
Government of the District of Columbia



Department of Corrections

Testimony of
Devon Brown
Director

***“Department of Corrections
Performance Oversight Hearing”***

Committee on Public Safety and the Judiciary
Phil Mendelson, Chair
Council of the District of Columbia

March 4, 2009

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good morning, Chairman Mendelson and members of the Committee on Public Safety and the Judiciary.

I am Devon Brown, Director of the District of Columbia Department of Corrections. I appreciate this opportunity to present testimony on the performance of the Department of Corrections. Joining me at the table is my Deputy Director, Patricia Britton.

This has been a banner year for the Department of Corrections, one that has reflected enormous productivity as well as unprecedented transformation and progress throughout the organization. The improvements and enhancements achieved during fiscal year 2008 are both numerous and substantial, giving rise to a stronger, more confident as well as proficient agency. These achievements have propelled us into the national spotlight, illuminating our growth in becoming a leader among our peers.

As you are aware, the District of Columbia Department of Corrections is one of the largest detention systems in the nation. Our offender population consists of pretrial detainees, sentenced misdemeanants, and felons, as well as those awaiting parole violation hearings. The average daily inmate population under the custody of the Department of Corrections during fiscal year 2008 was 2,991, 8.6 percent less than the previous year.

The vast majority of the individuals committed to the Department of Corrections are confined at the Central Detention Facility, also referred to as the D.C. Jail. The D.C. Jail serves as the District's principal adult correctional institution and represents the primary point of entry for those ordered to incarceration by our Courts. In October 2007, the Executive Branch established a population capacity at the jail of 2,164. This number is within the ranges recommended by two consultants hired independently by the City Council and the Department of Corrections leadership during 2004 in support of the agency's compliance with the Jail Improvement Act of 2003. The jail houses only adult male offenders, with the majority of them awaiting adjudication or sentenced for misdemeanor and/or felony offenses. The Department processed approximately 18,000 intakes and releases through the D.C. Jail in fiscal year 2008.

The Department of Corrections also houses inmates at the Correctional Treatment Facility (CTF) located adjacent to the D.C. Jail. The CTF is a privately managed detention facility under exclusive contract to the Department of Corrections. The Department also has contracts with four halfway houses throughout the City.

The Department transferred its female population to the CTF in September 2007 and all juveniles in DOC custody were relocated to that facility last November. Individuals who are medium security or less that are within six months of release may also be housed at that facility.

The Department of Corrections' operating budget for fiscal year 2008 was \$154 million and 945 authorized full time employees. Of this latter figure, 709 are uniformed staff. At present, 96 percent of such positions are filled.

The Department of Corrections is experiencing an evolution in its operation. However, like all correctional systems across this country, our fundamental objectives are order, safety, and security. Toward these ends, we have implemented a myriad of technological advances including the establishment of a state of the art surveillance center, the use of video visitation, the installation of over 600 video cameras, and the broad application of Radio Frequency Identification (RFID).

Recognizing the inextricable nexus between public safety and public health, the Department of Corrections has developed a comprehensive, coordinated array of programs and services geared toward assisting inmates to succeed while furthering the health and safety of our communities. Our initiatives have received national applause, and have been deemed worthy of replication in numerous jurisdictions. In this regard, we have forged intergovernmental and community based partnerships to produce outstanding collaborations in the provision of mental health, employment, drug treatment, housing, medical care, and educational/vocational training for inmates at both the confinement and peri-incarceration levels. The advances that are taking place within the agency

represent the elevated standards and insistence upon governmental excellence that are characteristic of the Fenty Administration.

Staff Development

The exemplary contributions that the Department of Corrections are making to the city and the criminal justice profession would be inconsequential if not for the most important element of our organization, the staff. Understanding that our staff serves as the nucleus of our operations, we have made a serious and sustained effort during fiscal year 2008 to further their professional development. In this regard, we have insisted that as a body, they meet and/or exceed national standards of proficiency. Toward this end, each employee who has day to day contact with the inmate population is mandated to obtain certification by the leading organized certifying authorities in our field. As such, we now lead the nation in the total number of employees who hold this status by the American Correctional Association (ACA) or the National Commission on Correctional Healthcare (NCCHC). This achievement is indicative of our insistence upon excellence and complements the fact that our facility stands apart by having gained accreditation by both of these prestigious bodies. The Department also established a Training Academy in fiscal year 2008. The fully-staffed unit is comprised of a training administrator, four full-time uniformed correctional staff, three training specialists and a host of adjunct instructors with specific subject matter expertise. The men and women of the Department of

Corrections walk the toughest beats in the community. They do so with pride, proficiency, and professionalism.

Security and Safety Enhancements

The Department of Corrections is committed to furthering its role as one of the principal protectors of the community. As such, the Department diligently works to sustain optimum order, safety and security within its correctional facilities, particularly at the D.C. Jail. While the infrastructure of the 32-year-old facility presents persistent challenges and demands, the Department has successfully implemented a number of measures in support of our unwavering determination to meet the public safety needs of District residents. In this regard, we have successfully completed the second year of testing of our internal community notification system. While the weekly tests have proven this apparatus to be effective, we remain diligent in our efforts to avoid the need for its full utilization.

We have also strengthened the K-9 Unit during fiscal year 2008, which now comprises seven patrol, drug and cell phone detection dogs. These animals and their handlers are trained and certified by the American Correctional Association and the Maryland Division of Corrections. They constitute a well appreciated and respected part of our uniformed workforce. The strategic placement of additional surveillance cameras, security fencing as well as the

installation of more lighting has enhanced our ability to provide greater security both to our perimeter and interior operations.

The Department's Office of Internal Affairs (OIA) has also played a critical role in improving the safety conditions of our work environment. The Office of Internal Affairs enhanced its intelligence collection, background and investigative performance and strengthened its collaboration on cases with other law enforcement agencies in the past fiscal year. All Criminal Investigators were deputized as United States Marshals in fiscal year 2008. The unit investigated 300 cases during the fiscal year and presented 50 affidavits in support of arrest warrants to the U.S. Attorney's Office for prosecution. The Department's Warrant Squad, which operates under the supervision of the Office of Internal Affairs, presented 172 affidavits in support of arrest warrants (for halfway house escapes) to the U.S. Attorney's Office, and as members of the regional fugitive task force, assisted in the apprehension of 113 halfway house escapees. In addition, since January 2008, the OIA has presented 92 cases to the Office of the U.S. Attorney for the prosecution of violations that occurred within the confines of the jail.

Operational Improvements

The Department of Corrections has continued to implement new initiatives in fiscal year 2008. These projects have lead to increased efficiency, greater accountability and heightened productivity.

The employment of modern technologies in fiscal year 2008 continued to have a significant impact on overall work performance and inmate management capabilities. The Department implemented the first phase of Radio Frequency Identification (RFID) in specific areas of the D.C. Jail last fiscal year. This highly sophisticated technology allows correctional staff to track all movement throughout the facility in real time, reduce response time to emergency occurrences and provide significant improvement in inmate accountability. We anticipate finalization of this project in June. When completed, the District of Columbia Department of Corrections will lead all other correctional systems in the application of this sophisticated and much needed technology.

Upgraded technologies introduced to our Records operations in fiscal year 2008 have resulted in significant improvements in inmate processing and overall performance. The Department installed electronic monitors in the Records Office to allow more effective management of cases and the monitoring of records processing. This computer generated system tracks all inmates identified for release and denotes the time needed to adequately process inmates being discharged. This visual system facilitates release monitoring to ensure greater accuracy and supervision of the release process. In addition to these measures, the integration of a newly developed more powerful version of our sentence calculator has greatly contributed to a reduction in errors. Due to these measures and other interagency improvements, we have experienced a 63

percent decline in over-detentions and a 59 percent decline in the number of erroneous releases compared to last fiscal year.

With coordination from the Criminal Justice Coordinating Council (CJCC), the Department of Corrections implemented a courthouse release program last July to reduce the number of individuals who must return to the D.C. Jail at the end of each court day for release. The program allows the agency to focus on processing other defendants more promptly and releasing them earlier in the day. In July 2008, the Department assigned two Legal Instruments Examiners to the D.C. Superior Court Cellblock to process inmate discharges directly from that location. This project has been highly successful and has resulted in 822 inmates being returned to the community directly from the court as of February 20.

The Department also assumed management of the CTF Records Office operation in fiscal year 2008 to further streamline records processing and establish more effective accountability. Departmental staff is now uniformly trained to perform operations at the D.C. Jail and CTF. In addition, a Records supervisor is now permanently assigned to oversee the CTF operation.

American Correctional Association Accreditation Initiative

The Department of Corrections completed a number of major milestones in fiscal year 2008 towards achieving full American Correctional Association (ACA) accreditation at the D.C. Jail. With respect to this objective, we now hold accreditation in our medical as well as culinary programs and are confident that we will be among the less than 5% of correctional systems to be bestowed full accreditation following our audit next week. This accomplishment will constitute a watershed moment for the Department as it will mark the first time in the 32 year history of the jail that it will have obtained this honor.

Inmate Services and Programs

Inmate Healthcare

The cornerstone of our success in providing adequate and appropriate inmate medical services lies in our expansion upon the Community Oriented Correctional Health Services (COCHS) model. Under this programmatic framework, inmates are viewed as temporarily displaced members of the community with neighborhood health centers serving as the critical link to care both during and after incarceration. Although the COCHS approach was originally established in Hampden County, Massachusetts during 1992, with the support and assistance of Unity Health Care Inc., as well as of the Robert Wood Johnson Foundation, we have taken a sound model and made it better. With the addition of a comprehensive discharge planning component, post release monitoring, as well as a rigorous research and evaluation segment led by such

prestigious organizations as the John Jay College of Criminology, the Urban Institute and soon to be embraced, Vera Institute, we have broken new and highly fertile ground in the delivery of correctional health services.

Among the areas in which we have furthered our reach has been in the pioneering of effective strategies in the diagnosis and treatment of HIV/AIDS. Initiated in 2006, our agency was the first correctional system in the country to introduce automatic testing for these diseases relying upon an “opt-out” provision and the issuance of 30 day bridge medication with follow-up, post-release casework. To date, we lead all City agencies in the number of individuals who have been tested for HIV/AIDS, with over one-third of the screenings in our jurisdiction having been conducted by our program. In recognition of the success of this initiative, we have received an “A” rating from the Appleseed Center for Law and Justice for the past two consecutive years. Moreover, it is of significance to note that the Centers for Disease Control and Prevention’s (CDC) most recent draft guidelines for the testing and treatment of HIV/AIDS in correctional settings incorporates each element of our approach, a strategy which is now being emulated by numerous penal systems including the Federal Bureau of Prisons.

The accreditation of the jail's medical services by the National Commission on Correctional Health Care (NCCHC) as well as the American Correctional Association (ACA) represents another defining moment in our transformation. This highly-acclaimed recognition marks the first time in the

facility's history that these services were certified by both nationally-renowned correctional organizations. It is to be further noted that the Department of Corrections is the first detention system in the country to receive accreditation using ACA's 2008 standards, the most rigorous requirements developed by this organization to date. Prior efforts only measured the presence or absence of an operation, condition or situation. The Department achieved 100 percent compliance on the 41 mandatory standards and 98.6 percent compliance on the non-mandatory requirements needed to obtain (ACA) accreditation. The Department of Corrections sought and achieved re-accreditation from NCCHC after it initially granted the Department this status in 2004. Accreditation by NCCHC is recognized as the premiere acknowledgement of sound medical practices within penal settings as this body is dedicated exclusively to correctional health care programs in jails and prisons.

Discharge Planning

Central to our dedication to ensuring that offenders receive services that will promote their ability to succeed once freed is our discharge planning component. This program embraces the principle that release planning should begin at the moment in which the offender is admitted. As such, each individual is provided with a medical discharge plan at intake. This plan is then augmented throughout the offender's incarceration so as to address such vital needs as employment, housing, drug as well as mental health treatment where appropriate. We are exceedingly proud to have received NCCHC's 2008

Program of the Year Award for having implemented this acutely important initiative.

Our accomplishments are particularly noteworthy when one realizes that just 15 years ago our medical program was under federal receivership. The metamorphosis that has emerged is the result of our unwavering commitment to excellence and sustained adherence to the fundamental mission of our organization to provide quality care to those under our custody.

Complementing our current undertaking has been the forging of a symbiotic affiliation with the Center for Supportive Housing and the Urban Institute. This arrangement has as its principal goal the provision of permanent housing to the homeless population that is most frequently brought to correctional attention.

Recent demonstration of our unwavering dedication to systemic progress is seen in our efforts to collaborate with the College of Nursing at Rutgers University in the application of an innovative project to reduce the prevalence of HIV/AIDS among urban women through the use of an educational campaign incorporating the use of video vignettes. As these diseases are disproportionately acute among incarcerated females, we are seeking to incorporate this program into our treatment regiment for the women under our custody. In addition, plans are underway to partner with the Georgetown School of Medicine to develop a residency program in correctional

medicine at our jail whereby medical students will receive practical training in this unique and exceedingly exciting specialty.

Educational and Vocational Programs

Through the strong encouragement of City leadership, the Department of Corrections continues to raise the bar in providing meaningful, quality driven programming opportunities to our inmate population. Thus far, we have added 33 such programs since 2006, the latest of which is an “Employment Readiness Center,” which opened last December. This initiative is the product of a joint venture with the city’s Department of Employment Services (DOES). Through this project, inmates are not only instructed on areas that will increase their employability but are connected with jobs prior to their release. Mayor Fenty has made several visits to the program, which is currently in its third cycle. Thus far, forty-four inmates have successfully completed the five-week program, which can accommodate up to 30 participants each session. Twenty-seven inmates are enrolled in the group that commenced on February 23.

The availability of meaningful, well structured academic and vocational programs that generate participation and sustain the interests of inmates at both the D.C. Jail and CTF is paramount to their constructive incarceration and subsequent release to the community. To assist in this endeavor, we have hired an experienced, highly motivated expert to serve as our Education Program Administrator (EPA).

In fiscal year 2008, the Department dedicated one housing unit at the D.C. Jail to adult basic education services. The GED Unit is designed for inmates who are within 90 days of release that have expressed a desire and shown genuine commitment to the earning of their high school equivalency diploma. The program is voluntary in nature and comprised of those who have shown the ability to interact harmoniously with the other participants in the unit. Inmates on this tier who already possess academic credentials serve as peer tutors. The Office of the State Superintendent of Education (OSSE) collaborates with the Department in the administering of the GED examination and provides ancillary services in adult literacy. Since the inception of this program in February 2008, 25 inmates have successfully completed their GED at the D.C. Jail.

Reentry Initiative

Inmate reentry preparation is critical to stemming the tide of re-incarceration while making for a safer, more constructively oriented society. The Reentry Program complements the general release programs for inmates and includes a housing unit at the D.C. Jail specifically designated to providing select inmates who are within 120 days of release with an array of services that facilitate their transition to the community. In fiscal year 2008, the Department of Corrections, along with 50 government and community organizations conducted a Community Resource and Job Fair, the first of its kind to focus upon this population. Nearly 200 inmates have graduated from the Reentry Program since its inception in June 2006.

Residential Substance Abuse Treatment Program (RSAT)

The Department received a \$288,000 grant through the U.S. Department of Justice to implement an on-site, drug treatment program using a “Therapeutic Community” model, at both the D.C. Jail and the CTF. The program entitled, *“Progress Towards Empowerment,”* is comprised of 60 beds (40 males, 20 females) for inmates who have a history of substance abuse and are within 100 days of their release. The fourth Appleseed report credited the Department’s RSAT program with significantly contributing to the District improving its ratings in this category from “C+” to “B.” Approximately 340 inmates voluntarily participated in the program during its first year. The program will be increased by 12 beds for men in fiscal year 2009. The Department’s goal is to provide substance abuse services for up to 500 inmates annually.

Juvenile Population

The Department has forged a highly productive collaboration with the D.C. Public Schools (DCPS) to meet the educational needs of the juvenile population as well as inmates up to 22 of age who have been identified as being in need of special educational services. “The Incarcerated Youth Program,” implemented in fiscal year 2008, provides expanded educational resources and incorporates a host of approaches to address the specific needs of this population. I am pleased to report that our partnership with the DCPS has resulted in the elimination of the J.C. v. Vance lawsuit, which required that both agencies provide special education services to juveniles in DOC custody. With the success of this

undertaking, the Department of Corrections now holds the status of being among city agencies who are completely without court oversight or intervention.

To fully maximize the program's intent while providing a safer, more constructive environment, the Department reconfigured the housing and programming structure of its juvenile population. Last fall, the Department relocated the juvenile population from the D.C. Jail to the CTF, thus offering markedly more availability for education programs, recreational activities and overall physical space. The goal of this unit is to provide adolescents under adult custody with the skills necessary to successfully navigate the contours of life and become constructive members of their communities. Security staff assigned to the unit has undergone special training to enhance their expertise in managing a younger, more energetic, and impulsive offender population.

The DOC began to employ behavior management techniques in the juvenile unit in fiscal year 2008. This modality focuses on the cognitive, emotional, educational, and social needs of this population. The two-tiered level system relies on increasing rewards for the display of positive behavior. All juveniles are afforded the opportunity to actively participate in various activities and volunteer programs but are given additional privileges based upon their conduct. Should an individual violate policies and procedures, he may be returned to a lower level tier where his privileges are lessened.

Community Correctional Centers (Halfway Houses)

The Department's ongoing efforts to promote positive change among those committed to its custody include the benefits of transitioning through halfway house placements. In fiscal year 2008, inmate work release squads in these settings expanded to perform maintenance, nuisance removal and beautification projects at multiple sites throughout the city. Collaboration between government agencies and organizations like the Office of Property Management, Saint Elizabeth's Hospital, D.C Village and the Department of Transportation engaged these services, thereby saving the City thousands of dollars that would otherwise be directed to contractual out sourcing.

Additional Accomplishments

- The Department consistently and significantly contributes to the District's economy through federal reimbursements for felons that are in our custody awaiting transfer to the Bureau of Prisons. The Federal Billing Unit collected more than \$24.5 million of the \$25.9 million invoiced in fiscal year 2008 for the housing of this population. Overall, the Department has collected approximately \$150 million in the past six (6) years. Last fiscal year (07), the Department successfully negotiated an increase in federal reimbursements and now receives \$106.62 per individual each day. This represents a 26 percent (\$22) increase above the previous per diem of \$84.39.
- The Department installed software that allows management and employees the ability to automatically track work hours. Most importantly,

this technology dramatically reduces errors in our payroll resulting from the existing manually driven system.

- The Department introduced the Phaselator to more effectively communicate with the limited and non-English proficient inmates. The Phraselator is a small, hand-held, speech-to-speech device that can translate more than 100,000 preloaded English phrases into more than 40 languages and dialects.
- Implemented Western Union money transfer service for inmates. As a result, inmates receive faster access to their money.
- Completely renovated the Law Library. The Law Library has become totally reliant upon technology software (Lexis-Nexis) for legal research.
- Deployed laptops with software, allowing inmates to conduct legal research in their cells. This gives inmates ample opportunities to conduct legal research, while at the same time, curtails unnecessary inmate movement.
- The Department also upgraded the LiveScan Fingerprint System, which allows the Department to verify inmate identity and to create prints not available in the Metropolitan Police Department database.
- Deployed a web-based facility maintenance system.

Future Goals

The Department of Corrections is improvement oriented. As such, we are always seeking ways to enhance upon our functioning and constantly striving to broaden the number of inmate rehabilitative programs offered within our walls. The top priorities for the agency in the current fiscal year through fiscal year 2010 include:

- ❖ Further reduction of overtime expenditures,
- ❖ Achieving full ACA Accreditation,
- ❖ Expansion of inmate programs for the female population,
- ❖ Implementation of an Inmate Video Visitation Program at the Central Detention Facility,
- ❖ Installation of an Electronic System that will enable Department Officials to communicate with the entire inmate population simultaneously,
- ❖ Installation of Telemedicine capability with the Infirmary, and
- ❖ Collaboration with the Metropolitan Police Department in assisting police officers in the guarding of arrestees who are in need of non-emergency medical attention.

Conclusion

Chairman Mendelson and Committee members, we are exceedingly pleased with the nature and magnitude of the progress that we have achieved this year. While fiscal year 2008 has been a monumental year for the Department of Corrections, our work is far from complete. By this spring, we

expect to hold national accreditation by every correctional accrediting authority in the country. Less than five percent of American correctional systems hold this distinction. The Department is encouraged by the partnerships that it has established with sister agencies, other law enforcement entities, and community organizations that share the same vested interests for administering criminal justice. It is our strong desire that we may continue to develop alliances that support our firm determination to align our goals with the District's objectives of ensuring public safety for those who live, work, and visit the nation's capital while providing innovative, carefully structured, rehabilitative programs and services to those under our custody.

Thank you for the opportunity to testify before you today. I would be pleased to answer any questions that you have at this time.

###