



July 7, 2021

Muriel Bowser, Mayor District of Columbia
John A. Wilson Building, 1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Christopher Geldart, Deputy Mayor for Public Safety & Justice
John A. Wilson Building, 1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Phil Mendelson, Chair, D.C. Council
John A. Wilson Building, 1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Charles Allen, Chair, D.C. Council Committee on the Judiciary & Public Safety
John A. Wilson Building, 1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Robert White, Chair, D.C. Council Committee on Facilities & Procurement
John A. Wilson Building, 1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: URGENT – Restoring the District’s Control over Parole

Dear Mayor Bowser, Deputy Mayor Geldart, Chairman Mendelson, Councilmember Allen, and Councilmember R. White:

On July 5, 2020, Mayor Bowser sent a letter to Congresswoman Eleanor Holmes Norton stating “With forward momentum and progress on our journey to D.C. Statehood, I write to ask for your support for the District regaining local control of parole functions through federal legislation.”

Now a full year later, neither the Mayor nor the D.C. Council have taken any significant actions toward achieving this crucial goal. As members of the D.C. community who advocate for the rights of D.C. residents returning from incarceration, and committed supporters of D.C. Statehood, we are outraged by our government’s failure to lead on this matter, and are deeply concerned that such reticence will compromise the D.C. community’s deep commitment to racial justice and Statehood. The District is now at risk of squandering one of its greatest opportunities in decades to improve the D.C. criminal system.

Congresswoman Norton complied with the Mayor’s July 2020 request by introducing legislation in the 116th Congress that would fully authorize the District Government to create a paroling and supervised release agency, thereby taking over the duties that are currently handled by the U.S. Parole Commission

(USPC). In February of this year, Congresswoman Norton reintroduced this measure into the 117th Congress as H.R. 658, the District of Columbia Parole and Supervised Release Act.

As the Mayor appropriately noted in her July 5, 2020 letter regarding the power wielded by the USPC, “It is important that decisions of this magnitude be made by D.C. residents and that they be accountable to our community and our elected officials.”

Some context is important. In 2018, Congress had reauthorized the USPC with a "sunset" provision that abolishes this federal agency’s authority in November 2020. Throughout 2018 and 2019, a working group of advocates and various justice reform organizations urged the District Government to take advantage of this opportunity to assume local control of parole and supervised release functions. In October 2019, the District Task Force on Jails and Justice – which is comprised of members of government agencies, research organizations, scholars, community representatives, and members of faith-based communities – recommended that the District Government “plan now to localize parole and supervised release decision-making.” A District-funded study by the Justice Policy Institute recommended several programmatic options in a report that was issued in September 2019. Despite these calls for action, the District made no decisions and took no action.

In her letter, the Mayor requested a two-year extension of the November 2020 deadline, which she assured “would be sufficient for us to plan, prepare and fund an orderly transition of the parole function to local control.” For the past year, experienced justice reform and community advocates undertook as volunteers the heavy burden of articulating principles to guide a new parole authority, publishing myriad documents delineating the structure, staffing, and budget for a new parole authority, and crafting recommendations and legislative language to protect due process and assure the integrity of parole release and supervision revocation decisions. These documents can be found [here](#).

In contrast, over the same year’s time our elected officials have failed to engage in any effective planning or preparation for the transition to local control of parole. The Council has not introduced, and the Mayor’s offices have not proposed, appropriate legislation. The Mayor has included only an impractical allocation of \$100,000 in her draft FY 2022 budget. This amount is completely inadequate if we are to create and begin operating an entirely novel paroling agency with the capacity to assume responsibilities in November 2022.

Over the last few weeks, the entire D.C. political leadership has forcefully demanded Congressional action on D.C. Statehood, while, in actuality, failing to take any concrete steps to restore a fundamental state function to paroling and supervised release.

For thousands of D.C. prisoners, returning citizens, and their families and supporters, the inaction of the District’s elected leaders regarding local control of parole betrays what we had considered to be our shared goals of D.C. autonomy and racial justice. Currently, nearly the entire USPC caseload is comprised of Black District residents, with the vast majority coming from the District’s most neglected wards. The USPC’s unaccountable decision-making practices cruelly extend the incarceration of hundreds of D.C. prisoners, while sending hundreds more D.C. returning citizens back to federal prison every year for minor, non-criminal violations of supervision rules. Federal control of parole has damaged countless lives and decimated many D.C. communities.

We are now fast approaching a make-or-break deadline. Yet instead of taking immediate and decisive action, D.C. political leaders have allowed themselves to be distracted by a vague “alternative” to local control of parole: transitioning parole functions from the USPC to another federal agency, D.C. Superior Court.

As the Council on Court Excellence stated in its testimony at the D.C. Judiciary Committee’s May 6, 2021 roundtable on local parole, the *federally* controlled D.C. Superior Court is already severely underfunded and understaffed, and unable to take on parole functions, regardless of the putative merits

of this idea. The Court itself has made no formal request to increase funding in the coming year to take on the USPC functions, nor has Superior Court leadership publicly endorsed the idea. In short, there is no feasible Superior Court “option,” nor would a transfer from the USPC to a federally-funded D.C. Superior Court in any way restore “local control.”

Proposing such an unrealistic and untenable “alternative” at this late date is an abdication of responsibility and a cynical effort to deny full autonomy to the District and its community. Further, such a position abandons numerous previous commitments from our political leadership to D.C. residents who are deeply committed to serious reform of the criminal system. We have included with this letter a [petition supported by more than 100 incarcerated D.C. residents](#) calling for the creation of a D.C. paroling and supervised release agency. The support for a local agency from these justice-harmed individuals also comes with their emphatic rejection of a Superior Court model.

We are nearly out of time to create a local parole system that is both effective and accountable to the D.C. community, while committed to the principles of racial equity and restorative justice.

If the District fails to realistically budget for a new D.C. paroling agency in the coming weeks, and fails to pass legislation enabling this transition, Congress will likely simply reauthorize the USPC. Such inaction would therefore allow for the continuation of the USPC’s tyrannical control over the lives of D.C. residents and drive up mass incarceration, while dashing hopes for D.C. Statehood for many years to come. We urge the Executive and the Council to ACT NOW. We urge you to begin by considering, on the merits, the recommendations and serious proposals before you now.

Sincerely,

Louis Sawyer Jr.
Co-Chair, D.C. Reentry Task Force

Isa Mirza
Co-Chair, D.C. Reentry Task Force

Malcolm Young
Co-Chair, New Visions Committee
Rethink Justice DC Coalition

CC:

Kevin Donahue
D.C. City Administrator

Karl Racine
D.C. Attorney General

Eleanor Holmes Norton
Member, U.S. House of Representatives