair, New Visions Committee ReThink Justice DC Coalition June 25th 2020 (Coalition is an advocacy group for reforming the criminal legal system in DC) “Testimony on the Budget of the Office of the Deputy Mayor for Public Safety and Justice for Fiscal Year 2021” <https://rethinkjusticedc.org/wp-content/uploads/2020/06/Testimony-to-DC-Council-of-the-Whole-by-ReThink-Justice-New-Visions-Comm-re-parole-and-budget_MCY.pdf> Retrieved November 9th 2021

“A parole function under the DC Government’s jurisdiction would:

• Lead to an overall reduction in incarcerated District residents

* Eliminate, or significantly decrease, incarceration for non-criminal, technical violations of supervision rules
* Allow for better coordination with the federally-managed Court Services and Offender Supervision Agency (CSOSA), resulting in improvements to how the agency’s resources are used to benefit District citizens
* Create new opportunities to reduce DC Government spending through: (1) direct cost savings entailed in the reduction of locally-incarcerated DC residents; and (2) indirect, long-term savings generated from better coordination between the local parole authority and CSOSA in a way that more effectively ties reentry programs to evidence-based decarceration and restorative justice practices

Lost opportunities for reform and rehabilitation – would be solved if USPC gave it back to DC

The D.C. Line 2021 (nonprofit media organization dedicated to covering local news in the District) 12 July 2021 <https://thedcline.org/2021/07/12/pam-bailey-dc-officials-should-act-now-to-restore-local-control-over-parole/> (accessed 9 Nov 2021)

“James Dunn spent 29 years in prison without a disciplinary infraction. He completed every program in which he could enroll, taught classes for fellow prisoners, and mentored those younger than him. Yet Dunn was refused parole three times. He would likely still be in prison if it weren’t for the second chance offered by DC’s Incarceration Reduction Amendment Act of 2016. Today, he is an outreach worker for Cure the Streets, a District program designed to reduce gun violence.Frankie Hargrove was denied parole five times despite a similar lack of disciplinary actions (just three in 34 years). He was finally released only because the U.S. Bureau of Prisons had no basis for holding him any longer. Today, he is a budding musician. For these two men, the early release promised by parole in return for good conduct was a mirage — as it has been and still is for hundreds of DC residents whose fate is left to the opaque intransigence of the U.S. Parole Commission. That is why it is so critical for the mayor and the DC Council to take the necessary steps to transfer control over this life-determining decision from federal to local authorities.”

Local DC control of parole would solve unnecessarily harsh sentencing

Philip Fornaci, Washington Lawyers’ Committee for Civil Rights & Urban Affairs and 7 other authors on March 16th 2018 (with Olinda Moyd, Katerina Semyonova, Jamie Argento Rodriguez and Chiquisha Robinson, the Public Defender Service for the District of Columbia; Tammy Seltzer, University Legal Services; Louis Sawyer, D.C. Reentry Taskforce; Michelle Bonner, D.C. Corrections Information Council; Adam Schlosser, Drinker Biddle & Reath LLP – all are civil rights lawyers.) “RESTORING CONTROL OF PAROLE TO D.C. A Presentation to the D.C. Council” <https://www.washlaw.org/pdf/2018_03_16_why_we_need_a_dc_board_of_parole.PDF> (accessed 9 Nov 2021)

 “There are 1,280 D.C. prisoners with parole-eligible sentences currently held in the federal BOP. There are at least 1,644 more D.C. prisoners serving time in the BOP for violations of parole or supervised release rules. With the restoration of local control of parole to the D.C. government, the D.C. prisoner population could fall significantly. The USPC currently has control over 2,980 prisoners in the BOP, either parole-eligible or serving revocation periods. Without the unnecessarily harsh practices of the USPC, the D.C. sentenced prisoner population could readily fall to fewer than 2,000 men and women over the next few years, down from the current total of 4,700.”

DISAD RESPONSES

A/T “Parole is bad”

Sentencing experts believe greater use of parole is needed

Justice Policy Institute 2019 (a national nonprofit research organization advocating reform of juvenile and criminal justice systems)“Restoring Local Control of Parole to the District of Columbia”31 Dec 2019 <https://justicepolicy.org/wp-content/uploads/2021/06/DCParoleStudy.pdf> (accessed 8 Nov 2021)

“Support for the general principle of a second look provision has been growing nationally among sentencing experts, fueled in part by the proliferation of extremely long criminal sentences during the U.S. incarceration boom. Many researchers believe the country’s use of lengthy sentences— sentences that are much longer than those in other Western democracies—merits the creation of a mechanism for their review by a court at some point in time.”

Longer sentences don’t reduce recidivism and we need parole to incentivize self-improvement

Marc Levin 2019 (attorney; vice president of criminal justice at the Texas Public Policy Foundation and Right on Crime) May 2019 Ten Tips for Policymakers for Improving Parole http://rightoncrime.com/wp-content/uploads/2019/05/Ten-Tips-for-Policymakers-for-Improving-Parole.pdf

The existence and effectiveness of parole is not without controversy. However, given that research has found that longer prison terms do not reduce recidivism (Pew 2013b), parole offers an important off-ramp that incentivizes self-improvement while people are incarcerated.

Longer sentences have had no impact on reducing crime, and reducing them causes no harm

Pew Charitable Trusts 2015. (global non-partisan NGO research organization) Nov 2015 “Prison Time Surges for Federal Inmates” https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/11/prison-time-surges-for-federal-inmates

The average length of time served by federal inmates more than doubled from 1988 to 2012, rising from 17.9 to 37.5 months. Across all six major categories of federal crime—violent, property, drug, public order, weapon, and immigration offenses—imprisonment periods increased significantly.  (See Figure 1.) For drug offenders, who make up roughly half of the federal prison population, time served leapt from less than two years to nearly five. Mandatory minimum sentencing laws, the elimination of parole, and other policy choices helped drive this growth, which cost taxpayers an estimated $2.7 billion in 2012 alone. Despite these expenditures, research shows that longer prison terms have had little or no effect as a crime prevention strategy—a finding supported by data showing that policymakers have safely reduced sentences for thousands of federal offenders in recent years.

NJ and Urban Institute studies found parole reduces crime compared to convicts who finish their full sentence

Restore Justice Illinois 2018. (non-profit criminal justice advocacy group) “A Primer on Parole in Illinois” Apr 2018 hthttps://restorejustice.org/wp-content/uploads/2018/04/Restore-Justice-A-primer-on-parole-in-Illinois.pdf

When state legislatures across the nation began abolishing parole in the late 1970s, their rationale was often that parole failed to increase public safety or reduce repeat offenses. And indeed, old data plus a few isolated cases of parolees committing new serious crimes did seem to suggest the inefficiency of parole. More up-to-date research now shows discretionary parole can effectively reduce the likelihood of new crimes. The Pew Charitable Trusts found that parolees in New Jersey were 36 percent less likely to commit new crimes and return to prison compared to “maxouts,” or individuals released at the end of their term and without parole supervision. Separately, a 2005 study by the Urban Institute compared the benefits of discretionary parole to both unconditional releases and mandatory parole. The authors of the Urban study found that for black men with few prior arrests and women, parole could reduce the predicted likelihood of their rearrest by up to 20 and 34 percentage points, respectively, compared to unconditional release.

Studies claiming “parole doesn’t reduce recidivism” are flawed because they count “technical” (non-criminal) violations as if they were committing new crimes

Restore Justice Illinois 2018. (non-profit criminal justice advocacy group) “A Primer on Parole in Illinois” Apr 2018 hthttps://restorejustice.org/wp-content/uploads/2018/04/Restore-Justice-A-primer-on-parole-in-Illinois.pdf

Some studies suggest parole does not effectively reduce recidivism. These studies point to the comparable rates of recidivism between parolees and individuals released without supervision at the end of their prison terms. But recidivism definitions are inconsistent. Some sources of data fail to differentiate technical violations from new crimes, rearrests from returns to prison, or new felony convictions from new misdemeanor convictions (for more on the topic of recidivism, you can check out our resource on understanding recidivism). Only parolees and other individuals under parole-like supervision may be arrested and returned to prison for technical violations. This can include missing an appointment with a parole officer, alcohol consumption, or failing to find a suitable home.