



District of Columbia

COMMUNITY CORRECTIONS FACILITY SITING
ADVISORY COMMISSION

REPORT AND RECOMMENDATIONS

APRIL 15, 2003

TABLE OF CONTENTS

Table of Contents	i
Executive Summary	ii
Introduction	1
I. Activities of the Commission	5
A. Commission Authority.....	5
B. Fact-Finding Process.....	6
II. Background on D.C. Community Corrections Issues	8
A. Unique Aspects of the District of Columbia Criminal Justice System	8
B. The Issue of Prisoner Reentry	9
C. Review of the Literature on Halfway House Efficacy	14
III. Current Requirements, Siting Policies, and Community Concerns	17
A. Halfway House Capacity for Returning D.C. Offenders	17
B. Current Procedure for Siting Halfway Houses in the District	21
1. BOP Contracting Process	21
2. Zoning Regulations and Procedures.....	23
C. Community Concerns about Halfway Houses.....	25
IV. Recommendations	30
A. Recommendations Concerning the Location of Community Corrections Facilities	32
B. Recommendations Concerning the Role of Government Agencies in Determining the Location of Community Corrections Facilities in the District	41
C. Recommendations Concerning Management and Operations of Community Corrections Facilities.....	48
D. Recommendations for Further Study.....	55
Conclusion	59
Bibliography	60
Appendix A – Order 2001-172	63
Appendix B - Members of the District of Columbia Community Corrections Facility Advisory Siting Commission	66
Appendix C - Individuals who Testified at Commission Hearings on December 5, 2002, January 22, 2003, and April 7, 2003	68

District of Columbia
COMMUNITY CORRECTIONS FACILITY SITING ADVISORY COMMISSION

DRAFT REPORT AND RECOMMENDATIONS

EXECUTIVE SUMMARY

The Mayor of the District of Columbia and the Federal Bureau of Prisons (BOP) have each endorsed a policy of giving all offenders an opportunity to spend a period prior to their release from custody in a community corrections facility, also referred to as a halfway house. The Community Corrections Facility Siting Advisory Commission was established by the Mayor to recommend criteria for siting halfway house facilities. This report addresses issues involving where community corrections facilities should be located, as well as more general issues relating to the process by which siting decisions are made, and the operation and management of halfway houses in the District.

The decision to site a halfway house is always controversial, and community concerns are exacerbated by the fact that BOP generally delegates the operation and management of halfway houses, including decisions about where they will be located, to private contractors. The concern that the Commission heard expressed most frequently during the course of its inquiry is that District residents have felt excluded from the process by which community corrections facilities are sited. Residents are also concerned that some Wards, and some neighborhoods within Wards, have been asked to shoulder more than their fair share of the responsibility for the District's community-based residential facilities.

The Commission interpreted its mandate broadly, as encompassing questions about the management and operation of halfway houses and the government's role in administering community corrections policies. This broad view was based on our belief that poorly supervised offenders should not reside in any neighborhood in the District. At the same time, we also believe that well-supervised offenders should be afforded an opportunity to demonstrate their ability to conform their conduct to the law in any area of the city. Community corrections facilities have a direct impact on public safety, in preparing offenders returning home from prison for the challenges of life in the free community. If

administered well, community corrections facilities can help reduce crime and stabilize neighborhoods. If administered poorly, community corrections facilities can have the opposite effect.

Clearly a neighborhood will more readily accept a halfway house if offenders residing there are well supervised and held accountable, and if neighbors are persuaded that the presence of the facility does not threaten public safety. Public acceptance also depends upon there being a formal process by which the community can be informed and involved in siting and other decisions that affect their everyday lives. In the absence of such a process, community opposition to a halfway house is predictable and perhaps inevitable.

We therefore advocate a more hands-on role for government agencies in selecting sites for halfway houses and in ensuring that halfway houses do what they are supposed to do: closely supervise offenders and provide them with the tools they need to become law-abiding members of the District of Columbia community. We also recommend that government agencies give affected citizens a meaningful opportunity to become involved in the process by which decisions are made about the size and location of halfway houses. Finally, we recommend that government agencies find a way to address concerns about the equitable distribution of community corrections facilities within and among Wards.

RECOMMENDATIONS

Recommendation 1: Ensure an equitable distribution of halfway house beds among and within Wards (p. 32)

Offenders come from every Ward and every neighborhood in the City. Responsible government agencies should, to the extent feasible, make efforts to site any new community corrections facilities in Wards that do not now have their fair share of such facilities. Equitably distributing halfway house beds among Wards would go a long toward ensuring that every community bears at least some of the responsibility for helping these offenders make the transition back from prison. Such a policy would also ease the concern of those citizens who feel their Wards are dumping grounds for others' problems.

Recommendation 2: Consider distribution of all community-based residential facilities among Wards and within neighborhoods when siting halfway houses (p. 33)

Efforts to attain the equitable distribution of halfway house beds among the Wards will be meaningful only if consideration is also given to the other community-based residential facilities that create similar impacts on neighborhoods. The Commission therefore recommends that the distribution of all community-based residential facilities throughout the city should be taken into account in siting halfway houses.

Recommendation 3: Consider location of halfway houses within a neighborhood (p. 35)

Consideration should be given to the surrounding attributes of a neighborhood when decisions are made to site a new facility, including neighboring commercial enterprises that may be inconsistent with the goal of supervision, and neighboring institutions that may be concerned about the proximity of a halfway house to community institutions. Other proximity issues that should be taken into account, for the benefit of the returning offender, are transportation and access to employment and social service, and the distance to the offender's home and/or family.

Recommendation 4: Limit the size of facilities (p. 36)

The Commission recommends that halfway houses be limited in size. Both public safety and the goals of reentry are better served by small facilities that blend into a residential area, than by large warehouse-like facilities set apart in isolated commercial districts. Facilities of between 20 and 30 residents should be large enough to support a range of services and programs to residents, and still small enough to ensure intensive, personal supervision of offenders, thus promoting public safety. A large facility has fewer of the beneficial aspects of community life, and is unlikely to become an integral part of any neighborhood.

Recommendation 5: Make optimal use of existing facilities (p. 40)

Excess capacity in existing facilities should be considered as part of a comprehensive plan for siting halfway houses and managing the community corrections program.

Recommendation 6: Give government agencies more direct responsibility for siting decisions (p. 41)

District and federal agencies must take direct responsibility for the goal of equitable distribution of residential facilities, and encourage siting of any new halfway houses in Wards and neighborhoods that currently have none. To the extent the barriers to siting

are economic ones, they could be neutralized through a system of preferences in the contracting process, coupled with governmental efforts to locate and secure suitable sites in Wards that do not presently have any halfway houses.

Recommendation 7: Coordinate and centralize administration of community corrections program (p. 42)

District and federal agencies should establish a coordinated process for sharing information and making recommendations on particular issues affecting the community corrections program in the District, and offender reentry generally. Those recommendations can then be implemented by the particular agency or agencies with legal authority to act in the matter. A politically accountable District official, with sufficient stature and experience to deal credibly with the federal agencies involved, should be appointed to assume primary responsibility for the smooth functioning of this coordinated process.

Recommendation 8: Establish a planning process for siting new facilities that involves the community through the Advisory Neighborhood Commissions (p. 43)

District and federal agencies should establish a formal on-going planning process for siting new community corrections facilities, that includes specific mechanisms for general community participation in siting decisions. Working in conjunction with the affected Advisory Neighborhood Commission, government agencies should inform and consult with the community about the role and operation of halfway houses, and should require halfway house operators to establish a Community Relations Board.

Recommendation 9: Review zoning regulations and procedures to ensure that they facilitate community consideration of siting issues (p. 46)

The Commission recommends that zoning rules and procedures be reviewed as they apply to the siting of halfway houses, in light of its previous conclusions 1) that halfway houses will do their job better if they are integrated into the community rather than shunted to its outskirts; 2) that responsible government agencies should assume more direct control of siting decisions; and 3) that the community should participate in halfway house siting decisions through affected Advisory Neighborhood Commissions.

Recommendation 10: Hold halfway house operators accountable for improved supervision and services (p. 48)

Responsible government agencies should assure implementation of appropriate standards governing offender supervision and accountability, employee qualifications, treatment

programs and other services, and should regularly monitor halfway house operators' performance.

Recommendation 11: Establish mechanisms for ongoing consultation between halfway house operators and the neighboring community (p. 50)

After a halfway house has been sited, government officials should ensure that there are adequate mechanisms for ongoing consultation with the community about the operation and management of the facility.

Recommendation 12: Encourage halfway house residents to perform community service (p. 51)

BOP should ensure that halfway house operators encourage offenders to perform community service in neighborhoods where the facilities are located. Volunteer service to the community will enhance the rehabilitation of offenders and help alleviate community apprehension and improve community support for halfway houses.

Recommendation 13: Make transitional residential placements available to all eligible offenders (p. 53)

BOP should make every effort to ensure that all eligible D.C. Code offenders spend a reasonable period of time prior to their release from custody in living conditions that will provide an opportunity for supervision and services prior to their return to the free community. High-risk and special needs offenders are perhaps in the greatest need of such supervision and services.

Recommendation 14: Sponsor additional research on halfway house effectiveness (p. 54)

CSOSA should include consideration of the effectiveness of halfway house placements in its study of outcomes for offenders released from custody to the community.

Recommendation 15: Reevaluate reliance on private contractors (p. 55)

BOP should give serious consideration to whether the privatization policy it applies in connection with community corrections in the rest of the country is either necessary or appropriate to carry out its broader responsibilities in the District.

Recommendation 16: Establish policy on use of halfway houses for pre-trial detainees (p. 56)

The Mayor and City Council should work with D.C. Superior Court and appropriate criminal justice agencies to determine what role halfway houses should play within the broader framework of its pretrial detention program.

Recommendation 17: Consider greater use of “halfway-back” option for parole violators (p. 58)

Resources should be made available to CSOSA and/or BOP for community corrections placements to reinforce community supervision. A “halfway back” approach for minor violations of supervision seems more likely to lead ultimately to successful reintegration than a solution involving a return to prison.

INTRODUCTION

On December 21, 2001, District of Columbia Mayor Anthony A. Williams issued Executive Order No. 2001-172 (48 D.C. Reg. 11583) establishing a Community Corrections Facility Siting Advisory Commission (“the Commission”). The Mayor’s Order charged the Commission with recommending criteria for the siting of community corrections facilities¹ in the District. The Commission has prepared this Report transmitting its recommendations to the Mayor, and to the Federal Bureau of Prisons and other affected government agencies.

Community corrections facilities are literally a “halfway” step between incarceration and freedom for individuals who have been convicted of criminal activity, but who are nearing the end of their prison term and have been found no longer to require total segregation from society.² Unlike prisons, which are generally located in rural areas, and jails, which are generally secure facilities in less accessible areas of cities, halfway houses are located *in the community*, near the homes of ordinary citizens.

There is a reason halfway houses are located in the community: Within a short time, at the end of their prison sentence, halfway house residents will be *entitled* to live in the community. The halfway house is designed to acclimate prisoners to freedom gradually, in a structured and regulated environment, and to provide them the tools they need to reintegrate into the free community with the goal of reducing recidivism. It is based on the premise that a period of supervised transition from prison to the community enhances public safety and the rehabilitation of offenders. Halfway houses are called “community

¹ “Community corrections facility” is a term that describes the community-based residential facilities for adult criminal offenders that D.C. residents generally call “halfway houses.” The Federal Bureau of Prisons generally refers to its community corrections facilities as Community Corrections Centers. The District of Columbia Zoning regulations characterize these facilities as “Adult Rehabilitative Facilities.” See note 53 *infra*. Throughout this Report, we will use the terms “community corrections facility” and “halfway house” interchangeably.

² This report deals primarily with community-based residential facilities housing offenders returning from prison to home, and occasionally offenders sentenced directly to a custodial term in a halfway house. The practice in the District of housing pre-trial detainees in community-based residential facilities presents rather different issues. The subject of pretrial detention is discussed in Recommendation 15, at pp 55-56, *infra*.

corrections facilities” because they are both “community” settings and “correctional facilities.”

Offenders in halfway houses are still in government custody, and are subject to strict regulations and structured programming, with correctional sanctions for misbehavior. Residents of halfway houses are generally permitted to leave the building to go to a job (or job training) and to obtain social services. But they remain in custody and under supervision, and must account for their whereabouts to facility staff. They are required to return to the residence at a time certain at the end of the day.

The Mayor of the District of Columbia has endorsed a policy of giving all offenders an opportunity to spend a period prior to their release from custody in a community corrections facility.³ The Mayor’s office has determined that returning prisoners should be held accountable and supervised in a structured transitional setting, as opposed to being sent directly home. It is also the policy of the Federal Bureau of Prisons to encourage a placement in transitional housing for returning offenders, “whenever possible.”⁴ These policy decisions raise the question of where these community corrections facilities should be located. The question of location in turn implicates the process by which siting decisions are made, and the operation and management of community corrections facilities in the District.

The decision to site a community corrections facility in any particular location in a community is almost always controversial. On the one hand, it seems self-evident that former prisoners are more likely to adjust well to life outside prison and become law-abiding citizens if they return to the community through a supervised environment in which they receive assistance in finding

³ The Deputy Mayor for Public Safety has told the Commission that “The Administration supports the use halfway houses for offenders returning to the community after a period of incarceration. Halfway houses provide an important controlled, transitional environment in which offenders can establish productive, law abiding lives.”

⁴ See Bureau of Prisons Program Statement 7310.04 (December 16, 1998)(“establishes an operational philosophy for CCC referrals that, whenever possible, eligible inmates are to be released to the community through a CCC, unless there is some impediment as outlined herein.”). See also 18 U.S.C. § 3624(c):

The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment, serves a reasonable part, not to exceed six months, of the last 10 per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner’s reentry into the community.

employment and needed social services. On the other hand, neighbors of a proposed halfway house are concerned that housing a group of ex-offenders in one location increases the risk of crime and other anti-social conduct in the neighborhood, and depresses property values.

Siting community corrections facilities has been an especially divisive subject in the District of Columbia. The District is a relatively small city with a relatively high rate of incarceration. Because of the unique relationship between the federal government and the District, many D.C. prisoners are housed in federal prisons far from the city, where they are likely to have little on-going contact with family members or community institutions. As a result, each year a large number of individuals return from long sentences served in distant prisons to communities in the District with which they may have only attenuated ties. In theory it makes sense to give these prisoners an opportunity to get their bearings gradually in the structured environment of a halfway house. Yet citizens who live near halfway houses have legitimate concerns about the placement, size and operation of these facilities.

During the course of its work, the Commission was made aware of a range of such community concerns; they are summarized in section III-C of this Report. One overarching concern is that District residents feel excluded from *the process* by which community corrections facilities are sited. In some neighborhoods there is a perception that halfway houses have been imposed on the community without an adequate opportunity for public input and debate. This perception is heightened by the fact that most sentenced D.C. Code offenders are now the responsibility of the federal government, so the Federal Bureau of Prisons (“BOP”) is now responsible for the operation of most halfway houses in the District.⁵ But as a federal agency BOP is not directly accountable to D.C. residents or to the District government. Moreover, BOP generally delegates the operation and management of halfway houses, including siting decisions, to private contractors.

In response to community concerns about the process and criteria by which halfway houses are sited, Mayor Williams established this Commission and directed it to make recommendations to him and to BOP. This Report fulfills that mandate.

⁵ The District of Columbia Department of Corrections remains responsible for housing pre-trial detainees and sentenced misdemeanants, some of whom it may place in community corrections facilities. As noted, this report deals primarily with transitional housing for felony offenders returning to the community from federal prisons. *See note 2, supra.*

Section I of the Report describes the activities of the Commission, including its fact-finding process.

Section II of the Report provides background on the issues surrounding community corrections in the District of Columbia.

Section III of the Report surveys current requirements, siting policies, and community concerns relating to halfway house siting.

Section IV of the Report sets forth the Commission's Recommendations to the Mayor, the Bureau of Prisons, and other responsible government agencies.

Perhaps our most important recommendation is that local and federal agencies responsible for administering the community corrections program in the District of Columbia should assume more direct responsibility for carrying out this important government function. Community corrections facilities have a direct impact on public safety. If administered well, community corrections facilities can help reduce crime and stabilize neighborhoods. If administered poorly, community corrections facilities can have the opposite effect. Decisions about the siting and operation of halfway houses are therefore of paramount concern to District residents, and to the District government. But at present, these decisions are made by private contractors with only indirect participation by elected or appointed officials. We advocate a more hands-on role for government agencies in selecting sites for halfway houses and in ensuring that halfway houses do what they are supposed to do: closely supervise offenders and provide them with the tools they need to become law-abiding members of the District of Columbia community.

A corollary recommendation is that government agencies afford affected residents a meaningful opportunity to become involved in the process by which decisions are made about the size and location of halfway houses, through the participation of the affected Advisory Neighborhood Commission in the decision-making process. Even after a siting decision has been made, there should be ongoing communication between the community and those responsible for the management and operation of the facility.

Finally, we recommend that government agencies find a way to address concerns about the equitable distribution of community corrections facilities within and among Wards. There is a strong belief among residents that some Wards, and some neighborhoods within Wards, have been asked to shoulder more than their fair share of the responsibility for the District's community-based residential facilities. We believe that this concern can be addressed only if

government agencies take the more hands-on role in siting decisions recommended above.

I. ACTIVITIES OF THE COMMISSION

A. Commission Authority

Under the terms of Order 2001-172, the Commission consists of seven voting members, four appointed by the Mayor and three appointed by the City Council. In addition, five government officials serve as ex-officio, non-voting members of the Commission: three local officials (the Corporation Counsel and the Directors of the Departments of Corrections and Planning) and two federal officials (the Directors of the Bureau of Prisons and the Court Services and Offender Supervision Agency). The text of Order 2001-172 appears at Appendix A, and a list of the Commissioners, including brief biographies of the voting commissioners, appears at Appendix B.

The Commission held its first meeting on October 31, 2002. The Order contemplates that the Commission submit its report to the Mayor within 90 days of the first meeting, but that deadline has been extended slightly without objection from the Mayor's Office.

The seven voting members of the Commission all serve in a part-time capacity without compensation. We have, however, received valuable research assistance from Lisa Feldman, a Doctoral Research Fellow at the George Washington University Center for Excellence in Municipal Management.⁶

To formulate its recommendations about halfway house site selection criteria, the Commission was directed to consider relevant facts, laws and research about community corrections in the District of Columbia and to take into account "the health, safety and welfare of District residents." We have regarded this last consideration as our primary concern.

⁶ Stewart Rowles, BOP's Administrator for Community Corrections, and Cedric Hendricks, Associate Director for Legislative, Intergovernmental and Public Affairs of the Court Services and Offender Supervision Agency ("CSOSA"), were also particularly helpful and patient in responding to requests for information and advice during the course of the Commission's inquiry.

B. Fact-Finding Process

The Commission's recommendations are based in large part on the fact-finding it has conducted over the course of several months, between the end of October 2002 and March 2003. As directed by the Order, we have consulted extensively with District and Federal agencies possessing correctional management responsibility and expertise. In addition to the five agencies represented on the Commission in an ex-officio capacity, we have consulted with the Office of the Deputy Mayor for Public Safety and Justice, members of the City Council, the judges of the Superior Court, the United States Attorney's Office, the Public Defender Service, the Pretrial Services Agency, the U.S. Parole Commission, and the D.C. Sentencing Commission.

Beyond these ongoing consultations, the Commission held a series of open meetings and public hearings, visited five community corrections centers in the District of Columbia, and received written testimony from members of the public. Each of these aspects of our fact-finding process is described below.

Fact-finding meetings

The Commission began its work by convening a series of three meetings to discuss community corrections issues. The meetings were held at the George Washington University Faculty Club on October 31, 2002, and November 12, 2002, and at the John Wilson Building on December 10, 2002. These were not formal public hearings but rather informal discussions with local and federal officials, judges and other individuals interested in the corrections process in the District. Through these discussions commissioners augmented their own understanding of the history and structure of community corrections in the District of Columbia, and began to frame the issues addressed in this Report.

Site visits

On November 12, 2002, members of the Commission visited five operating community corrections centers in the District of Columbia: Hope Village in Ward 8, Fairview in Ward 6, EFEC ("Efforts from Ex-Convicts") in Ward 2, Community Care and Shaw II in Ward 1. In addition, individual members of the Commission visited other halfway houses on their own at other times, including the site of the new facility to be operated by Bannum, Inc. in Ward 5. At each of the operating facilities Commission members spoke with facility administrators, staff members and residents.

These visits provided Commission members with an opportunity to see firsthand the different types of halfway house facilities that currently operate in the District, and to observe the activities and demeanor of residents and staff. Commissioners gained important insights into the effect of halfway houses on offender rehabilitation and into the relationship between halfway houses and surrounding neighborhoods.

Public hearings and written testimony

The Commission held three public hearings to receive input directly from residents of the District of Columbia. These hearings were held in the Old City Council Chambers at 441 4th Street, NW on December 5, 2002, and January 22, 2003. A draft report was circulated for comment on March 20, 2003, and mailed to all ex-officio members of the Commission and other interested agencies, all ANC Commissioners, and members of the public who had previously expressed interest in the Commission's work. A final public hearing to discuss the Commission's draft report was held on April 7, 2003.

Every member of the public who attended one of the three hearings and requested an opportunity to testify before the Commission was afforded such an opportunity. In addition, the Commission solicited and received written comments from a number of hearing witnesses, interested agencies, and members of the public. Notice of the hearings and the solicitations for written testimony were distributed manually and electronically and appeared in various publications.

A list of hearing witnesses and individuals who submitted written comments appears at Appendix C. The hearings were not recorded or transcribed, but all written testimony is on file with the Commission and is available to the public.

Finally, in addition to the formal and informal fact-finding conducted by the Commission, the recommendations in this report are, of course, informed by the personal experiences of the voting members of the Commission, each of whom has experience working in the criminal justice system or community affairs, or both.

II. BACKGROUND ON D.C. COMMUNITY CORRECTIONS ISSUES

A. Unique Aspects of the District of Columbia Criminal Justice System

The administration of justice in the District of Columbia is unusually complex because of the unique political status of the District. Most state criminal justice systems operate independently of the federal system. A state corrections agency is responsible for housing convicted felons in state-run prisons, and for supervising their return to the community. Until 1997, the District's Department of Corrections ("DCDOC") had this responsibility.

In the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33) ("the Revitalization Act"), Congress assumed federal control and financial responsibility for a number of local governmental functions, including much of the District's correctional system. Over time, all sentenced felons from the District were transferred to the custody of the Federal Bureau of Prisons, and the District-run prison in Lorton, Virginia was closed. A new federal government agency, the Court Services and Offender Supervision Agency ("CSOSA") was established to supervise District inmates released from federal prison. The DCDOC retained responsibility only for supervising pre-trial detainees and sentenced misdemeanants, either in the D.C. jail or in the community.

The District's criminal justice system is also different from state systems insofar as all serious crimes committed by adults are prosecuted by the United States Attorney, rather than by a locally-elected or appointed prosecutor. (The D.C. Corporation Counsel is responsible for prosecuting juveniles.) Further complicating matters, the U.S. Attorney has wide discretion to bring cases in either Federal District Court or D.C. Superior Court, a choice that puts offenders on different tracks for sentencing, parole eligibility and community supervision.

Thus there are two separate adult criminal justice systems in the District, operated separately but both under federal authority. Defendants sentenced to more than a year in either federal court or D.C. Superior Court are sent to federal prisons operated by BOP outside the District. Some federal and Superior Court felons are eligible for parole, depending upon when their offense was committed, and may be paroled by the U.S. Parole Commission. Those convicted of more recent offenses (post-1987 for federal offenders, and post-2000 for D.C. Code offenders) are released from prison upon completion of their prison term, to a term of supervised release. Whatever the terms of their release, federal offenders are supervised after release by the Probation Service of the federal courts, while

Superior Court offenders are supervised after release by CSOSA. Violations of the terms of release for federal offenders are processed either by the Parole Commission (pre-1987 offenses) or the federal courts (post-1987 offenses), and by the Parole Commission for all D.C. Code defendants.

The D.C. Department of Corrections operates the D.C. Jail, which houses pre-trial defendants facing prosecution in either federal district court or D.C. Superior Court, and misdemeanants sentenced to less than a year by either court. DCDOC contracts for a limited number of halfway house beds for pretrial detainees, often using the same contractors and the same facilities as BOP.

The overlapping roles and responsibilities of the various federal and local agencies involved tend to blur lines of accountability, and can be confusing for the average citizen. We will return to this problem in the Recommendations section of this Report.

Of all the numerous government agencies involved in D.C. correctional policy, the Federal Bureau of Prisons has emerged with a leading role because it has custody of all felons sentenced by the federal and local courts to a period of imprisonment. Where D.C. felons were once incarcerated at a locally-run prison 19 miles from Washington, now they are housed in any one of dozens of federal prisons, some thousands of miles from Washington.

B. The Issue of Prisoner Reentry

The Commission recognizes the need for close supervision of offenders returning from prison, and also the need for social services that aid the transition from incarceration to freedom. The time when an offender is relocating from prison to home, the so-called “reentry” period, may provide important opportunities to reduce recidivism and lower crime rates.

This year, 650,000 individuals will be released from prison in the United States, more than 1600 each day. Fifty-five thousand individuals will be released from federal prison in 2003 alone, and more than 2000 of these will be returning home to the District of Columbia. This returning population presents a difficult public safety problem, and has become a subject of nationwide concern. Prisoners today have been incarcerated for longer periods of time, and fewer of them have participated in education and drug treatment programs. Many of them are poorly educated, and many have histories of substance abuse. Typically, they will struggle with the transition from the regimented life of a prisoner to the chaotic, often disorienting life in their old neighborhoods, here

again typically filled both with disappointment and temptation. Some communities are burdened with an especially large number of people returning from prison; generally, these are communities already facing challenges of poverty, crime, and overtaxed social service agencies.

Corrections officials and supervision agencies have recognized the need to develop programs to help returning offenders adjust to their new life in the free community, and to give them both the means and the incentive to rebuild their lives and obey the law. Such programs enhance public safety by reducing recidivism, and by reconnecting the offender to “the institutions of civil society, e.g., the world of work, productive engagement with family and community, attachment to faith institutions, positive interaction with peers, appropriate engagement with social service and public health systems, stable housing, etc.”⁷ During the transition from prison to home, offenders should be given an opportunity to reestablish the social connections that are “the essence of strong families, effective communities, and productive citizenship.”⁸

Public officials are increasingly focused on the issue of prisoner reentry. Law enforcement and social service agencies are working with community groups to develop and implement specific ways to improve prisoner reentry. Reflecting the urgency and magnitude of the reentry issue, the federal government has recently allocated \$100 million to assist states in developing reentry programs and strategies.⁹

Criminologists and researchers are studying “what works, what doesn’t, and what’s promising,”¹⁰ to develop a broad-based strategy to manage the phenomenon of prisoner reentry. Many argue that successful prisoner reentry depends upon the provision of transitional programs and services, including housing, health and substance abuse treatment, and employment, especially

⁷ Jeremy Travis, Testimony before the U.S. House of Representatives Committee on Government Reform Subcommittee of the District of Columbia, July 20, 2001, <http://www.urban.org/url..cfm?ID=900419>.

⁸ *Id.*

⁹ One of these grants is being administered by the Office of the Deputy Mayor for Public Safety and Justice for reentry programs in the District of Columbia.

¹⁰ See R. Seiter & K. Kadela, “Prisoner Reentry: What Works, What Doesn’t and What’s Promising,” Crime and Delinquency, April 2003 (forthcoming). See also L.W. Sherman, et al., “Preventing Crime: What Works, What Doesn’t, What’s Promising,” Research in Brief, Washington, DC: U. S. Department of Justice, National Institute of Justice 1998.

during the first weeks and months of a prisoner's return to the community when the risk of reoffending is greatest.¹¹ Family relationships must be reestablished and community support systems developed, to minimize the possibility that the ex-offender will commit a new crime and returning to prison. The problem of family reunification is particularly acute when an individual has been away from home for more than three or four years. As President Bush acknowledged in his recent State of the Union Address, many children have interacted with their parents only behind prison gates.

Experts seem to agree that placement in a community-based residential facility prior to release provides the best chance for many prisoners to reestablish the connections they need for successful reintegration, especially employment.¹² As criminologist Joan Petersilia has recently written: "No one argues [with the proposition] that public safety would be enhanced if prisoners were provided transitional housing and a 'test period' before moving to freedom in the community."¹³

Correctional policymakers believe that halfway houses are effective in increasing the level of community control and community safety because offenders are released in structured facilities with intensive supervision that they would not receive had they been released directly to the streets.¹⁴ The Federal Bureau of Prisons has endorsed transitional housing for returning offenders as a public safety measure:

CCCs provide an excellent environment for prisoners nearing the end of their sentences. The level of structure and supervision ensures accountability and program opportunities in employment counseling and placement, substance abuse, and daily life skills.

¹¹ See note 2, *supra*.

¹² See, e.g., Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry* (2003); J. Travis, A. L. Solomon & M. Waul, *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry* (2001), www.urban.org/pdfs/from_prison_to_home.pdf.

¹³ Petersilia, *supra* note 13

¹⁴ One example of such pre-release program planning comes from Ohio, where since 1985 inmates within the last six months of their sentence have been transferred to a pre-release center, and given extensive programming on "basic community skills such as how to prepare a resume, search for a job, and respond to a job interview. . . . how to open a bank account and apply for credit, and how to find a place to live." R.A. Wilkinson, "Offender Reentry: A Storm Overdue," *Corrections Management Quarterly*, 2001, 5(3), 46-51 (2001).

One reason for referring an inmate to a CCC is to increase public protection by aiding the transition of the offender into the community. Participating in community-based transitional services may reduce the likelihood of an offender with limited resources from recidivating, whereas an inmate who is released directly from the institution to the community may return to a criminal lifestyle. While clearly dangerous inmates should be separated from the community until completing their sentences, other eligible inmates should generally be referred to CCCs to maximize the chances of successful reintegration into society.”¹⁵

The issue of prisoner reentry in the District has been described as “unique in the nation, both because of the distinctive and changing nature of the institutional arrangements for managing reentry and because of the high level of imprisonment in the District.”¹⁶ The scale of the reentry problem in the District, presents special challenges.¹⁷

In addition, the physical distances separating incarcerated D.C. offenders from their homes present special challenges for offenders seeking to reintegrate in the community and lead a law-abiding life. The reentry process is hard enough in the best of circumstances, since prison life is inherently disorienting, and prisoners are stripped of the ability to manage their affairs or make any independent decisions. For District inmates housed far from home, physical distance makes it hard to maintain family and other community ties, or to make arrangements for post-release employment and social services.¹⁸

¹⁵ BOP Program Statement 7310.04, *supra* note 4.

¹⁶ Jeremy Travis, Testimony before the U.S. House of Representatives Committee on Government Reform Subcommittee of the District of Columbia, July 20, 2001, <http://www.urban.org/url.cfm?ID=900419>.

¹⁷ Jeremy Travis reported in his 2001 House testimony that in 1999 1,314 of every 100,000 District residents were incarcerated, compared to the national average of 476. The number of inmates had increased by 15% in the two preceding years. *See* note 17, *supra*.

¹⁸ Policymakers acknowledged this concern when the Revitalization Act was enacted. In a 1997 Memorandum of Understanding, the Bureau of Prisons set a goal to house all District inmates in federal facilities within a 500-mile radius of the city by March 2002. As of March 2003, over 6,300 DC offenders were housed in at least 54 separate federal institutions across the country. Sixty-nine percent of these were housed within 250 miles of Washington, DC. Twelve percent were housed between 250 and 500 miles away, and 19% were still housed at institutions more than 500 miles away. Even the closest federal prison, in Petersburg, VA, is considerably further away from the District than the Lorton facility was.

Testifying before Congress, Jeremy Travis of the Urban Institute, a nationally recognized criminal justice scholar, commended the District's decision to rely upon community corrections facilities during this transitional period for its returning prisoner population:

The revitalization of the role of halfway houses is consistent with the reality that all prisoners return home. Halfway houses embrace the common sense idea that the process of reintegration is enhanced by bringing prisoners closer to the assets and networks of the community before they are released. . . . In my view, halfway houses represent the right approach for a large number of returning prisoners (although perhaps not all prisoners) and the District is to be commended for developing this capacity.¹⁹

Mr. Travis also recognized the important role played by “transitional interventions” during the pre-release period in the halfway house. CSOSA’s Transitional Intervention for Parole (TIPS) involves risk and needs assessments “to guide the supervision and service plans for individual offenders,” a process ideally involving employment, health, and housing providers. These interventions during the halfway house stay prepare prisoners for further transition to the comprehensive supervision of CSOSA after their release from custody to freedom in the community.

Finally, Mr. Travis pointed to the integral importance of siting issues to the success of halfway house programs:

I recognize that the siting of these facilities raises many issues. The reactions of communities that resist these facilities must be dealt with honestly and openly. Yet I compare the situation here with that in many other states where prisoners are released at bus stations in the middle of the night, with little transitional planning, to communities that are not aware of their return, and I ask whether those communities are better off under those release practices. . . . Moreover, effective reentry principles suggest that transitional facilities need to be located close to the very families, employers, health care providers, social service agencies and faith institutions that are important ingredients

¹⁹ Travis, House Testimony, *supra* note 17

in reconnecting returning prisoners with the necessary support systems. This argues for finding a way to resolve the tensions around siting new facilities.

C. Review of the Literature on Halfway House Efficacy

The Mayor's Order directs the Commission to consider social science evidence of whether halfway houses are effective in easing the transition from prison to home. While we have generally proceeded from the assumption that the District and BOP were already committed to using halfway houses for prisoner reentry,²⁰ we also heard many people ask if halfway houses "work," that is, do they reduce crime? We review some of the relevant research below.

Even though CCCs have been a fixture in American corrections since the 1970s, there have been few empirical studies of their effectiveness in reducing recidivism over time. But the studies that do exist tend to support Jeremy Travis' "common sense" belief that prisoners released from years of incarceration in institutions far from their homes and families are more likely to turn away from future criminality if they are gradually introduced back into the community under close supervision, and if they receive services such as job training, employment referrals and drug treatment in the weeks and months following release.

A study of prisoner releasing practices over a 15-year period in Massachusetts between 1983 and 1997 shows that prisoners released through "pre-release centers" are less likely to recidivate than those released directly to the street.²¹ An evaluation of halfway houses in Ohio published in 1997 showed

²⁰ See notes 3 and 4, *supra*.

²¹ See D. LeClair and S. Guarino-Ghezzi, "Prison Reintegration Programs: An Evaluation," 1997 Corrections Management Quarterly 65, 68 (1997).

The result of the research effort consistently demonstrated a link between the installation of community-based correctional programming and a systematic reduction in the recidivism rate of state prison releases. Research over a 15-year period, involving a cohort of more than 13,000 prison releases has consistently supported these findings.

These results were confirmed again in 1998. See D. LeClair, "Recent Changes in Rate of Recidivism for Release from Massachusetts State Correctional Institutions: An Exploratory Evaluation of Possible Causal Factors" (1998). See also D. LeClair and S. Guarino-Ghezzi, "Does Incapacitation Guarantee Public Safety? Lessons from the Massachusetts Furlough and Prerelease Programs," 8 Justice Quarterly 9 (1991).

that gradual release coupled with services and programming resulted in significantly reduced recidivism rates for medium- and high-risk offenders, compared to offenders released directly to parole supervision.²² A 1994 BOP study found that federal inmates who were released to a half-way house, or who resided after release with their spouse, or who secured employment shortly after release, all had substantially lower recidivism rates.²³

Some of the strongest support for gradual release through halfway houses comes from official sources in Canada. According to reports from the Correctional Service of Canada and the National Parole Board, which keep track of success rates for offenders on various forms of conditional release, offenders released on “day parole”²⁴ are more likely to complete their sentence without incident than offenders released directly to regular parole or without any supervision.²⁵ Over a five-year period, offenders released on day parole had significantly higher successful completion rates (between 81.2% and 83.1%) than offenders released on full parole (65% to 72.8%) or statutory release (56.6% to 60.3%).²⁶ Even among offenders who did not successfully complete periods of conditional release, the majority failed because of a technical violation, not because they commit a new crime.²⁷ In 1999-2000, only 5.6% of offenders were convicted of new offenses while on day parole, and only 0.8% were convicted of violent offenses.²⁸ The Correctional Service of Canada has concluded that “Most

²² See Christopher Lowencamp and Edward LaTessa, Halfway House and Community-Based Facility Evaluation, University of Cincinnati (2002).

²³ See Miles D. Harer, Recidivism Among Federal Prison Releases in 1987: A Preliminary Report, Washington, D.C.: Federal Bureau of Prisons 28-30 (1994).

²⁴ Day parole is a restricted form of release whereby offenders remain in residential custody but are permitted to work and participate in community activities during the day. Most often, offenders become eligible for day parole six months before they become eligible for full parole. Most offenders in halfway houses are there on day parole. See John Howard Society of Alberta, Halfway Houses 2 (2001).

²⁵ See Correctional Service of Canada, Basic Facts About Federal Corrections, Information About Release (2001), http://www.csc-scc.gc.ca/text/faits/facts/facts07_e.shtml.

²⁶ See National Parole Board, 1999-2000 Performance Monitoring Report xi, 15, 89 (2000), http://www.npb-cnrc.gc.ca/reports//pnr_e.pdf. (2001). See also Solicitor General of Canada, Corrections and conditional release statistical overview (2000), <http://www.sgc.gc.ca/Epub/Corr/eStatsNov2000/eStatNov2000.htm>.

²⁷ See Correctional Service of Canada, *supra* note 26.

²⁸ See National Parole Board, *supra* note 27 at 17.

criminals are more likely to become law-abiding citizens if they participate in a program of gradual, supervised release."²⁹

A 1985 study showed that women released through a California halfway house committed on average half the number of new crimes as those in a control group, and the crimes committed by the halfway house group were less severe.³⁰ An evaluation of halfway houses in Ohio published in 1975 showed that halfway house releasees tended to do slightly better than a parolee comparison group at such positive activities as finding and holding a job, being self-supporting, and participation in self-improvement programs, and that they committed fewer and less severe offenses during the first year after release.³¹

Since so many offenders have problems with substance abuse, it is relevant to consider the outcomes for offenders receiving intensive services to treat their addiction. An as-yet unpublished evaluation of Maryland's Break the Cycle program recently completed by the Urban Institute showed that "offenders under supervision with a drug condition who are exposed to relatively high levels of BTC services have a significantly lower risk of recidivism than similar probationers and parolees in non-BTC areas or in areas with lower levels of BTC implementation."³² In a study of parole violators in Hawaii, research found that substance abuse treatment provided the greatest benefit in terms of reducing recidivism and crime.³³ A 1998 study found that community based treatment,

²⁹ See Correctional Service of Canada, Protecting society through community corrections (1995). See also National Parole Board, *supra* note 27 at 88:

There are strong and persistent indications that offenders released on parole (based on risk assessment and discretionary release) are more likely to successfully complete their supervision period than offenders released on statutory release.

³⁰ See D.A. Dowell, et al. "Evaluation of a Halfway House," 13 *Journal of Criminal Justice* 217 (1985). This study argued that economic desperation, prompted by the lack of a place to stay and food to eat upon release from prison, leads to recidivism. It concluded that halfway houses provide a social and economic haven that may allow offenders to gain the skills necessary to reduce the impact of factors prompting crime.

³¹ See R.P. Seiter, "Evaluation Research as a Feedback Mechanism for Criminal Justice Policy Making: A Critical Analysis," Unpublished dissertation, The Ohio State University (1975).

³² Harrell, A.V., A.S. Bhati, J. Roman and B. Parthasarathy, "The Impact Evaluation of the Maryland Break the Cycle Initiative - Initial Findings," The Urban Institute (submitted to the Maryland Governor's Office of Crime Control and Prevention in February 2003).

³³ See Kassebaum, G., Davidson-Coronado, J., Silverio, M., and N. Marker, "Survival on Parole: A Study of Post-Prison Adjustment and the Risk of Returning to Prison in the State of Hawaii,"

provided after release onto parole, functions to reduce rates of re-arrest.³⁴ In addition, there is a decrease in the costs associated with treating substance abuse in a community setting as opposed to re-incarceration. The federal residential drug treatment program, which consists of a 500-hour residential component followed by a six-month halfway house stay, has been shown extremely effective in reducing recidivism.³⁵

III. CURRENT REQUIREMENTS, SITING POLICIES, AND COMMUNITY CONCERNS

A. Halfway House Capacity for Returning D.C. Offenders

When a District of Columbia felony offender comes home from prison, one of three things will happen to him under existing laws and practice:

- Up to six months prior to the expiration of sentence, the prisoner will be transferred from federal prison to a community corrections facility in the District;
- Upon expiration of the sentence the prisoner will be released from federal prison and sent directly home, but with certain conditions of post-release supervision. Typically such an offender is instructed to report to the post-release supervision agency within 72 hours, may receive referrals for employment, education, and social services and has intermittent contact with a supervising officer;

Report of the Social Science Commission (1999). *See also* J. Davidson-Coronado, "Technically Disposed: Parole Violators and Prison Crowding in Hawaii," *The Justice Policy Journal: Analyzing Criminal and Juvenile Justice Issues and Policies*, Vol. 1, Num. 1 (2001).

³⁴ *See* Belenko, S. & J. Peugh, "Fighting Crime by Treating Substance Abuse," *15 Issues in Science and Technology* 53-75 (1998).

³⁵ *See* B. Pelissier, *et al.*, TRIAD Drug Treatment Evaluation Project, Federal Bureau of Prisons (2000). This NIH-funded study found that offenders who completed the residential drug abuse treatment program and were released to the community through a halfway house were substantially less likely to be re-arrested or to be detected for drug use over a three-year period, than similar inmates who did not participate in the drug abuse treatment program. For men, the comparative rearrest rate was 44% to 55%, and for women 24% to 29%; the comparative drug relapse rate was 49% to 58% for men, and 35% to 42% for women.

- Upon expiration of the sentence the prisoner will be released from federal prison and sent directly home, without supervision.

Given these options, the Mayor of the District of Columbia has endorsed a policy of giving all offenders an opportunity spend a period prior to their release from custody in a community corrections facility.³⁶ And as noted above, BOP policy is to place inmates in a halfway house “whenever possible.”³⁷ It is therefore important to review halfway house capacity in the District to determine whether there is a present need to site additional halfway house facilities.

The BOP contends that it does not require additional halfway house beds in the District. In early 2003, BOP informed the Commission that it had sufficient beds under contract to house returning District prisoners for the foreseeable future, and that it did not anticipate the need to initiate any new procurement for halfway house beds. BOP currently has available 370 halfway house beds in six community corrections facilities. As of January 28, 2003, there were 269 inmates occupying those beds.³⁸ In May of 2003, another 150 beds will come on line, bringing the total number of beds under BOP contract to 520.³⁹ The breakdown of population by contractor is shown in the following chart, obtained from BOP:

³⁶ See note 3, *supra*.

³⁷ See note 4, *supra*.

³⁸ On January 13, 2002, this figure stood at 290. The decrease in halfway house placements during the ensuing two-week period is attributed by BOP officials to the impact of the new DOJ policy limiting halfway house placements to the final 10% a prisoner’s term. See note 46, *infra*.

³⁹ BOP also uses bed space at EFEC when available. EFEC operates under contract to DCDOC, a contract on which BOP “piggybacks.” BOP houses certain high risk offenders in EFEC.

Number of Beds	Population	Contractor	Ward
40	41 ⁴⁰	Bureau of Rehabilitation, Inc. (two facilities)	1
50	29	Washington Halfway Homes (two facilities, both female)	6,1
280 ⁴¹	178	Hope Village	8
N/A ⁴²	21	EFEC	2
150	N/A ⁴³	Bannum, Inc.	5
N/A ⁴⁴	N/A	Extended House	6

It is not clear to the Commission what assumptions underlie BOP's conclusion that it currently has sufficient halfway house bedspace. BOP was unable to provide the Commission with exact figures regarding how many D.C. offenders will be returning home from prison in 2003, how many of them are likely to receive a halfway house placement, and how long the average stay in a halfway house is likely to be.⁴⁵ In this regard, the Commission was informed in

⁴⁰ The Bureau of Rehabilitation, Inc. population exceeds the number of beds because of the 41 offenders under BRI supervision, ten are on home confinement. Accountability of offenders on home confinement is provided through "itineraries" that limit where an offender may travel, in-person contacts, required check-in at the halfway house and telephone contacts.

⁴¹ BOP has three separate contracts with Hope Village.

⁴² See note 40, *supra*.

⁴³ Bannum Inc. is scheduled to begin operating its 150-bed facility on May 1, 2003.

⁴⁴ DCDOC contracts with Extended House for housing pre-trial detainees. The Commission understands that this facility is not used by BOP.

⁴⁵ Some additional uncertainty about the need for halfway house beds for returning offenders has been introduced as a result of a recently announced Justice Department policy limiting the authority of the Bureau of Prisons to designate prisoners (including D.C. offenders) to Community Corrections Centers. Previously, BOP generally followed a policy of sending prisoners to a halfway house for the final four to six months of a sentence, without regard to sentence length, under the authority conferred in 18 U.S.C. 3621(b). Now, however, under the new DOJ policy, BOP will be limited in its pre-release community placements to the final 10% of an offender's sentence. See 19 U.S.C. § 3624(c). The new policy will affect the length of halfway house placement for the overwhelming majority of D.C. offenders who are currently serving

January of 2003 that the percentage of D.C. Code offenders receiving a halfway house placement is still well below the national average.⁴⁶

BOP officials have told the Commission that the percentage of releases through halfway houses in the District is below the national average due to a combination of variables, including delays in processing inmate paperwork by private prison contractors, and public safety concerns stemming from offense conduct and criminal history. Additionally, advance release planning is less certain for those D.C. inmates who are parole-eligible because they do not have a fixed release date.

Even accepting BOP's prediction about the likely number of pre-release placements in halfway houses during the next several years, this cannot be the end of the matter since there are a variety of other factors that may affect the need for additional halfway house capacity. Halfway house beds are sometimes used to house individuals other than D.C. prisoners returning home from a prison sentence, including offenders on probation or parole,⁴⁷ and offenders awaiting trial in federal or Superior Court.⁴⁸ Also, judges may sentence misdemeanants or low-level felons directly to a halfway house instead of prison, or they may be transferred there from D.C. jail at some point in their short sentence.⁴⁹ Finally, CSOSA is placing increased reliance on a policy of

sentences of less than 60 months. (The D.C. Sentencing Commission reports that in 2001 89% of D.C. Code offenders were sentenced to 60 months or less, and 79% were sentenced to 36 months or less.) However, it is not clear exactly how this new policy will affect BOP's need for halfway house beds in the District, or the District's reentry program generally. Given that BOP calculates the average length of a pre-release halfway house placement for D.C. prisoners at between 90 and 120 days, it appears that it is likely to result in shorter stays primarily for offenders serving a sentence of less than thirty months.

⁴⁶ BOP reported to the Commission in the fall of 2002 that only 46% of D.C. prisoners were given a pre-release halfway house placement, in contrast to a nationwide average of 75%. During the fourth quarter of 2002 that figure increased to 65%, so it would appear that the Bureau's use of halfway houses for prisoners returning home to the District is increasing.

⁴⁷ The U.S. Parole Commission may condition an offender's parole upon a period of time spent in a halfway house, just as a court may condition probation or supervised release. The Commission understands that these so-called "halfway back" placements may increase in the near future. In addition, the District of Columbia Sentencing Commission is considering "intermediate punishments" as it promulgates sentencing guidelines.

⁴⁸ The use of halfway houses for pretrial detainees is addressed in Recommendation 15, at p. 55-56 *infra*.

⁴⁹ At the time this report was prepared there were a small group of D.C. offenders were had been sent directly to a community corrections facility to serve what would otherwise have been a

“intermediate sanctions” for technical violations of parole or supervised release, a policy that is becoming more common among probation agencies nationwide. This “halfway back” population can be expected to increase in coming years.⁵⁰

Even if the Bureau’s population projections are accurate, so that there is no need for additional halfway house beds in the immediate future and thus no present need to select new sites, the Commission has not abandoned the task assigned to us. Since BOP contracts with private halfway house providers are for a limited term, we assume that our recommendations will be useful as BOP considers the renewal of existing contracts or the opening of a new facility. The Commission therefore sought to understand the process by which halfway houses are currently sited in the District, and determined to make recommendations for improving that process.

B. Current Procedure for Siting Halfway Houses in the District

1. *BOP Contracting Process*

All BOP community corrections facilities in the District are presently operated by private contractors, in accordance with that agency’s longstanding national practice. Perhaps the most significant fact about BOP’s contracting process for present purposes is that siting decisions are left largely in the hands of private contractors. This system may be satisfactory in other cities because elsewhere BOP needs enough halfway house beds to place returning federal prisoners only. In the District, where BOP is responsible for all returning prisoners, its facilities requirements are of a different order of magnitude, and the resulting siting issues are correspondingly more troublesome and widespread. Given the charged political atmosphere in this relatively small community, there is a serious question whether BOP’s customary passivity on questions of siting is appropriate.⁵¹ We will return to this issue in the Recommendations section of the Report.

prison sentences. In light of the new Justice Department policy forbidding direct BOP designations, *see* note 46 *supra*, it seems unlikely that this group will be a factor in the future.

⁵⁰ *See* Recommendation 16, *infra*, for a discussion of the “halfway back” issue.

⁵¹ BOP informed the Commission that, in response to community concerns about equitable siting of halfway houses among Wards, in 2001 it specifically published an RFP for a halfway house in Wards 2, 3 and 7, where there are presently no community corrections facilities. However, BOP received no bids it considered acceptable.

The BOP contracting process works as follows. When BOP proposes to open a new halfway house in the District, it provides written notification to the Mayor and City Council of its intent to solicit bids, and encourages comments and feedback. It then posts on the internet a Request for Proposals (RFP) at www.FedBizOpps.gov, to which offerors are typically given 60 days to respond. The RFP contains a Statement of Work describing the technical requirements that must be included in any contract proposal. Any company wishing to be considered for the contract may submit a written proposal indicating how it plans to meet the requirements set forth in the Statement of Work. A bidder is required by BOP procurement protocol to notify the Mayor, the City Council and the Chief of Police of its intent to open a halfway house in the area, and these officials are encouraged to contact the BOP contracting officer with questions, concerns, or comments. BOP generally receives no more than three bids in response to each RFP.

After a bid has been received, a BOP team, usually consisting of one contract oversight staff member and a staff member with life/safety experience, conducts a pre-site inspection of the proposed facility location. This inspection determines compliance with local safety, occupancy, and zoning regulations, and assesses the physical suitability of the structure. The BOP inspection team also reviews access to public transportation and the proximity of proposed facilities to schools, head-start programs, day care centers and other similar community institutions.

The written technical proposals and the pre-site inspections are then evaluated by a technical panel that considers the cost of the proposal, each bidder's past performance, the quality of proposed program offerings and facility management, and each bidder's efforts to establish community support for the proposed facility. This final element may include a review of community petitions, citizen letters, minutes from community group meetings, and other expressions of community support (or opposition). Comments from elected officials, law enforcement, and the community at large are considered during this technical evaluation phase of the procurement. The technical panel determines which proposals fall within a competitive range, and the contracting officer then negotiates with bidders to determine the best offer. After additional levels of internal review, BOP awards a contract.

BOP requires the selected contractor to provide proof of compliance with all zoning restrictions and regulations before a new facility can be opened. (The process for obtaining zoning approval is described below.) Contractors are required to perform background checks on all staff and BOP conducts a formal

criminal history review of each employee. The BOP contracting process generally takes approximately 14 months from start to finish. Contracts are usually awarded for two years initially, and can be renewed on a yearly basis for up to three more years.

BOP conducts on-going monitoring of existing contractors. "Full monitoring" must occur no less than sixty and no more than ninety days after contract performance begins, and involves a top-to-bottom review of the procedures, performance, and operations of contractors. Thereafter, additional full monitoring occurs every twelve months for facilities with over fifteen residents and every eighteen months for facilities with fifteen or fewer residents. "Interim monitoring" is targeted to review special purpose issues or concerns with contractors, and must occur every six months.

A full monitoring takes place over several days and includes inspections after regular business hours, reviews of contractor record keeping and staff, facility conditions, and compliance with contract programming requirements. BOP's contracts all require that residents be employed or in job training, that they receive help in locating housing, substance abuse testing and treatment. They also require each contractor to establish disciplinary procedures for residents.

It is not clear to the Commission what weight BOP gives to community support (or opposition) in reaching its decision to award a contract. Nor is it clear whether BOP believes it has any responsibility to communicate with the community, or otherwise become directly involved in discussions between the bidder and the community at any point in the procurement process. BOP apparently believes that federal procurement law require it to maintain such a hands-off posture. It does appear that BOP makes some effort to communicate with the community once a contract has been awarded, either to intercede in disputes on behalf of its contractor or to try to mediate them. It may be, however, that this sort of after-the-fact intervention is too little too late, and that the critical time for dealing with the community is far earlier in the process.

2. Zoning Regulations and Procedures

BOP requires prospective contractors to have obtained zoning approval for a particular facility before it will award a contract. This hands-off policy leaves contractors entirely on their own to deal with a process that is notoriously difficult to navigate in any city, and nowhere more so than in the District.

The zoning process itself is fairly straight-forward. The District of Columbia Zoning Commission is responsible for establishing the zoning rules and regulations in the city and, along with the BZA, enforces those rules and regulations. The Zoning Commission has divided the city into districts that range on a continuum from purely residential (R-1 to R-5) to a mixture of residential and commercial (CR, C-1 to C-5) to purely commercial areas (CM and M), as well as some special use districts (SP,W). Each type of zoning district permits different uses and is governed by distinct rules.

The District's zoning regulations impose varying restrictions on different types of community-based residential facilities.⁵² Some CBRFs are permitted to locate as a matter of right in residential areas, and some are not. Halfway houses ("adult rehabilitation centers"), along with juvenile correctional facilities and substance abuse centers, are subject to the stricter limitations. Community corrections facilities must always obtain a "special exception" from the Board of Zoning Adjustment ("BZA") if they are to be located in any but the most heavily commercial districts of the city. In addition, any proposed community corrections facility that exceeds a particular population cap defining a "use predeemed acceptable" (between eight and 20 residents, depending upon the zone) must in addition obtain a "variance."⁵³

Even where a halfway house facility is permitted to locate in a commercial zone as a matter of right, the operator must still obtain a certificate of occupancy from the Zoning Administrator, and this may be subject to appeal to the BZA.⁵⁴ Like all CBRFs, halfway houses must also comply with spacing limitations regulating the distances permitted between the homes and other CBRFs. A variety of other certifications and licenses may be required before operation is authorized.

⁵² See Zoning Commission Order No. 347, Case No. 78-12 (July 9, 1981). This order identifies seven categories of CBRFs: adult rehabilitation homes (a slightly euphemistic term for community corrections facilities or halfway houses), community residence facilities (a term that evidently includes group homes for the elderly and for the mentally disabled), emergency shelters, health care facilities, substance abusers homes, youth rehabilitation homes, and youth residential homes. Under the zoning regulations, each of these categories is subject to a different regulatory scheme.

⁵³ The caps defining a "use predeemed acceptable" may be unrealistically low, in light of the services and programs BOP requires an operator to provide. As a practical matter, it may be financially impossible for a halfway house to comply with BOP requirements with a population of less than 20, which means that halfway houses will usually have to meet the higher standard required for a variance (except of course in commercial districts C-3 through C-5).

⁵⁴ See, e.g., note 58, *infra*.

In order to obtain a special exception from the BZA, operators must show that there is no adverse impact on the community because of the proposed facility. Among the adverse impacts considered are noise, traffic, parking and other similar problems posed by locating the proposed facility in the neighborhood. Operators must also show that the physical facility itself and its operations would not impair the goals of the zoning regulations by demonstrating that the proposed use would be generally in harmony with the surrounding neighborhood. In order to obtain a variance to exceed the specified population cap, an operator must prove “practical difficulty” (e.g., inability to provide adequate programming with fewer residents).

A halfway house operator seeking a special exception and variance must file an application for a special exception with the BZA and include a list of properties within 200 feet of the proposed facility.⁵⁵ Notice of the application, including the date of the public hearing to consider it, is mailed 40 days before the date of the hearing to each of the neighboring properties, a notice is posted in the nearest library, and a plaque is posted on the property itself. Notice is also routinely sent to the affected Advisory Neighborhood Commission, which is invited to submit a written recommendation no later than seven days before the hearing. At the hearing, the ANC is encouraged to present its position on the proposal, and others either supporting or opposed to the proposal are also given an opportunity to express their concerns. In reaching its decision, the BZA gives “great weight” to the ANC’s views. The entire process takes approximately four months from the time the application is filed until the BZA issues its decision.

C. Community Concerns About Halfway Houses

During its public meetings and hearings and in written testimony, the Commission heard significant community concern about a variety of issues surrounding the siting, management, and operations of halfway houses in the District of Columbia. While few people opposed halfway houses in principle, there were many objections to particular aspects of the halfway house program. Moreover, a number of people voiced dissatisfaction with the response of local and federal agencies to their concerns. Some common themes emerged from the community input, which we discuss below.

⁵⁵ The description of BZA procedures is taken from the BZA Rules of Practice and Procedure, ch. 31, Title 11 of the D.C. Code (Zoning).

➤ ***Unequal Distribution Within and Among Wards***

One of the most frequently expressed complaints is that halfway houses (or halfway house beds) are not fairly distributed throughout all of the Wards in the District of Columbia. Residents similarly voiced frustration that facilities are concentrated only in certain neighborhoods within Wards, and that these communities experience the impact of halfway houses disproportionately.

Many witnesses did not distinguish between correctional halfway houses and other community-based residential facilities (“CBRFs”) such as homeless shelters and juvenile facilities. But residents, community leaders, and elected representatives alike believed that their communities are burdened with an unfair share of CBRFs of all types. In particular, residents who live east of Rock Creek Park feel that their communities currently host a disproportionate number of “group homes.”

Many complained that their communities are dumping grounds for social welfare facilities, and that halfway houses inhibit the healthy development of already troubled neighborhoods. Some felt that halfway houses undermine the goal of encouraging home ownership, expanding the tax base, and developing stable communities. Residents repeatedly urged the Commission to recommend that halfway houses (or halfway house beds) be distributed fairly throughout the District and not be concentrated in any neighborhood, particularly those already suffering high rates of crime, unemployment, and other urban ills.

➤ ***Halfway House Location***

Community members and officials who testified before the Commission or presented written statements felt that halfway houses should not be located near vulnerable populations who could be victimized or intimidated by returning inmates. In particular, they expressed concern that halfway houses not be placed near schools, day care centers, youth programs, senior citizens housing or programs, or services for the mentally ill or disabled.⁵⁶

⁵⁶ The Commission heard about community opposition to a proposed adult halfway house across the street from a public elementary school in Ward 1. The operator planned to convert the site of a former juvenile community corrections center into an adult facility until neighbors attracted the attention of the United States Attorney General. The Attorney General reversed the preliminary agreement between the BOP and the contractor for this facility.

Residents also strongly urged the Commission to recommend that halfway houses not be established near liquor stores or open-air drug markets, or in areas of prostitution. They argued that these locations would pose unreasonable temptations to returning offenders and lead to antisocial behavior, recidivism, and more crime in their neighborhoods.

Some community members suggested that the Commission recommend rules mandating the separation of halfway houses by specific distances from institutions such as schools, day care centers and housing for seniors; liquor stores and other similar establishments; and existing community based residential facilities.

The Commission heard differing views about the types of neighborhoods that should host halfway houses. A few people felt strongly that halfway houses should not be located in residential neighborhoods, and that halfway houses are not compatible with residential, family neighborhoods. A larger number expressed concern about locating halfway houses in strictly commercial areas, particularly isolated warehouse districts. Numerous people, particularly residents of Ward 5, were distressed about the location of the new facility operated by Bannum, Inc., which is slated to open in May 2003. Their concerns centered around the new facility's large size (described by one neighbor as a "halfway hotel"), and on its location in a remote, commercial area, near an open-air drug market and an area known for prostitution.

➤ ***Community Notice and Participation***

Community members and ANC Commissioners who testified before the Commission or submitted written comments believe that residents have little voice in the process for siting of halfway houses within the District of Columbia. Residents feel as if little effort has been made to inform and involve the community when new facilities are proposed, and when specific locations are being considered. Several community members pointed with dismay to the lack of community notice or any chance to comment on the new 150- bed facility in Ward 5 until after the contractor and the proposed site had been selected.

Community members recommended with near unanimity that government officials and proposed contractors notify the affected Advisory Neighborhood Commission in advance of any proposal to locate a halfway house in a neighborhood. Some suggested that all residents within a particular radius of a proposed facility should receive advance notice, and some said that public placards should be prominently posted in the community in a manner similar to notices concerning the applications for liquor licenses.

Several people testified that at least one operator had reneged on commitments made to the community during the contracting phase, once BOP had awarded the contract. They urged the Commission to recommend to BOP that contractors be required to live up to their community commitments, and recommended that these agreements be formally incorporated into any contracts.

Another common theme at the Commission's public hearings involved the community relations boards established by most, if not all, halfway house operators to interact with their neighborhoods. Community members suggested that ordinarily the members of the community relations boards were handpicked by the operators, reducing their effectiveness. They suggested that the Advisory Neighborhood Commission and other community leaders play a role in selecting some board members in order to promote a more balanced dialogue with the community.

➤ ***Public Safety Risk***

Some residents testified that halfway houses are a public safety risk and that they do not want offenders in their neighborhoods under any circumstances. One person described being assaulted by a former inmate who was residing in a community-based residential facility (although it later developed that this was not a resident of a community corrections halfway house).

Most people appearing before the Commission, while concerned about the risk of having groups of offenders living in their neighborhoods, were receptive to the idea of permitting offenders to return gradually to the community through halfway houses, rather than being released directly into the community from prison. Their overwhelming concern was that the facilities should be well-run and the residents properly supervised. They indicated that they would feel more comfortable with a facility in their neighborhood if they could be assured of increased supervision and programmatic opportunities for residents of the facilities.

➤ ***Halfway House Management***

Over and over, the Commission heard from members of the community that they would be more receptive to halfway houses in their neighborhoods if the facilities had well-trained and qualified staff, and were properly managed. Community members supported improved employment, medical, substance abuse, and other support programs to provide returning inmates a real chance to succeed upon their release.

Most importantly, community members urged that halfway house residents be tightly supervised to reduce the risk to and minimize the burdens on their communities. Some perceived that BOP standards for facility management were not being enforced, and urged that contractors be required to comply with such rules as a condition of continuing to operate. They urged that facilities be required to regularly renew their contracts, and that the renewal process be open to the public and responsive to concerns of the community.

➤ ***Government Planning and Oversight of Halfway Houses***

Community leaders and residents wanted government officials to play a more active role in all aspects of halfway house planning and operations. Residents believed that the consequences flowing from decisions concerning halfway houses were too important to be left in the hands of private contractors. In this vein, residents wanted government involvement in locating halfway houses fairly throughout the District and in areas where they would not exacerbate neighborhood problems. They repeatedly expressed a preference for smaller facilities and urged government oversight of halfway house operations.

Residents and their representatives urged that the contract procurement process be transparent and responsive to community concerns. Some who testified believed that improved community support for halfway houses should be contingent on empirical validation of claims that halfway houses are effective in rehabilitating offenders and do not harm the communities that host them. Several people were concerned that mixing pre-trial halfway house residents with returning inmates is detrimental because these two populations have differing needs and pose different risks.

Halfway house operators who testified suggested the government provide additional support to the offenders who reside in halfway houses by improving and expanding treatment services. One halfway house contractor who testified felt government officials should honor past zoning, policy or other regulatory decisions rather than succumb to community pressure to drive away facilities.

➤ ***Zoning Procedures***

A number of people who testified expressed concern about current zoning and planning procedures, particularly in relation to a large facility that has recently been sited in a commercial area in Ward 5. They were concerned that this site provides little access to public transportation, community services

and opportunities. They also wondered how such a facility could have qualified for zoning approval without a public hearing.⁵⁷

Some people suggested that zoning procedures should mandate notice to ANC Commissioners of proposed halfway houses as a formal part of the zoning process. They urged that all proposed halfway house facilities, regardless of where they are located or how many residents they might have, be required to go through a formal zoning hearing process and obtain approval before being permitted to operate. Many requested that zoning considerations include the proximity of the proposed facility to vulnerable groups and areas of negative influence. One written comment suggested that there should be separate zoning standards for pre-trial facilities and those serving returning offenders.

IV. RECOMMENDATIONS

Executive Order 2001-172 directs the Commission to formulate recommendations concerning criteria for siting halfway houses. Our recommendations are directed to both the District Government and the federal agencies responsible for corrections and reentry in the District, in particular the Federal Bureau of Prisons.

The Commission interpreted its mandate broadly to encompass questions about the management and operation of halfway houses and the government's role in administering community corrections policies. This broad view is based on our belief that poorly supervised offenders should not reside in any neighborhood in the District. At the same time, we also believe that well-supervised offenders should be afforded an opportunity to demonstrate their ability to conform their conduct to the law in any neighborhood. Clearly the public will more readily accept siting of a halfway house in a neighborhood if offenders and detainees residing in a community corrections facility are well supervised and held accountable, and the public is persuaded that the presence of the facility does not threaten public safety.

Public acceptance also depends upon there being a meaningful process by which the public is informed and may become involved in decisions that affect the life of a neighborhood. In the absence of such a process, community opposition is predictable and perhaps inevitable.

⁵⁷ At the time this report was prepared, an appeal of the Zoning Administrator's decision to permit the siting of this facility was pending before the BZA.

Finally, none of our siting recommendations can be adequately implemented in the current system because there is no coordinated governmental process for dealing with community corrections. The District government, BOP, and other government agencies have been content to place day-to-day operational responsibility for the community corrections program in the hands of private contractors, so that it is hard to hold public officials directly accountable for ensuring that halfway houses are operated in a manner that enhances public safety and public confidence through better supervision of offenders.

Our recommendations are grouped thematically:

- Recommendations 1 to 5 concern the physical location of halfway houses
- Recommendations 6 to 9 concern the role of government agencies in determining the location of community corrections facilities in the District
- Recommendations 10 to 13 concern the management and operation of community corrections facilities
- Recommendations 14 to 17 concern issues the Commission believes warrant further study

We want to emphasize that the order in which our recommendations appear below should not be understood to reflect our view of their relative importance. As noted previously, we believe that our most important recommendations relate to the role of government agencies in the selection of sites for halfway houses (discussed primarily in Recommendations 6 and 7), and to the participation of affected residents, through the Advisory Neighborhood Commission structure, in the decision-making process (discussed primarily in Recommendation 8). We lead off with a series of recommendations concerning physical location because this seemed most directly germane to our core responsibility, and because the concept of “Ward equity” discussed in Recommendation 1 is a predicate for many of the subsequent recommendations.

A. Recommendations Concerning the Location of Community Corrections Facilities

Recommendation 1: Ensure equitable distribution of halfway house beds among and within Wards.

Offenders come from every Ward and every neighborhood in the City. Responsible government agencies should, to the extent feasible, make efforts to site any new community corrections facilities in Wards that do not now have their fair share of such facilities. Equitably distributing halfway house beds among Wards would go a long toward ensuring that every community bears at least some of the responsibility for helping these offenders make the transition back from prison. Such a policy would also ease the concern of those citizens who feel their Wards are dumping grounds for others' problems.

Although community sentiment is generally supportive of well-run, accountable halfway houses, halfway houses are at least perceived to impose a burden on the neighborhoods in which they are located. Rightly or wrongly, residents view returning offenders living in their communities as potential safety risks, and perceive that halfway houses impact the character of their neighborhoods in other negative ways as well.

Currently, the seven operating halfway houses and the one facility that is scheduled to open in May 2003 are located in Wards 1, 2, 5, 6 and 8. Wards 3, 4 and 7 presently have no adult community corrections facilities. Yet, as the chart below shows, offenders come from every Ward and every neighborhood in the City. Equitably distributing halfway house beds among Wards would guarantee that every community bear at least some of the responsibility for helping these offenders make the transition back from prison. Such a policy would also expand access to employment and treatment opportunities for halfway house residents. Equitable distribution would be an important step in easing the concern of those residents who feel their Wards are dumping grounds for others' problems. In short, the equitable distribution of halfway house beds is vital to developing community support for transitional housing programs for offenders.

Estimated Distribution of New Offenders by Supervision Type and Ward, April-October 2002⁵⁸

	Parole	Probation	Parole/ Probation	Ward Total*
Ward 1	3%	8%	0%	11%
Ward 2	1%	3%	0%	5%
Ward 3	0%	1%	0%	2%
Ward 4	3%	8%	0%	10%
Ward 5	6%	11%	1%	17%
Ward 6	4%	7%	0%	11%
Ward 7	4%	14%	1%	19%
Ward 8	6%	17%	1%	23%
Not Geocoded	0%	1%	0%	2%
Total, Apr-Oct 2002	27%	70%	3%	100%

Recommendation 2: Consider distribution of all community-based residential facilities among Wards and within neighborhoods when siting halfway houses

Efforts to attain the equal distribution of halfway house beds among the Wards will be meaningful only if consideration is also given to the other community-based residential facilities that create similar impacts on neighborhoods. The Commission therefore recommends that the distribution of all community-based residential facilities throughout the city should be taken into account in siting community corrections facilities.

In the course of its fact-finding, the Commission found that members of the public often do not distinguish between halfway houses and other community-based residential facilities (“CBRFs”), and tend to regard many of these facilities as interchangeable. This community perception has some justification. The people served by homeless shelters, residential substance abuse treatment centers, mental health treatment programs, and other similar group homes often include ex-offenders or individuals with pending criminal charges. Since the populations of these facilities tend to overlap, the impact on neighborhoods of halfway houses and other community-based group homes is substantially similar.

⁵⁸ The chart showing distribution of new offenders was provided by CSOSA, and prepared based on addresses given at time of placement on parole or probation supervision.

There currently exists a significant disparity in the distribution of community-based residential facilities among the Wards. For example, Ward 4 has nearly five times as many CBRFs as Ward 3, and nearly three times as many as Ward 8. The following Table shows the distribution of CBRFs throughout D.C. as of June, 2002.

Community based residential facilities.

FACILITY	WARD								Total
	1	2	3	4	5	6	7	8	
Adult Rehabilitative	2	2	0	0	1	2	0	1	8
Child Family Services	9	11	3	16	11	14	5	0	69
Emergency Shelter	10	27	4	6	0	8	1	1	57
Mental Health	11	16	6	35	18	31	20	20	157
Mental Retardation	12	5	14	60	26	19	28	15	179
Substance Abuse	0	1	0	0	2	9	0	3	15
Youth Services Admin	6	1	0	3	1	4	0	1	16
Total	50	63	27	120	59	87	54	41	501

The Commission does not intend to propose a specific way of measuring comparative burden in order to determine a particular Ward's "equitable" share of CBRFs. We note, however, that the number of facilities in a Ward or neighborhood alone will rarely be a fair measure of the resulting burden, since facilities vary widely in size and function. For example, it is plain that the burden on Ward 8 imposed by the 360-bed Hope Village is considerably greater than the burden on Ward 2 imposed by the 21-bed EFEC, much less the burden imposed by a single 6-bed group home for the elderly. Nonetheless, the aggregate impact of all group homes in a neighborhood should be taken into account in siting new facilities.

The Commission further recommends that in considering the siting of halfway houses within a ward, government officials should take into account the prospective site's proximity to other CBRFs in the Ward and should strive to avoid the undue concentration of halfway houses and CBRFs in any particular neighborhood.

Although discussions of social issues in D.C. often include comparisons Ward by Ward, the Commission found, in listening to residents' concerns about halfway houses, that people identified most with their own neighborhoods.⁵⁹ Residents perceive that hosting halfway houses and similar institutions in their communities comes at a price. Generally, the public seems willing to accept that price as long as their neighborhoods do not become overwhelmed by these facilities and so long as they see that all sectors of society are making comparable commitments. The Commission believes that just as no Ward should bear the brunt of the burden of reintegrating offenders into the community, no neighborhood should shoulder a disproportionate share of the responsibility for helping prisoners make the transition from prison to home.

Recommendation 6 offers some specific suggestions about how the government could ameliorate the problem of Ward inequity by taking a more proactive role in siting decisions.

Recommendation 3: Consider location of halfway houses within a neighborhood

Consideration should be given to the surrounding attributes of a neighborhood when decisions are made to site a new facility, including neighboring commercial enterprises that may be inconsistent with the goal of supervision, and neighboring institutions that may be concerned about the proximity of a halfway house to community institutions. Other proximity issues that should be taken into account, for the benefit of the returning offender, are transportation and access to employment and social service, and the distance to the offender's home and/or family.

The Commission recommends that consideration should be given to the surrounding attributes of a neighborhood when decisions are made to site a new facility, including:

- Neighboring legal commercial enterprises that may be inconsistent with the goal of supervision, such as liquor stores and illegal enterprises, open air drug markets and areas of prostitution; and
- Neighboring institutions that may be concerned about the proximity of a halfway house to community institutions, such as schools, senior

⁵⁹ See Appendix C for a list of community representatives who testified at one of the Commission's public hearings, and identified themselves with a particular neighborhood in the District.

citizen complexes, day care centers, and other existing community based residential facilities.

The Commission does not believe that arbitrary distances are necessarily the best or only way to measure the appropriateness of a particular halfway house location. For example, Fairview is located right next door to a Charter School in Ward 6, and an exterior wall of the halfway house serves as a backstop for ball games at recess. To our knowledge, there have been no complaints about this situation either from or about residents, and we understand that the Director of the Charter School serves on the Fairview's community advisory board. While this may or may not be, as one attendee a Commission hearing remarked, because Fairview is a women's facility, it simply points up the problems with arbitrary rules that purport to apply mechanically to all halfway houses. We believe that responsible officials can and should exercise their best judgment about when the proximity of other commercial enterprises or institutions poses an inappropriate risk either to the residents of the community or residents of the halfway house.

Other proximity issues that should be taken into account are:

- Transportation and access to employment and social services
- The distance to the offender's home and/or family.

BOP has stated that the District is small enough, and its public transportation efficient enough, that almost any location is easily accessible from any other. But this is not clear to the Commission. Indeed, among the concerns expressed about the new Bannum facility in Ward 5 is precisely that it is located in an isolated area, far from public transportation. Since the goal of a halfway house placement is precisely to facilitate reintegration into the community, the Commission believes that facilities must be conveniently accessible to public transportation.

Recommendation 4: Limit the size of facilities

The Commission recommends that community corrections facilities be limited in size. Both public safety and the goals of reentry are better served by small facilities that blend into a residential area, than by large warehouse-like facilities set apart in isolated commercial districts. Facilities of between 20 and 30 residents should be large enough to

support a range of services and programs to residents, and still small enough to ensure intensive, personal supervision of offenders, thus promoting public safety. A large facility has fewer of the beneficial aspects of community life, and is unlikely to become an integral part of any neighborhood.

The Commission urges that in the future community corrections facilities be limited in size to something approximating a residence, as opposed to a dormitory or barracks. While the Commission hesitates to recommend a specific size, it does seem that facilities accommodating between 20 and 30 residents are large enough to be able to support a range of services and programs for residents, and still small enough to ensure intensive, personal supervision of offenders, thus promoting public safety. Assuming no change in current zoning regulations, new facilities in this range would still be required to obtain a special exception and variance from the Board of Zoning Adjustment when proposed for residential communities.

During the course of its fact-finding, the Commission heard many concerns expressed by residents about the size of community corrections facilities, including in particular the new Bannum facility in Ward 5 that will house 150 offenders. While little or no research has been done on the optimum size for halfway houses for offenders, and officials were reluctant to opine on the advantages and disadvantages of smaller versus larger facilities, to the community or to the offenders residing in them, members of the community who testified at the Commission's two public hearings did not hesitate in advocating smaller facilities.

It seems to the Commission simply a matter of common sense that smaller facilities that replicate a residential experience are more likely to prepare offenders to resume the responsibilities of living in community. They also seem likely to provide better security and accountability to the community. A large facility may necessarily function more as a sort of camp than as a residence, and have fewer of the beneficial aspects of community life. It is unlikely to become an integral part of any neighborhood.

The Commission's site visit to Community Care and Shaw II in Ward 1 provided an opportunity to see how a small halfway house can function as a community for those who reside there, and be physically integrated into a residential area. Both facilities appeared to offer their residents a home-like environment that could help them develop behaviors appropriate to life in the free community. Yet both also appeared to provide enough regulation to minimize the inevitable disruptions of a group home, and remind its residents that they are still in custody.

Purely as a physical matter, both facilities blend into the surrounding neighborhood, and their residents appear encouraged to do likewise. At Shaw II Commissioners attended an evening house meeting and dinner at which residents had an opportunity to interact with one another and with their visitors freely. Many expressed appreciation for the counseling and other services they had received through the facility. One man said he had never before been asked what he wanted to do. At one of the Commission's public hearings, a resident of Shaw II described how he and his fellow residents had that very morning shoveled snow from the sidewalks all up and down their block.

While small facilities may have some advantages in terms of developing a sense of community, facilities must also be large enough to provide a full range of necessary services, including such things as drug testing and counseling, in an economical fashion. Larger facilities can achieve economies of scale in staff and programs that may not be possible for smaller facilities. It is understandable that contractors might prefer to navigate the hurdles of the regulatory process only once for a single large facility, as opposed to many times for multiple smaller facilities. Similarly, contractors proposing a single, larger facility need only develop community support or face community opposition in one place as opposed to many.

Nevertheless, the Commission believes that smaller facilities are more likely to protect the safety of the community and provide the necessary transitional support for returning prisoners, and that they are therefore preferable to larger facilities, provided of course that they are large enough to be economically viable. While in prison, offenders are housed in huge, highly regimented, impersonal institutions with populations numbering in the hundreds, and more likely thousands, of inmates. Many of the offenders returning to the District of Columbia have been in prison for years or decades, separated by great distances from the family or friends to whom they are returning. Reestablishing contact with family members and reintegrating into home-life can often be challenging to returning offenders. All inmates re-entering society, regardless of the length of their sentences and their future housing plan, will return to living situations that are by nature smaller and much more intimate and personal than their prison experience. Common sense suggests that smaller facilities help offenders make a more smooth transition from prison to home than larger facilities.

Community perception is another significant factor supporting smaller versus larger halfway houses. Testimony at the Commission's public hearings and written submissions to the Commission repeatedly referred to large facilities

as "dumping grounds" for offenders or, as one person aptly put it, "halfway hotels." Residents, community group leaders, and ANC Commissioners alike expressed concern that large concentrations of offenders in single neighborhoods increase the safety risk, both inside and outside the facility, and are more likely to give rise to new criminal activity after release.

Finally, large concentrations of returning prisoners may exacerbate feelings of inequity in the distribution of facilities in Wards throughout the city, while smaller facilities spread throughout the city promote the idea that all communities are sharing the responsibilities and burdens associated with providing housing to ex-offenders.

The Commission received numerous suggestions about the optimal size for community corrections facilities. The D.C. Prisoners Legal Services Project suggested that facilities as small as six to eight beds allow for more neighborhood involvement and more intensive supervision, and pointed to successful residential programs for offenders in Baltimore, Maryland in this range. On the other hand, one current D.C. contractor noted that the smaller the facility, the more difficult it is for a contractor to provide the best services for a reasonable cost, and said that a 60-bed facility is the minimum feasible size. However, another contractor testified that the optimal size for a halfway house in D.C. would be between 20 and 30 residents, and that any smaller a facility would be financially unable to provide necessary programming and support services.

The size of some of the existing facilities in the District suggests that facilities housing between 20 and 30 residents are economically feasible, particularly if two or more facilities share the cost of services and programming. Community Care and Shaw II, both operated by the Bureau of Rehabilitation, each houses fewer than 30 residents, though their proximity allows them to combine many of their operations. Similarly, Fairview and Trudie Wallace House, both operated by Washington Halfway Homes, each has fewer than 40 residents and also combine programs and services. EFEC houses about 20 residents. Thus, three of the five contractors currently operating community corrections facilities in D.C. are evidently able to operate facilities with the equivalent of between 13 and 40 residents.

The Commission would not want the goal of Ward-equity to be undermined by the fact that proposed facilities in higher-cost neighborhoods may be economically feasible only on a larger scale. The Commission believes that preferences in the selection process and additional programmatic support for operators of smaller facilities could promote the twin goals of achieving a

more equitable distribution of halfway houses throughout the City, and smaller facilities that fit more comfortably into a neighborhood.

Recommendation 5: Make optimal use of existing facilities

Excess capacity in existing facilities should be considered as part of a comprehensive plan for siting halfway houses and managing the community corrections program.

A final consideration in deciding where to site new community corrections facilities is the extent to which existing facilities are fully utilized. If there is excess capacity at existing facilities, and if those facilities meet the criteria discussed in this report including those related to facility size, it obviously makes sense to place individuals in existing facilities before opening new halfway houses in neighborhoods that may not welcome them.

During the commission’s fact-finding process, it discovered that there are empty beds at several D.C. facilities, including Hope Village and EFEC. The Commission was told that this excess capacity has resulted from budget-related decisions by policy makers not to renew or extend contracts at those facilities. There may well be individuals who would benefit from placement in those vacant slots, either as a pre-release or “halfway back” placement. If those individuals do not otherwise receive adequate transitional programming, public safety may suffer from these budgetary decisions.

The Commission has not regarded its mission to include a determination of who should be in halfway houses, and therefore we cannot conclude that there are presently “enough” or “not enough” halfway house beds in the District of Columbia. It may be that there are enough facilities but not enough beds being utilized. Or it may be, consistent with our recommendations about facility size, that there are enough beds but they need to be dispersed among a greater number of facilities, including new facilities.

This recommendation merely conveys the obvious point that excess capacity in existing facilities should be considered as part of a comprehensive plan for siting halfway houses and managing the community corrections program.

B. Recommendations Concerning the Role of Government Agencies in Determining the Location of Community Corrections Facilities in the District

Recommendation 6: Give government agencies more direct responsibility for siting decisions

District and federal agencies must take direct responsibility for the goal of equitable distribution of residential facilities, and encourage siting of any new halfway houses in Wards and neighborhoods that currently have none. To the extent the barriers to siting are economic ones, they could be neutralized through a system of preferences in the contracting process, coupled with governmental efforts to locate and secure suitable sites in Wards that do not presently have any halfway houses.

One reason that halfway houses are not more equally distributed among Wards in the District of Columbia is that the Bureau of Prisons has historically delegated decisions about where to locate new facilities to private contractors. As discussed in Part IIC of this Report, BOP reviews Requests for Proposals based on the contractor's past performance, the proposed program offerings, the quality of management, community relations issues, and cost, and generally does not consider location within the District as a factor in their present evaluation process. The private contractor, in short, is responsible for picking the site and securing community acquiescence. When BOP recently attempted to “steer” a contract to Wards that did not have any halfway houses, its effort failed because no acceptable bids were received.⁶⁰

As previously noted, the Commission heard the consistent and forceful sentiment of the community that halfway houses and other community-based residential facilities should be equitably distributed throughout the District’s Wards. Officials involved in the contracting process and members of the community identified for the Commission some of the reasons they believe community corrections facilities have historically not been located in certain parts of the District, including the higher property values, and more organized and politically effective community opposition in more affluent parts of the city.

The Commission believes that government agencies must take responsibility for managing and resolving the issues of additional cost and community resistance that have evidently blocked the siting of community

⁶⁰ Our understanding is that prospective contractors may have been deterred in part because of strong community opposition to halfway houses in Wards 3, 4 and 7.

corrections facilities in certain parts of the city, in furtherance of the goal of Ward equity. This could be done most effectively by having BOP and/or the District themselves identify and acquire suitable properties for halfway houses in areas of the District that have none, and themselves undertake to address community concerns and resolve zoning issues. Then private contractors could bid on contracts for management of the facilities thus acquired.

If the direct acquisition of potential new halfway house sites by the government is not feasible, the government could seek to neutralize the economic barriers to the equitable distribution of halfway houses through a system of preferences in the contracting process for operators proposing facilities in Wards or neighborhood where none currently exist. Contracting preferences could be coupled with specific governmental efforts to help locate and secure suitable sites, address community concerns, and resolve zoning issues.⁶¹

Some have proposed providing financial incentives to encourage private contractors to site halfway houses in parts of the city that do not now have any, to offset the higher cost of real estate and stronger community opposition. Possible financial incentives might include property tax credits or tax abatements to developers and operators who build or renovate properties to be used as halfway houses; grants to operators to help subsidize staff and programs; and higher per resident/offender fees. However, the Commission hesitates to recommend any measures that might be perceived to give a financial windfall to private contractors or property owners in more affluent areas of the city, or in areas where the community is particularly resistant to community hosting a halfway house. Tax and other financial incentives are typically designed to encourage private investment in economically depressed areas, or ones that otherwise are unable to rely upon their own resources. If financial incentives could be developed and implemented to avoid this concern, they might be one helpful way to achieve the goal of Ward equity.

Recommendation 7: Coordinate and centralize administration of community corrections programs

District and federal agencies should establish a coordinated process for sharing information and making recommendations on particular issues affecting the community corrections program in the District, and offender reentry generally. Those

⁶¹ The Commission understands that BOP currently uses numeric or other weighting systems to rank contractor proposals on various criteria. Perhaps BOP could include in its announced rating system for District halfway house proposals, a provision that additional credit will be given proposals to site facilities in areas of the District where no halfway houses currently exist.

recommendations can then be implemented by the particular agency or agencies with legal authority to act in the matter. A politically accountable District official, with sufficient stature and experience to deal credibly with the federal agencies involved, should be appointed to assume primary responsibility for the smooth functioning of this coordinated process.

Given the complex organizational and jurisdictional issues presented by community corrections in the District, we believe the responsible federal and District government agencies must work together more regularly and openly than they evidently now do. To this end, we recommend that all of the agencies involved establish a coordinated process for sharing information and making recommendations on particular issues affecting the community corrections program in the District, and offender reentry generally, which recommendations can then be implemented by the particular agency or agencies with legal authority to act in the matter. This process would not only coordinate agency action, it would also be a focal point for community concerns about the operation and management of community corrections facilities in the District. In this regard, it would supplement but certainly not supplant any part of the valuable community relations work being done by CSOSA in connection with offender reentry generally.

The coordinating entity we have in mind would as a technical legal matter be advisory in nature, but we would expect the level of agency participation to be sufficiently high so as to ensure that its recommendations are given appropriate weight by the agencies responsible for implementing them.

To this end, we recommend that the Mayor appoint an accountable District official, with sufficient stature and experience to deal credibly with the federal agencies involved, to assume primary responsibility for the smooth functioning of this coordinated process. This official should report directly to the Mayor. Budgetary support for this official's work could be provided by the federal agencies whose work would be primarily advanced.

Recommendation 8: Establish a planning process for siting new facilities that involves the community through the Advisory Neighborhood Commissions

District and federal agencies should establish a formal on-going planning process for siting new community corrections facilities, that includes specific mechanisms for general community participation in siting decisions. Working in conjunction with the affected Advisory Neighborhood Commission, government agencies should inform and

consult with the community about the role and operation of halfway houses, and require halfway house operators to establish a Community Relations Board.

At present there is no formal on-going planning process for siting new community corrections facilities. The Commission recommends that the District and federal governments establish one. Among other things, such a planning process would be an essential way of accomplishing the goal of Ward equity, and of implementing the specific call for greater government involvement in siting decisions in our Recommendation 6. The planning process should include District officials responsible for planning and zoning, federal officials responsible for the actual operation and management of community corrections facilities, and affected Advisory Neighborhood Commission. Other community advocacy groups should also be involved. The process could be administered by the same District official generally responsible for coordinating the community corrections program, whose appointment we recommend in Recommendation 7.

Most importantly, the planning process must include specific mechanisms for community input into siting decisions. A persistent concern expressed to the Commission is that community leaders do not receive sufficient notice when halfway houses are sited in their neighborhoods, and community groups are not afforded a meaningful opportunity to participate in the siting process. Much of this concern could be obviated if our Recommendation 6 for a more hands-on role for government agencies in the siting process is fully implemented. But it seems to us that it would also be appropriate for the agencies to put in place more robust mechanisms for community input, to obviate the present sense of helplessness and frustration that the Commission heard from residents and ANC Commissioners alike.

There are a number of elements that should be included in the siting process to achieve meaningful community consultation:

- The responsible government agency should notify community leaders and groups, including in particular the affected Advisory Neighborhood Commission, whenever a new facility is being considered, before the contracting process begins;
- The affected Advisory Neighborhood Commission should receive timely notice whenever a proposal to site a new halfway house facility (and any other community-based residential facilities, for that matter) is under consideration, or an existing contract is up for renewal, so that ANC Commissioners can carry out their responsibilities as elected representatives of the community;

- The affected Advisory Neighborhood Commission should hold public hearings on proposed sitings of new halfway houses, and on renewals of existing contracts, and should make recommendations to the responsible government agencies; the issues and concerns raised in the ANC's recommendations should be given great weight by the responsible government agencies, in accordance with and in the manner set forth in §§ 3(a), (b), and (c) of the Advisory Neighborhood Commission Act of 2001, D.C. Code § 1-309.31(a)-(c).
- A community complaint process related to siting should be established or, where it exists, should be strengthened;
- Halfway house operators should be required to establish a Community Relations Board, and the affected Advisory Neighborhood Commission should play a role in selecting members of the Board;
- Government agencies should develop written materials to inform the public about the role and operation of halfway houses, including research and statistics designed to explain the process of offender reentry, and should engage community leaders in identifying successful models for supervision and successful offender reentry;
- The accountable official in the District government should directly oversee implementation of the community consultation process and that official should consult with the affected Advisory Neighborhood Commission about the possible need to establish a community board to advise him or her about community concerns. (This official could be the same one whose appointment is recommended in Recommendation 6.)

The absence of meaningful community consultation is one reason why halfway houses are such a controversial subject in the District of Columbia. The Commission believes that implementation of these recommendations would go a long way toward reducing public frustration and anger about halfway house siting.

In the recommendation that follows, we advocate review of the District's zoning procedures to facilitate community input. Although that process apparently already makes formal provision for community participation through the Advisory Neighborhood Commissions, it evidently is not presently regarded as a fully satisfactory answer to the widespread concerns about lack of community consultation and participation in the siting of halfway houses. With

some adjustments, the zoning process could be made more responsive to community concerns, and perhaps even serve as the mechanism for enhanced community participation that we advocate.

Recommendation 9: Review zoning regulations and procedures to ensure that they facilitate community consideration of siting issues

The Commission recommends that zoning rules and procedures be reviewed as they apply to the siting of halfway houses, in light of its previous conclusions 1) that halfway houses will do their job better if they are integrated into the community rather than shunted to its outskirts; 2) that responsible government agencies should assume more direct control of siting decisions; and 3) that the community should participate in halfway house siting decisions through affected Advisory Neighborhood Commissions.

Zoning restrictions serve an important function in limiting location of certain types of facilities in neighborhoods where they would be inconsistent with pre-existing uses, or pose a threat to public safety and/or property values. Moreover, the process by which zoning rules are enforced provides neighborhoods with an important opportunity both to manage their immediate environment, and to understand issues facing the District as a whole. The fact is, however, that zoning restrictions are perceived (depending upon one's perspective) either as an insuperable obstacle to or an indispensable protection against halfway houses. The Commission hopes that some functional middle ground can be staked out between these starkly opposing views of how the zoning process functions.

The District's zoning regulations are typically complex and mysterious to the lay person. Moreover, it appears that the District's zoning process does not always present constructive opportunities for the community to learn about and participate in decisions relating to community-based residential facilities, including halfway houses. There is a widespread perception that community-based residential facilities (including halfway houses) can "sneak into" a neighborhood, in violation of the zoning rules and under the radar of the zoning process. On the other, there is an equally widespread perception that it is impossible to locate a halfway house in anything but a commercial zone – and that even there community opposition would be formidable. These two starkly contrasting perceptions in turn lend credence to a third perception: that the only way to site a halfway house in the District is to circumvent the zoning rules and process.

The Commission cannot say to what extent these perceptions reflect reality. But they do seem to present a dilemma for District officials, when both the Mayor and responsible federal officials support reliance on halfway houses for the District's returning prisoner population. Perhaps three of our previous recommendations suggest a way out of this dilemma: 1) halfway houses will do their job better if they are integrated into the community rather than shunted to its outskirts; 2) responsible government agencies should assume more direct control of siting decisions; and 3) the community should participate in halfway house siting decisions through affected Advisory Neighborhood Commissions.

The Commission is not prepared to recommend any particular changes in the District's zoning rules. It seems appropriate that halfway houses are subject to more restrictive treatment under zoning rules than many other CBRFs. However, in light of the Commission's general belief that halfway houses should be more closely integrated into the community, it would seem reasonable to suggest that the rules be reviewed by the Zoning Commission to determine whether all of their specific restrictions are necessary and appropriate. For example, the population caps that define a "use predeemed acceptable" for a halfway house may be unrealistically low, and place an unreasonable burden on operators who are expected by BOP to provide a variety of programs and services.

Even more important than the specific content of the zoning rules, however, is the process by which those rules are enforced. Just as zoning regulation plays an important part in alerting neighborhoods to new uses that may be problematic or controversial, it also affords an opportunity for neighborhoods to become better informed about the land use policy issues facing the entire District. The Commission has elsewhere recommended that government agencies should take more direct control of siting decisions, and that communities should participate more fully in halfway house siting decisions through the affected Advisory Neighborhood Commission. *See* Recommendations 6 and 8. The zoning process seems to us to present an ideal opportunity for both of these recommendations to be implemented.

The Commission believes that only if issues are placed openly on the table for discussion can the zoning process become a functional part of the Mayor's policy agenda favoring a halfway house placement for returning prisoners. Zoning procedures already mandate notice to ANC Commissioners of proposed new halfway houses as a formal part of the zoning process; the Advisory Neighborhood Commissions should place a premium on their role in facilitating this process. A public hearing should be required for all proposed new halfway house facilities, regardless of where they are located or how many residents they

might have. Government agencies, working with the affected Advisory Neighborhood Commission, should use the opportunity provided by a public zoning hearing to inform the community about both the general function and operation of halfway houses, and the particular features of the facility being proposed.

C. Recommendations Concerning Management and Operations of Community Corrections Facilities

Recommendation 10: Hold halfway house operators accountable for improved supervision and services

Responsible government agencies should assure implementation of appropriate standards governing offender supervision and accountability, employee qualifications, treatment programs and other services, and should regularly monitor halfway house operators' performance.

The Commission believes strongly that successful halfway house programs depend upon operators strictly supervising residents during their stay in community corrections facilities. The Commission further feels that it is vital for halfway house operators to provide high quality services and programming to residents designed to promote their successful transition from prison to the community and to further their rehabilitation. The Commission urges the responsible government agencies to hold halfway house operators accountable in fulfilling these ends by ensuring there are appropriate standards governing supervision and services, and by regularly and closely monitoring operators' performance. These standards should ensure quality of service, accountability, credibility, protection for staff and residents, effective planning and management, and proper evaluation.

Although community corrections facilities are an important step in the transition of inmates from prison to home, offenders residing in halfway houses are nevertheless still serving prison sentences. They are simply on conditional release in the community. For this reason, citizen safety, resident supervision, and accountability must be the principal concerns of government officials and halfway house operators.

During its public hearings and in the written submissions received by the Commission, community leaders and residents expressed concern that halfway house residents pose potential risks to the safety of neighborhood residents. Several individuals referred to media reports in the recent past about the high

number of halfway house residents who have escaped from community corrections facilities in the District of Columbia, some of whom reportedly later committed new crimes. Other individuals testifying at Commission hearings expressed concern that halfway house residents in their communities might loiter or engage in other behavior that might intimidate or threaten the public..

Obviously, escapes from halfway house facilities, loitering and other negative behavior cannot be tolerated and procedures must be in place to ensure that halfway house operators and their residents are held accountable if such incidents occur. Regardless of whether incidents are reported accurately in the press, and whether concerns are thereby exaggerated, the perception created by such reports can be very damaging to the viability of community corrections programs. If the community perceives that halfway house operators may not be providing appropriate supervision of offenders, future efforts to site halfway houses in the District could be sorely undermined.

Adequate supervision of halfway house residents must include an established intake procedure, and strict procedures to record arrivals and departures; procedures to monitor residents check-in and -out times, and to verify attendance at work, counseling programs, or other outside activities; procedures to monitor residents' participation in home detention, home furloughs, or home passes; and procedures to ensure that residents do not pose a nuisance in the community. All halfway houses should provide drug and alcohol testing. Halfway house operators should be required to develop an intervention plan for each offender, to maintain case files for each offender, and to establish and distribute copies of house rules to each offender. They should also be required to ensure that staff members are qualified, oriented, and trained in accordance with applicable BOP standards. The Commission urges responsible government officials and halfway house operators to review their procedures to ensure that these criteria are met. Unannounced site visits may be an effective oversight tool.

Successful community corrections programs must also provide high quality rehabilitative services and innovative programming that is tailored to the needs of residents, to help them address the myriad of issues returning offenders face that can determine the success or failure of their reentry and reintegration. Halfway house services and programming should include assistance in obtaining basic forms of identification, job training and readiness counseling, assistance in finding employment, substance abuse treatment and monitoring, medical and mental health treatment, education in communicable diseases, parenting skills training, anger management, domestic violence counseling, and life skills training.

During its investigation, the Commission heard from a number of halfway house residents who praised the quality of the services in their programs and the commitment and concern demonstrated by the staff in their facilities. At the same time, some halfway house residents voiced concern about the quality of the employment opportunities identified by their halfway house counselors. The Commission also heard testimony from one inmate service organization that helps prison inmates and halfway house residents obtain identification, provides halfway house residents with workplace attire, and assists residents in addressing medical needs.

The Commission did not view its mission as encompassing a thorough review of the scope and quality of programming and services in each of the halfway houses operating in the District. Nor did it have the capability to undertake such a review. The Commission believes, however, that qualified and dedicated staff and comprehensive and well-managed programs and services are critical parts of the halfway house equation. Halfway house operators and the government officials that oversee their programs must make sure that satisfactory standards for employee qualifications, treatment programs, and other services are in place so that halfway houses can achieve the critical task of assisting in prisoner reentry.

Recommendation 11: Establish mechanisms for on-going consultation between halfway house operators and the neighboring community

After a halfway house has been sited, government officials should ensure that there are adequate mechanisms for ongoing consultation with the community about the operation and management of the facility.

In Recommendation 8 we proposed a mechanism for involving community leaders and community groups in the halfway house siting process. We also believe that, once a halfway house is sited, there should be ongoing consultation with the community about the operation and management of the facility. Thus, many of the specific mechanisms listed in Recommendation 8, such as the establishment of a community complaint process, should carry forward after a halfway house becomes operational.

Halfway houses have been called “a vehicle for community awareness of and involvement in corrections.”⁶² Ensuring community support and

⁶² Halfway Houses, John Howard Society, *supra* note 25 at 1.

involvement is an important responsibility that the halfway house operator shares with the government agency overseeing the halfway house program. In the first instance it falls to the facility staff and management to reach out to the community, develop avenues of communication and establish mechanisms for community input.⁶³ But if those needs are unmet, it is ultimately the government's responsibility. So it may be appropriate for government officials to step in and play a hands-on role in establishing these mechanisms in the first instance, just as they must play a more direct role in siting decisions.

Recommendation 12: Encourage halfway house residents to perform community service

BOP should ensure that halfway house operators encourage offenders to perform community service in neighborhoods where the facilities are located. Volunteer service to the community will enhance the rehabilitation of offenders and help alleviate community apprehension and improve community support for halfway houses.

Just as it is important for the community to be aware of and feel it has a stake in the operation and management of a halfway house in the neighborhood, a halfway house and its residents should also contribute to the betterment of the community. The Commission therefore recommends that BOP take steps to ensure that halfway house operators encourage offenders to perform community service in neighborhoods where the facilities are located. The Commission believes that volunteer service to the community will enhance the rehabilitation of offenders and help alleviate community apprehension and improve community support for halfway houses.

During its tours of halfway houses and its public meetings and hearings, Commission members asked several operators whether they require offenders to perform community service during their stay in facilities. Uniformly, operators said that they do not require offenders to perform volunteer service as a condition of their stay and, in fact, several operators believed they could not require their residents to perform volunteer community work. At the same time,

⁶³ An excellent example of community involvement in halfway house activities is described in Y. Chastenais, Final Report, Action Volontaire Saint-Laurent Experimental Project: "Integrating Volunteers into the Activities of Halfway Houses of Montreal Inc.", Ottawa, Solicitor General of Canada (1993). Over a three-year project, volunteers became involved in a variety of correctional interventions, participating in social activities and working with residents in the final stages of their stay in the halfway houses.

some witnesses proudly shared anecdotes about halfway house residents shoveling snow for neighbors or performing other volunteer activities.

Volunteer community service is a well-recognized tool in the criminal justice system. Criminal justice experts and practitioners view community service as an important element in the rehabilitation of offenders. Volunteer community service allows offenders to give something back in a positive way to the communities they harmed by their criminal conduct; community service in essence is a form of non-monetary restitution to society as a whole. Judges regularly order community service as one part of comprehensive sentencing packages and as alternatives to incarceration. Parole and probation departments often mandate community service as a condition for offenders to remain in the community while under supervision.

Requiring halfway house residents to perform volunteer community service in the neighborhoods where the facilities are located should cultivate improved community relations and promote support for the operation of halfway houses in the District. While the Commission heard from some residents who actively support halfway houses in their communities, a greater number of residents voiced suspicion, mistrust, and fear of housing offenders in their neighborhoods. Some people's apprehension stemmed from negative experiences with halfway house residents while others' likely were due to incidents with ex-offenders who were not living in halfway houses at the time. Most often, however, people's concerns were based on their general perception that housing offenders near their homes would harm their communities.

Creating positive opportunities for halfway house residents to interact with the community by requiring offenders to perform volunteer work in the neighborhoods where they are living would be one step in the process of changing the public's perception of these facilities; obviously, high quality management, effective programs, and careful attention to safety and accountability are other critical factors that will enhance the likelihood of community acceptance of halfway houses. The Commission recommends that operators develop relationships with community institutions and organizations and establish organized and structured opportunities for volunteer work by offenders in the neighborhoods where halfway houses are located. Despite the impression of some halfway house operators, the Commission sees no reason why operators could not require offenders to perform such service as a condition of remaining in the facilities.

Recommendation 13: Make transitional residential placements available to all eligible offenders

BOP should make every effort to ensure that all eligible D.C. Code offenders spend a reasonable period of time prior to their release from custody in living conditions that will provide a reasonable opportunity for supervision and services prior to their return to the free community. High-risk and special needs offenders are perhaps in the greatest need of such supervision and services.

As previously noted, the percentage of D.C. Code offenders receiving a halfway house placement is well below BOP's national average of 75%. BOP reported to the Commission in the fall of 2002 that only 46% of D.C. prisoners were given a pre-release halfway house placement, although during the fourth quarter of 2002 that figure increased to 65%. There appear to be a number of plausible explanations for this.⁶⁴ Whatever the reasons, however, it seems unacceptable that D.C. offenders as a class should receive less favorable treatment and denied opportunities that are available to other offenders in BOP's custody. Accordingly, the Commission recommends that BOP take steps to address the issues that have resulted in fewer halfway house placements for D.C. Code offenders.

Moreover, the Commission recommends that BOP make efforts to see that transitional residential programs are developed to accommodate high risk and special needs offenders. Not all offenders require the same type of halfway house. Some low-risk offenders may require less supervision or fewer social services. Other offenders may require intense supervision and highly targeted services. Offenders with known substance abuse problems may require placement in closely monitored therapeutic communities to prevent relapse. And offenders with disabilities may require specialized accommodations in order to be placed in a halfway house at all. Sex offenders pose particularly difficult and important treatment and supervision problems.

A paradox of community corrections is that the offenders who are least likely to be placed in halfway houses are the ones who may need it most. Because of the nature of their crimes or their mental or physical disabilities, these offenders will likely have the most difficulty reintegrating into society. They may be problematic residents of a halfway house, but if they do not receive supervision and transition services they will be even more problematic residents in the community after their sentences expire in a few short months.

⁶⁴ See p. 21, *supra*.

Ideally, halfway houses would offer a range of programs suitable for different types of offenders to ensure, for example, that high-risk offenders receive very close scrutiny inside and outside the facility. In light of the relatively small number of halfway houses in the District of Columbia at the present time, the notion of “specialized” facilities may be unrealistic, although we note that the EFEC facility has provided services to certain high-risk offenders. Still, as the community corrections program in the District matures, it would make sense to develop specialized programs or even specialized community corrections facilities just as there are specialized prisons and prisons of varying security levels.

Recommendation 14: Sponsor Additional Research on Halfway House Effectiveness

CSOSA should include consideration of the effectiveness of halfway house placements in its study of outcomes for offenders released from custody to the community.

In the course of its fact-finding, the Commission was repeatedly asked if halfway houses “work.” But it found that very little empirical research has been done, at least in the United States, on the effectiveness of a gradual transition back to the community from prison through a halfway house. Whether the measure of success is a reduction in arrest rates or new convictions for those who come gradually back, or some more subtle measures of reintegration such as employment or sobriety or family stability, we believe that the District or the responsible federal agency (likely CSOSA), or both, should undertake a broad-scale multivariate longitudinal study on outcomes for offenders returning to the District from prison. Whether or not halfway houses hold the key to successful reintegration of offenders, it is at least important to determine what role they may play for different kinds of offenders.

We understand that CSOSA has begun a study to measure outcomes for offenders released from supervision during the last two years. We recommend that the impact of halfway house placements be made a part of CSOSA’s study. We commend to CSOSA’s attention the empirical work that has been done in Ohio and Massachusetts, and in Canada, as described in Part IIC. If the community is persuaded that a transitional halfway house placement is likely to encourage an offender to remain law-abiding, it will naturally be more receptive to the idea of having a halfway house even in their own neighborhood. Indeed, we expect that, if properly involved from the beginning, neighbors would be encouraged to become involved in mentoring and other volunteer projects with halfway house residents.

D. Recommendations for Further Study

Recommendation 15: Reevaluate reliance on private contractors

BOP should give serious consideration to whether the privatization policy it applies in the rest of the country in connection with community corrections facilities is either necessary or appropriate to carry out its broader responsibilities in the District.

For many years the Federal Bureau of Prisons has met its needs for halfway house beds nationwide by contracting with private operators of community corrections centers.⁶⁵ This has seemed an appropriate and efficient practice because of BOP's fluctuating and often minimal need for halfway house bed space in many localities. Unlike prisons, community corrections centers must be located close to offenders' homes and place of employment. Therefore, most community corrections centers with federal contracts also contract with state and local agencies to fill their beds.

The situation in the District is quite different, since here BOP is responsible for *all* returning felony offenders, not just federal offenders. Therefore, the community corrections facilities can depend upon a steady stream of returning offenders in BOP custody.⁶⁶ Because of the consistent need for halfway house bed space in the District, it would seem that BOP's primary economic rationale for reliance on the private sector would not pertain. Moreover, it is no longer true (if it ever was) that BOP has no capacity or expertise to provide reentry programming and services to returning offenders, and in fact it has recently begun to provide these programs in the prisons themselves. Given BOP's stated awareness that "reentry begins the day an offender walks in the door of the prison," it would seem logical and appropriate for the reentry continuum to be carried forward into the community by BOP itself, at least where there are no countervailing inefficiencies of scale.

⁶⁵ BOP's authority to contract with private halfway house operators was confirmed in a 1992 opinion by the Justice Department's Office of Legal Counsel. See *Statutory Authority to Contract With the Private Sector for Secure Facilities*, 16 Op.OLC 65 (1992) (available at <http://www.usdoj.gov/olc/quinlan.15.htm>) The holding of the 1992 OLC opinion was confirmed in 2002 in another OLC opinion. See *Bureau of Prisons Practice of Placing in Community Certain Offenders Who Have Received Sentences of Imprisonment*, December 13, 2002 (available at <http://www.usdoj.gov/olc/bopimprisonment2.htm>).

⁶⁶ While several of the District's community corrections facilities contract with both DCDOC and BOP, notably Hope Village, most now rely primarily on BOP contracts to fill their bedspace.

Because many of the problems of halfway house siting in the District appear to stem from the role of private contractors in the siting process, we believe it would be appropriate for BOP to give serious consideration to whether the privatization policy it applies in the rest of the country is either necessary or appropriate to carry out its broader responsibilities in the District. In this regard, we note that prior to 1997 and the federalization of corrections in the District, most of the community corrections facilities in the District were operated directly by DCDOC. We appreciate that there were serious and persistent problems with DCDOC's management of community corrections in the District, so that the public is understandably wary of government-operated halfway houses. However, we have confidence in BOP's management track record, and we believe that BOP would be just as competent in dealing directly with public safety issues as it is through a system of delegation to private contractors.

Accordingly, we recommend that BOP consider taking upon itself directly the operation and management of at least some of the community corrections facilities in the District, and particularly any new ones. We believe that, if it were to do so, the improvements in management and operations outlined in the following series of recommendations section would be more quickly and easily accomplished.

Recommendation 16: Establish policy on use of halfway houses for pre-trial detainees

The Mayor and City Council should work with D.C. Superior Court and appropriate criminal justice agencies to determine what role halfway houses should play within the broader framework of its pretrial detention program.

The District is unusual among American jurisdictions in making routine use of community corrections centers for pretrial detention purposes. This practice originated in two unique features of D.C. law: the absence of a bail system, and a limit on the number of days a detainee can be kept in D.C. Jail prior to disposition. According to testimony from Chief Judge Rufus King of D.C. Superior Court, Superior Court judges find pre-trial halfway house placements useful where neither jail nor a return to the community seems appropriate under all the circumstances.

Pretrial detainees are the responsibility of the DCDOC and not BOP, whether they are detained in D.C. Jail or in a halfway house. Until recently, DCDOC operated its own halfway house (Community Corrections Center 4),

and also used private contract facilities at Hope Village, EFEC, Extended House, and the two women's facilities Fairview and Trudie Wallace House. Last October, as a result of budget shortfalls, DCDOC closed Center 4 and sharply reduced the number of beds available to Superior Court for community-based residential placements. At this time, DCDOC contracts for only about 120 halfway house beds, reduced from 330.

The Commission heard from Judge King and Judge Noelle Anketell Kramer that the practice of using community corrections facilities for pretrial detention purposes has a number of important advantages in certain kinds of cases, particularly those where jail would be inappropriate and unnecessary, but the home environment is dysfunctional or otherwise unsuitable. It also heard concerns expressed from members of the community that halfway house placements are unsuitable for those who have not yet been convicted of a crime: they suggested that if an individual is considered sufficiently high risk to require being held in custody at this stage of a criminal case, that individual is also likely to have little incentive to conform his conduct to the law and thus may pose a public safety problem.

Halfway house placement at the pretrial stage presents distinct legal and correctional issues, and operational concerns that are quite different from those raised at the point a convicted offender is returning to the community after having served time in a distant prison. Moreover, in contrast to the reentry situation, the District Government has evidently not yet resolved the basic policy question of whether and to what extent it wishes to rely upon community residential placements for its pretrial population. Presumably, this will depend at least in part upon an assessment of the consequences of last fall's dramatic decrease in pretrial bed space.

Accordingly, the Commission elected not to address the distinct siting questions raised by the pretrial situation. Rather, we urge the Mayor and City Council to work with D.C. Superior Court, the Pretrial Services Agency, and other criminal justice agencies to develop a policy for using halfway houses within the broader framework of its pretrial detention program. We would note, however, that concerns relating to supervision and accountability are at least as important from a public safety perspective in the pretrial context, as they are in the context of reentry, if not more so. Accordingly, we believe that many of our siting recommendations as they relate to these issues will have general relevance.

Recommendation 17: Consider greater use of “halfway-back” option for parole violators

Resources should be made available to CSOSA and/or BOP for community corrections placements to reinforce community supervision. A “halfway back” approach for minor violations of supervision seems more likely to lead ultimately to successful reintegration than a solution involving a return to prison on the one hand, or no sanction at all on the other.

When an offender under supervision in the community violates the terms of release, some sanction must be imposed. Increasingly, graduated sanctions are regarded as sound correctional practice. Thus, when an offender on probation, parole or supervised release commits a relatively minor violation, the response must be swift and certain, but it should not always involve the ultimate sanction of a return to prison. On the other hand, more intensive supervision may be needed to protect the public, and some sanction must be available if the conditions of release are to be enforceable. A period of time in a community corrections facility may be an appropriate and constructive response where the conduct constituting the violation does not independently involve a new crime.

The Commission believes that this “halfway back” approach for minor violations of supervision may be sensible, and that it is more likely to lead ultimately to successful reintegration than a solution involving a return to prison. The process of reentry and reintegration, which often involves learning new behaviors and breaking old habits, rarely proceeds on a straight course. Thus we believe that resources should be made available for community corrections placements to reinforce community supervision. We also believe that resources should be allocated to the agencies involved so as to maximize utilization of community corrections, not discourage it. In particular, it should be clear which agency is responsible for underwriting the cost of a halfway back response, and that agency should be allocated funds to pay for it.

Beyond this, however, it is difficult to make particular recommendations about siting of facilities to house this “halfway back” population, which is the responsibility of CSOSA and not BOP. And yet it seems logical to say that they should nonetheless be housed in BOP contract facilities, so as to maximize accountability and supervision of offenders and minimize duplication in management and procurement.

CONCLUSION

The proposed siting of a halfway house in a neighborhood inevitably raises questions and concerns about public safety and other possible burdens on a community, and about how fairly these burdens are distributed. Community opposition may impede the development of an efficient and effective community corrections program, if responsible government agencies cannot find a way to respond to these questions and allay these concerns. The Commission believes that this can only be accomplished in the District if responsible federal agencies are willing to take a more hands-on approach to siting issues, rather than leaving them in the hands of private contractors, and if they permit affected communities to play a more meaningful role in the process by which siting decisions are made. The Commission also believes that the District government must establish a more effective working relationship with the federal agencies that now have responsibility for housing and supervising District prisoners, in order to facilitate these goals. If the objectives of a community corrections program are clarified and fully communicated to the community, and if the siting decision-making process is made accessible and responsive to affected neighborhoods, the justice system will be improved and local government institutions will be strengthened.

BIBLIOGRAPHY

Belenko, S. & J. Peugh. 1998. "Fighting Crime by Treating Substance Abuse" *Issues in Science and Technology* 15: 53-75.

Office of Legal Counsel, U.S. Department of Justice, *Bureau of Prisons Practice of Placing in Community Certain Offenders Who Have Received Sentences of Imprisonment*, December 13, 2002 (available at <http://www.usdoj.gov/olc/bopimprisonment2.htm>).

Y. Chastenais, Final Report, Action Volontaire Saint-Laurent Experimental Project: "Integrating Volunteers into the Activities of Halfway Houses of Montreal Inc., Ottawa, Solicitor General of Canada (1993).

Correctional Service of Canada, Basic Facts About Federal Corrections, Information About Release (2001), http://www.csc-scc.gc.ca/text/faits/facts/facts07_e.shtml.

Correctional Service of Canada, Protecting society through community corrections (1995)

J. Davidson-Coronado. 2001. "Technically Disposed: Parole Violators and Prison Crowding in Hawaii." *The Justice Policy Journal: Analyzing Criminal and Juvenile Justice Issues and Policies*, Vol. 1, Num. 1.

P.G. Donnelly and B. Forschner, "Client Success or Failure in a Halfway House," 48 Federal Probation 38 (1984).

S. R. Donziger, The Real War on Crime (1996).

D.A. Dowell, et al. "Evaluation of a Halfway House," 13 Journal of Criminal Justice 217 (1985).

M. D. Harer, Recidivism Among Federal Prison Releases in 1987: A Preliminary Report, Washington, D.C.: Federal Bureau of Prisons. Pp. 28-30 (1994).

A.V. Harrell, A.S. Bhati, J. Roman and B. Parthasarathy. "The Impact Evaluation of the Maryland Break the Cycle Initiative - Initial Findings," The Urban Institute (submitted to the Maryland Governor's Office of Crime Control and Prevention in February 2003).

John Howard Society of Alberta, Halfway Houses 2 (2001).

G. Kassebaum, J. Davidson-Coronado, M. Silverio, and N. Marker, "Survival on Parole: A Study of Post-Prison Adjustment and the Risk of Returning to Prison in the State of Hawaii," Report of the Social Science Commission (1999).

National Parole Board, 1999-2000 Performance Monitoring Report 15, 89 (2000), http://www.npb-cnlc.gc.ca/reports//pmr_e.pdf. (2001)

D. LeClair, "Recent Changes in Rate of Recidivism for Release from Massachusetts State Correctional Institutions: An Exploratory Evaluation of Possible Causal Factors" (1998).

D. LeClair and S. Guarino-Ghezzi, "Prison Reintegration Programs: An Evaluation, 1997 Corrections Management Quarterly 65 (1997);

D. LeClair and S. Guarino-Ghezzi, "Does Incapacitation Guarantee Public Safety? Lessons from the Massachusetts Furlough and Prerelease Programs," 8 Justice Quarterly 9 (1991)

C. Lowencamp and E. LaTessa, Halfway House and Community-Based Facility Evaluation, University of Cincinnati (2002).

J. Petersilia, When Prisoners Come Home: Parole and Prisoner Reentry (2003).

R.P. Seiter, Evaluation Research as a Feedback Mechanism for Criminal Justice Policy Making: A Critical Analysis, Unpublished dissertation, The Ohio State University.

R. P. Seiter & K. Kadela, "Prisoner Reentry: What Works, What Doesn't and What's Promising," Crime and Delinquency, April 2003 (forthcoming).

L.W. Sherman, et al., "Preventing Crime: What Works, What Doesn't, What's Promising," Research in Brief, Washington, DC: U. S. Department of Justice, National Institute of Justice 1998.

Solicitor General of Canada, Corrections and conditional release statistical overview (2000), <http://www.sgc.gc.ca/Epub/Corr/eStatsNov2000/eStatNov2000.htm>.

Statutory Authority to Contract With the Private Sector for Secure Facilities, 16 Op.OLC 65 (1992) (available at <http://www.usdoj.gov/olc/quinlan.15.htm>) The holding of the 1992 OLC opinion was confirmed in 2002 in another OLC opinion.

J. Travis, Testimony before the U.S. House of Representatives Committee on Government Reform Subcommittee of the District of Columbia, July 20, 2001, <http://www.urban.org/url.cfm?ID=900419>.

J. Travis, A. L. Solomon & M. Waul, From Prison to Home: The Dimensions and Consequences of Prisoner Reentry (2001) www.urban.org/pdfs/from_prison_to_home.pdf

Appendix A

GOVERNMENT OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2001-172

November 21, 2001

SUBJECT: Establishment - Community Corrections Facility Siting Advisory Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code, 2001 Ed. § 1-204.22(2), it is hereby **ORDERED** that:

- I. **ESTABLISHMENT**: There is hereby established in the government of the District of Columbia a Community Corrections Facility Siting Advisory Commission.
- II. **PURPOSE**: The purpose of the Community Corrections Facility Siting Advisory Commission is to make recommendations to the Mayor and the Bureau of Prisons on the criteria governing the siting of community correctional facilities.

The Commission shall submit its recommendations in a report to the Mayor within 90 days of the Commission's first meeting. The site selection criteria recommended by the Advisory Commission shall take into account the Comprehensive Plan, the proximity and distribution of existing residential facilities, all relevant laws and regulations, research on prisoner reentry and recidivism, and the health, safety, and welfare of District residents.

- III. **FUNCTIONS**: The Commission shall:
 - Consult with District agencies with correctional management expertise, including, but not limited to, the Department of Corrections, the Department of Human Services, the Department of

Employment Services, the Addiction Prevention and Recovery Administration, the Department of Consumer and Regulatory Affairs, and the Office of Planning.

Consult with Federal agencies with correctional management expertise, including, but not limited to, the United States Parole Commission, the Court Services and Offender Supervision Agency, the Pretrial Services Agency, and the United States Bureau of Prisons.

The Commission may hold public meetings:

- To receive testimony from citizens with respect to the criteria for site selection for correctional facilities in the District of Columbia, and

-2-

- To present the Commission's findings and a draft report to the community for comment 10 days prior to submitting to the Mayor the report required by this order.

IV. **COMPOSITION:** The Commission shall be composed of 7 voting and 5 non-voting members.

- The Mayor shall appoint 4 voting members to the Commission and those members shall have no fiduciary or pecuniary interest in the operation of a correctional facility;
- The Council shall appoint 3 voting members to the Commission and those members shall have no fiduciary or pecuniary interest in the operation of a correctional facility;
- The non-voting members of the Commission shall include the following persons or their designees:
 - The Director of the Department of Corrections;
 - The Director of the Court Services and Offender Supervision Agency;
 - The Corporation Counsel;

- The Director of Planning; and
- The Director of the United States Bureau of Prisons.

- V. **TERMS:** Members of the Commission shall serve a single, non renewable term not to exceed six months.
- VI. **COMPENSATION:** Members shall serve without compensation.
- VII. **ORGANIZATION:** The Chairperson shall be appointed by the Mayor. The Commission shall elect such other officers as may be required and shall determine its own rules of procedure.
- VIII. **STAFF SUPPORT AND ADMINISTRATION:**

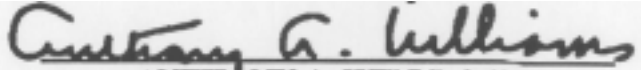
The Office of the Deputy Mayor for Public Safety and Justice and the Office of Planning shall provide administrative and staff support for the Commission.

Other District departments and agencies will provide assistance to the Commission upon request. Expenses of the Commission, when authorized in advance by the


-3-

Deputy Mayor for Public Safety and Justice, will become obligations against funds designated for that purpose.

- IX. **EFFECTIVE DATE:** This Order shall become effective immediately.



ANTHONY A. WILLIAMS
MAYOR

ATTEST: 
BEVERLY A. RIVERS
SECRETARY OF THE DISTRICT OF COLUMBIA

Appendix B

Members of the District of Columbia Community Corrections Facility Advisory Siting Commission

Voting Members

Margaret C. Love, Chair

Ms. Love is an attorney in private practice in Washington, who specializes in sentencing and post-conviction issues. She worked at the U.S. Justice Department for 20 years, including seven years as U.S. Pardon Attorney. She is a resident of Ward Six, and was appointed to the Commission by the Mayor.

Mary D. Jackson

Ms. Jackson is a retired employee of the U.S. Senate. A resident of Ward 7, she is a longtime community activist and serves as Advisory Neighborhood Commissioner for ANC 7E04. She was appointed to the Commission by the Mayor.

Rahim Jenkins

Mr. Jenkins is employed by the District of Columbia as a reentry specialist. He is a resident of Ward Eight, was appointed to the Commission by the Mayor.

James H. Jones

Mr. Jones was recently reelected to a third term as Advisory Neighborhood Commissioner for ANC 4A08 in Crestwood. He chairs ANC 4A. Mr. Jones, a resident of Ward Four, was appointed to the Commission by the City Council.

Donald P. Salzman

Mr. Salzman is an attorney in private practice, and formerly served as a public defender in Montgomery County, MD. Mr. Salzman, a resident of Ward One, was appointed to the Commission by the Mayor.

Ronald H. Weich

Mr. Weich is currently a partner in the law firm of Zuckerman Spaeder LLP. He formerly served as an Assistant District Attorney in New York City and as counsel to the U.S. Senate Judiciary Committee. Mr. Weich, a resident of Ward Three, was appointed to the Commission by the City Council.

Frank J. Zampatori, Jr.

Mr. Zampatori, the retired Director of Personnel at the Appalachian Regional Commission, has been active in his community and in District politics since 1978.

He currently resides in Ward Six, and was appointed to the Commission by the City Council.

Non-Voting, Ex-Officio Members

Director, Federal Bureau of Prisons

Director, D.C. Department of Corrections

District of Columbia Corporation Counsel

Director, Court Services and Offender Supervision Agency

Director, D.C. Office of Planning

APPENDIX C

Individuals who Provided Written Comments to the Commission or who Testified at Commission Hearings on December 5, 2002, January 22, 2003, or April 7, 2003

Rodney Newman, ANC Commissioner 7A03
Alan Roth, ANC Commissioner 1C01
L. Yvonne Moore, ANC Commissioner 7B03
Yavocka Young, ANC Commissioner 8A04
Jourdinia Brown, ANC Commissioner 4A02
Bob Morris, ANC Commissioner 6C06
Rebecca Sates, ANC Commissioner 5B02
Keith Smith, ANC Commissioner 6B09
Lawrence Guyot, ANC Commissioner 1B01
Neil Glick, ANC Commissioner 6B08
Stephen A. Whatley, ANC Commissioner 4A03
Janis E. Williams, ANC Commissioner 4C10
Barbara Kemp, ANC Commissioner 8C07
Regina James, ANC Commissioner 5B03
David J. Bardin, ANC Commissioner 3F04
Frank Buchholz, ANC Commissioner 3C02
ANC6B Resolution dated February 11, 2003

Fernando Rivero, Chief of Staff, Councilman Jim Graham's Office
Cedrick Hendricks, Court Services and Offender Supervision Agency
James Beck, United States Parole Commission
Thelma Jones, Fairlawn Citizens Association
Carolyn Gray, Community Improvement Council
Carroll Green, Federation of Citizens Associations of D.C. and Manor Park
Citizens Association
Regina Russell, Ft. Lincoln Civic Association
Monte Edwards, Stanton Park Neighborhood Association
Martha Pappano, South Central and Gateway
Ursa Issac, Eckington Improvement Association
Anthony Kuhar, Hanover Civic Association
Jim Myers, Hill East, Ward 6
Sharon Brown, Three Corners Neighborhood Association
Darryle Carter, Citizens for A Safe Ward 5, Inc.

Susan Galbraith, Our Place DC
Gerald Clark, Resident, Shaw II

James Crawford, D.C. Prisoners Legal Services Project
Ivy Lange, D.C. Prisoners Legal Services Project
Sandra Robinson, Bureau of Rehabilitation Inc.
Charles Reynolds, Washington Halfway Homes
Paulette Riggins, Resident, Trudie Wallace House
John De Taeye, Weed and Seed

Clara Boone, Resident (Ward 6)
James Gibbs, Resident (Ward 5)
Erin Flanigan, Resident (Ward 5)
Sidney C. Davis, Resident
Barbara Zartman, Resident
Steven Miller, Resident (Ward 4)
Steve Rynecki, Resident (Ward 5)
Elizabeth Purcell, Resident (Ward 6)
Darren Snell, Resident (Eckington)