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GARNES DECREE

HEARING
BEFORE THE
SUBCOMMITTEE ON
JUDICIARY AND EDUCATION
OF THE
COMMITTEE ON
THE DISTRICT OF COLUMBIA
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIRST CONGRESS
SECOND SESSION

ON
STATUS AND IMPACT OF THE GARNES DECREE ON FEMALE D.C. CODE
OFFENDERS

JUNE 12, 1990

Serial No. 101-11



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STAFF SUMMARY OF FINDINGS AND CONCLUSIONS

On June 12, 1990, the Subcommittee on Judiciary and Education held an oversight hearing on the status and impact of the Garnes Decree on female D.C. Code offenders.

The Garnes Decree is the remedy which provides for female D.C. Code offenders to be held in Federal prisons because of a lack of prison space in the District of Columbia. The agreement between plaintiffs (a class of female offenders who were designated to the custody of the D.C. Department of Corrections by the Attorney General of the United States, and defendant, Attorney General of the United States) allows female inmates to apply to return to the District of Columbia 9 months prior to their parole eligibility date in order to reestablish family contact and prepare to return to the community.

Testimony was taken from Mr. Walter B. Ridley, director, D.C. Department of Correction; Ms. Gladys W. Mack, Chair, D.C. Board of Parole; David W. DeBruin, Esq., law office of Jenner & Block, representing a group of women inmates in their challenge of the D.C. Good Time Credits Act which allegedly discriminates against them on the basis of their sex; and a written statement was submitted for the record by the Hon. Wilhelmina J. Rolark, Chair, D.C. Council, Committee on the Judiciary.

Subcommittee chairman, Mervyn M. Dymally, specifically asked Mr. Walter Ridley and Ms. Gladys Mack to update the committee on the Garnes Decree progress, to provide a timetable for housing female offenders closer to home, and to explain the status of temporary solutions for the special problems faced by female D.C. Code offenders. In summary, the subcommittee was told that some of the females are already being housed closer to home at the minimum security facility at Lorton, Virginia, and that efforts are being made to increase the number of females transferred to this facility. A 500-bed facility for female offenders is included in the master plan of the department of corrections.

Mr. Ridley commended Mr. Dymally for holding the hearing, and commended staff counsel, E. Faye Williams for site visits and her careful examination of the issues. Mr. Ridley indicated a strong willingness to continue working toward resolution of the special problems of female D.C. Code offenders.

No Federal legislation is anticipated as a result of this hearing. However, Councilwoman Wilhelmina Rolark has agreed, at the request of Chairman Dymally to submit an amendment to the D.C. City Council which would remove from the D.C. Code the discriminatory phrase which limits the benefits of the D.C. Good Time Credits Act to individuals housed in District correctional facilities.

HEARING ON THE STATUS AND IMPACT OF THE GARNES DECREE ON FEMALE D.C. CODE OF- FENDERS

TUESDAY, JUNE 12, 1990

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON JUDICIARY AND EDUCATION,
COMMITTEE ON DISTRICT OF COLUMBIA,
Washington, DC.

The subcommittee met, pursuant to call, at 10:05 a.m., in room 1310A, Longworth House Office Building, Hon. Mervyn M. Dymally (chairman of the subcommittee) presiding.

Present: Representatives Dymally and Rohrabacher.

Also present: E. Faye Williams, staff counsel; and Donn Davis, senior legislative associate.

Mr. DYMALLY. Good morning, and welcome to the Subcommittee on Judiciary and Education. We are meeting here today to discuss the status and impact of the Garnes Decree on female District of Columbia Code offenders.

The Garnes Decree is the remedy agreed upon between the plaintiffs, a class of female offenders who had been designated to the custody of the D.C. Department of Corrections by the Attorney General of the United States, and defendant, Attorney General of the United States, for female D.C. Code offenders to be held in Federal prisons because of a lack of prison space for female offenders in the District of Columbia.

Because of this lack of adequate local prison space, female D.C. Code offenders face problems which differ from those of male D.C. Code offenders. Under the agreement, female offenders are permitted to apply to return to the District of Columbia 9 months prior to their parole eligibility, their mandatory release or expiration date in order to reestablish family contact and prepare to return to the community.

In the recent past, I have requested that counsel from the subcommittee visit various facilities that are housing women who are D.C. Code offenders. To date, I have reports on visits made to the Federal correctional institution at Lexington, Kentucky; the institution at Alderson, West Virginia; and the District of Columbia jail and the minimum security facility at Lorton, Virginia.

I am grateful for the cooperation of the D.C. Department of Corrections, the D.C. Board of Parole and the Federal and city correctional institutions which were involved in making these visits possible for staff and providing us with useful information.

Among the common problems women who are housed outside the District of Columbia face are the following:

Inadequate family and community contact opportunities; inadequate educational opportunities for long-term inmates; feeling of discriminatory treatment as a result of being housed on Federal grounds, rather than the District of Columbia; inability to travel home for family emergencies because of the cost involved; inability of Federal staff to completely respond to the intricacies of D.C. procedures; confusion of dual-face sheets, Federal and D.C. Department of Corrections, with different eligibility dates; discriminatory treatment on D.C. Good Behavior Times Credits Act; and unequal access to sentence reduction procedures.

Today, I have asked the appropriate officials of the District of Columbia to report on: Exactly where we are in implementing the Garnes Decree. Let me suggest that I have been here approximately 10 years and we have been talking about the Garnes Decree for 10 years. I do not plan to be here another 10 years. I hope before I leave—maybe Mr. Rohrabacher, youthful and vigorous as he is, may be here another 10 years. I do not intend to be here another 10 years. I hope we can implement the Garnes Decree before 10 years.

When we must expect to be able to house female offenders closer to home; three, how the department of corrections is doing with temporary solutions for the special problems faced by the female D.C. Code offenders.

I would like to thank all of the witnesses for taking time and now I would like to call on my friend from California, Mr. Rohrabacher, for any comments he may have.

[The prepared opening statement of Mr. Dymally follows:]

OPENING STATEMENT
OF
THE HONORABLE MERVYN M. DYMALLY
CHAIRMAN, SUBCOMMITTEE ON JUDICIARY AND EDUCATION
COMMITTEE ON THE DISTRICT OF COLUMBIA
HEARING ON STATUS OF THE GARNES DECREE

Tuesday, June 12, 1990

GOOD MORNING AND WELCOME TO SUBCOMMITTEE ON JUDICIARY AND EDUCATION HEARINGS ON THE STATUS AND IMPACT OF THE GARNES DECREE ON FEMALE DISTRICT OF COLUMBIA CODE OFFENDERS.

THE GARNES DECREE IS THE REMEDY AGREED UPON BETWEEN PLAINTIFFS, A CLASS OF FEMALE OFFENDERS WHO HAD BEEN DESIGNATED TO THE CUSTODY OF THE D.C. DEPARTMENT OF CORRECTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES; AND DEFENDANT, ATTORNEY GENERAL OF THE UNITED STATES, FOR FEMALE D.C. CODE OFFENDERS TO BE HELD IN FEDERAL PRISONS BECAUSE OF A LACK OF PRISON SPACE FOR FEMALE OFFENDERS IN THE DISTRICT OF COLUMBIA.

BECAUSE OF THIS LACK OF ADEQUATE LOCAL PRISON SPACE, FEMALE D.C. CODE OFFENDERS FACE PROBLEMS WHICH DIFFER FROM THOSE OF MALE D.C. CODE OFFENDERS. UNDER THE AGREEMENT, FEMALE OFFENDERS ARE PERMITTED TO APPLY TO RETURN TO THE DISTRICT OF COLUMBIA NINE (9) MONTHS PRIOR TO THEIR PAROLE ELIGIBILITY, MANDATORY RELEASE OR EXPIRATION DATE IN ORDER TO RE-ESTABLISH FAMILY CONTACT AND PREPARE TO RETURN TO THE COMMUNITY.

IN THE RECENT PAST, I HAVE REQUESTED THAT COUNSEL FROM MY STAFF VISIT THE VARIOUS FACILITIES THAT ARE HOUSING WOMEN WHO ARE D.C. CODE OFFENDERS. TO DATE, I HAVE REPORTS ON VISITS MADE TO THE FEDERAL CORRECTIONAL INSTITUTION AT LEXINGTON, KENTUCKY; THE FEDERAL CORRECTIONAL INSTITUTION AT ALDERSON, WEST VIRGINIA; THE DISTRICT OF COLUMBIA JAIL AND THE MINIMUM SECURITY FACILITY AT LORTON, VIRGINIA.

I AM GRATEFUL FOR THE COOPERATION OF THE D.C. DEPARTMENT OF CORRECTIONS, THE D.C. BOARD OF PAROLE, AND FEDERAL AND CITY CORRECTIONAL INSTITUTIONS THAT WERE INVOLVED IN MAKING THESE VISITS POSSIBLE FOR STAFF AND PROVIDING US WITH USEFUL INFORMATION.

AMONG THE COMMON PROBLEMS WOMEN WHO ARE HOUSED OUTSIDE THE DISTRICT OF COLUMBIA FACE ARE THE FOLLOWING:

1. INADEQUATE FAMILY AND COMMUNITY CONTACT OPPORTUNITIES;
2. INADEQUATE EDUCATIONAL OPPORTUNITIES FOR LONG-TERM INMATES;
3. FEELING OF DISCRIMINATORY TREATMENT AS A RESULT OF BEING HOUSED ON FEDERAL GROUNDS;
4. INABILITY TO TRAVEL HOME FOR FAMILY EMERGENCIES BECAUSE

OF THE COST INVOLVED;

5. INABILITY OF FEDERAL STAFF TO COMPLETELY RESPOND TO THE INTRICACIES OF D.C. PROCEDURES;
6. CONFUSION OF DUAL FACE SHEETS -- FEDERAL AND D.C. DEPARTMENT OF CORRECTIONS -- WITH DIFFERENT ELIGIBILITY DATES;
7. DISCRIMINATORY TREATMENT ON D.C. GOOD TIMES CREDITS ACT;
8. UNEQUAL ACCESS TO SENTENCE REDUCTION PROCEDURES.

TODAY, I HAVE ASKED THE APPROPRIATE OFFICIALS OF THE DISTRICT OF COLUMBIA TO REPORT ON:

1. EXACTLY WHERE WE ARE IN IMPLEMENTING THE GARNES DECREE;
2. WHEN WE MIGHT EXPECT TO BE ABLE TO HOUSE FEMALE OFFENDERS CLOSER TO HOME;
3. HOW THE DEPARTMENT OF CORRECTIONS IS DOING WITH TEMPORARY SOLUTIONS FOR THE SPECIAL PROBLEMS FACED BY FEMALE D.C. CODE OFFENDERS.

I WOULD LIKE TO THANK ALL OF THE WITNESSES FOR TAKING THE
TIME TO AID US IN THIS INQUIRY.

Mr. ROHRABACHER. Thank you, Mr. Chairman. That wasn't an announcement of a candidacy for the U.S. Senate, was it? We could have Senator Dymally from California, but then you would still be faced with these kinds of problems. [Laughter.]

I am pleased to be here today and I will be listening to this testimony very closely. I am concerned, frankly, less about the condition of the inmates than I am about the safety of the public.

We have to be concerned, as humanitarian people, about the way inmates are treated. However, people who want people off the streets who are honest people who don't break the laws and don't attack their fellow citizens who are being victimized in our society today, and my main goal, when I look at these types of questions, is how are we going to change the system to ensure that innocent people are protected, which is, in essence, the purpose of the law.

So I will be listening today and I hope that doesn't sound too harsh or too hardened an attitude, but I am really looking at this problem from that perspective.

So, thank you very much, Mr. Chairman.

Mr. DYMALLY. Thank you, Mr. Rohrabacher.

Without objection, I would like to enter into the record a statement from Mr. Fauntroy. I expect that he may show up a little later. Thanks.

[The prepared statement of Mr. Fauntroy follows:]

STATEMENT OF
HONORABLE WALTER E. FAUNTROY

before the
SUBCOMMITTEE ON JUDICIARY AND EDUCATION
of the
Committee on the District of Columbia

Tuesday
June 12, 1990

10:00 AM

1310A Longworth

I JOIN YOU, CHAIRMAN DYMALLY, IN WELCOMING OUR WITNESSES WHO WILL ADDRESS THE LONG-NEGLECTED PLIGHT OF OUR WOMEN WHO ARE D. C. CODE OFFENDERS.

FOR MANY YEARS, I HAVE SUPPORTED AND ENCOURAGED OUR DISTRICT OF COLUMBIA CORRECTIONS DEPARTMENT IN THE JOB THEY HAVE TO DO IN EXECUTING THE ORDERS OF OUR COURTS AND FUNCTIONING AS A CORRECTIONAL SYSTEM WITHIN THE LIMITATIONS OF FUNDING, OVER-CROWDING, AND EVER CHALLENGING HEALTH AND SOCIAL PROBLEMS THAT PLAGUE NOT JUST WASHINGTON, D.C. BUT THE NATION.

WE ARE FORTUNATE TO HAVE ADMINISTRATORS WHO ARE DEDICATED, KNOWLEDGEABLE, AND LONG-SUFFERING. OUR PRISON RESIDENTS HAVE MANY NEEDS. THE GARNES DECREE IS CERTAINLY ONE OF THE MOST VISIBLE INJUSTICES - ESPECIALLY TOWARD THE WOMEN POPULATION WHO HAVE ALWAYS EXPERIENCED GREAT HARDSHIP IN THE SERVING OF THEIR SENTENCES.

I WANT TO THANK CHAIRMAN DYMALLY FOR BRINGING YOU HERE THIS MORNING TO BUILD A RECORD OF SOME OF THE PROBLEMS AND RECOMMENDATIONS THAT MIGHT ASSIST US IN DEALING EFFECTIVELY AND PERHAPS LEGISLATIVELY IN THIS MUCH NEEDED AREA.

- over -

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GARNES DECREE

I SHALL BE WATCHING AND REVIEWING THESE PROCEEDINGS AS
THEY PROVIDE, HOPEFULLY, THE INSIGHTS NEEDED.

THANK YOU ALL FOR YOUR PART IN THIS HEARING.

#

Mr. DYMALLY. Our first witness today is Mr. Walter Ridley, director of the D.C. Department of Corrections.

Mr. Ridley.

**STATEMENT OF WALTER B. RIDLEY, DIRECTOR, D.C.
DEPARTMENT OF CORRECTIONS**

Mr. RIDLEY. Good morning, Mr. Chairman, and other esteemed members of the Committee on the District of Columbia. I am honored to appear before you today, Mr. Chairman, to share information about existing and planned programs and services for female offenders in the District of Columbia.

First, Mr. Chairman, let me commend you for the careful examination of this issue by your staff, who have made site visits to District and Federal facilities that currently house District of Columbia female offenders. We welcome your input; we are gratified by your concern and invite your continued involvement as we pursue resources to meet the myriad needs of women in our criminal justice system here in the District of Columbia.

While the purpose of this hearing involves impact of the Garnes Decree on female law violators who are housed in Federal institutions, some of my comments will extend beyond that parameter, since some females who previously would have been placed in Federal institutions are now housed in District facilities which obviate the need for the Garnes Decree for that particular group.

While much remains to be done, we are proud of the inroads we have already made in population management and in the provision of services for female offenders. This department, as with other corrections systems across the country, has been grappling with staggering population increases for the past several years, including more female offenders. One result has been greater dispersion of females throughout the Federal institutions. However, a second result is one that we are very excited about here in the District of Columbia.

In September of last year, we moved 172 women into the minimum security facility at Lorton, thus avoiding geographic dislocation that accompanies placement in Federal institutions. Currently, we are considering ways to return some of the women who reside in the Federal minimum security institution at Alderson, West Virginia, back to the District of Columbia.

By way of background, the Garnes Decree, which was signed by U.S. District Court Judge Albert Bryant in December 1976, stipulates the procedures for designating and transferring District of Columbia female offenders to Federal institutions and for later referring them back to the District at least 9 months before their parole eligibility dates.

Amendments to the decree afford District women the right to have District of Columbia parole guidelines used, along with those of the Federal Parole Commission, when they are being evaluated for parole consideration.

We remain committed to full compliance, Mr. Chairman, with both the spirit and the letter of the Garnes Decree.

As of May 31, 1990, there were 240 women under the jurisdiction of the Garnes Decree. The majority, 144, were at the Federal insti-

tution in Lexington, Kentucky; with 62 in Alderson, West Virginia; 15 in Marianna, Florida; 12 in Pleasanton, California and seven in Danbury, Connecticut.

Judging by the distant location of each Federal prison mentioned, visitation with family members is a major problem for most of the females because of the prohibitive transportation costs which must be borne by the family. However, Federal institution rules on visitation for the overall population apply to District of Columbia women as well.

It should be noted that females housed at the minimal security facility at Lorton have very few visitors. We have no explanation for this phenomena, but of the approximately 170 female residents there, only three to four will receive visits by family members on a weekend day.

As your staff observed, the major factor leading to incarceration of females is involvement in drugs, both distribution and possession. Of females housed in District facilities, at least 56 percent have drug-related charges and the Federal percentage, I am sure, is at least comparable.

The Federal institutions offer centralized drug treatment and self-improvement programs in which participation is voluntary. Psychological services staff in each institution develop and coordinate those programs. However, here in the District of Columbia, we are especially proud of a model substance abuse treatment program for men currently under way at the Lorton complex. It was featured recently on the television program, "Nightline," and will be replicated in the correctional treatment facility that is slated to open in November 1991.

That facility will provide treatment services for females, as well as males, who are encountering difficulty with substance abuse, mental health, and of course, it will serve as a diagnostic and reception facility.

The program I spoke about earlier, the substance abuse treatment program, the model, will be also operated for females in the very near future. Using Federal grant money obtained from the District's Office of Criminal Justice Plans and Analysis, we will provide an intensive therapeutic experience in a 32-bed residential program on the grounds at the Lorton complex for women who have longstanding substance abuse problems that have severely impaired their ability to function.

Currently, Mr. Chairman, 15 of the program's participants have been selected and are participating in what we call transitional planning for full programmatic involvement. Additionally, we plan to bring back from the Federal system some of the women who most appropriately could benefit from this therapeutic environment.

Aside from this specialized treatment program, drug education and prevention counseling is available to all female residents on a voluntary basis. Programs notwithstanding, the major issue confronting the District's prison system is our ability to provide suitable housing for the thousands of people placed in our custody by the local judiciary.

In order to approach this need from a well-reasoned systematic perspective, in 1988, the department of corrections developed and

published a master plan encompassing policy, program and facility expansion plans. A copy of the March 1990, update of the plan has been submitted for the record.

However, I would like to highlight one item from the facilities master plan which is the construction of a 500-bed facility for female offenders. The facility will contain two 250-bed single-room units. Capital authority for construction will be requested in fiscal year 1992.

We would be greatly appreciative of your support, Mr. Chairman, in facilitating increased Federal funding for that institution after the budget for it has been presented to the Congress.

In the interim, however, we will continue to house as many women as logistically possible at the Lorton complex and will continue striving to improve services available to women under our care at the detention facility and minimum security facility.

Mr. Chairman, the District of Columbia Department of Corrections is but one step in the criminal justice process. Another extremely important component in the treatment and supervision of female offenders is the D.C. Board of Parole, and Mrs. Gladys Mack, chairperson of the board, will now provide testimony on the innovative programs the board has designed and implemented for female offenders.

Again, thank you for the opportunity to appear before you today and I look forward to your continued support and will be happy to respond to questions after Mrs. Mack, Mr. Chairman.

[The prepared statement of Mr. Ridley follows:]

Testimony by
Walter B. Ridley
Director, District of Columbia Department of Corrections
before the
Committee on the District of Columbia
U. S. House of Representatives
Impact of the Garnes Decision on Female Offenders
Tuesday, June 12, 1990
10:00 a.m.

Good morning Mr. Chairman and other esteemed members of the Committee on the District of Columbia. I am honored to appear before you today to share information about existing and planned programs and services for female offenders in the District of Columbia.

First, let me commend you for the careful examination of this issue by your staff who made site visits to District and federal facilities that house District of Columbia female offenders. We welcome your input, are gratified by your concern, and invite your continued involvement as we pursue resources to meet the myriad needs of women in our criminal justice system.

While the purpose of this hearing involves impact of the Garnes Decree on female law violators housed in federal institutions, some of my comments will extend beyond that parameter, since some females who previously would have been placed in federal institutions are now housed in District facilities, which obviates the need for the Garnes Decree for that particular group.

While much remains to be done, we are proud of the inroads we have already made in population management and in the provision of services for female offenders. This department, as with other corrections systems across the country, has been grappling with staggering population increases for the past several years, including more female offenders. One result has been greater dispersion of females throughout federal institutions. However, a second result is one that we are very excited about: in September of last year we moved 172 women into the minimum security facility at Lorton, thus avoiding geographic dislocation that accompanies placement in federal institutions. Currently, we are considering ways to return some of the women who reside in the federal minimum security institution at Alderson, West Virginia.

By way of background, the Garnes Decree, which was signed by U. S. District Court Judge Albert Bryant in December, 1976, stipulates the procedures for designating and transferring District of Columbia female offenders to federal institutions and for later referring them back to the District at least nine months before their parole eligibility dates. Amendments to the decree afford District women the right to have District of Columbia parole guidelines used, along with those of the federal parole commission, when they are being evaluated for parole consideration. We remain committed to full compliance with both the letter and spirit of the order.

As of May 31, 1990, there were 240 women under the jurisdiction of the Garnes Decree. The majority, 144, were at the federal institution in Lexington, Kentucky, with 62 in Alderson, West Virginia; 15 in Marianna, Florida; 12 in Pleasanton, California and 7 in Danbury, Connecticut.

Judging by the distant location of each federal prison mentioned, visitation with family members is a major problem for most of the females because the prohibitive transportation costs must be borne by the family. However, federal institution rules on visitation for the overall population apply to District of Columbia women as well. It should be noted that females housed at the Minimum Security Facility at Lorton have very few visitors. We have no explanation for this phenomenon, but of the approximately 170 female residents there, only three to four will receive visits by family members on a weekend day.

As your staff observed, the major factor leading to incarceration of females is involvement in drugs, both distribution and possession. Of females housed in District facilities, at least fifty-six percent (56%) have drug-related charges, and the federal percentage is at least comparable. The federal institutions offer centralized drug treatment and self-improvement programs in which participation is voluntary. Psychological services staff in each institution develop and coordinate the programs.

We are especially proud of a model substance abuse treatment program for men currently underway at the Lorton Complex. It was featured on the television program Nightline a few months ago and will be replicated in the Correctional Treatment Facility that is slated to open in November, 1991.

This program will also be operated for females in the near future. Using federal grant money obtained from the District's Office of Criminal Justice Plans and Analysis, we will provide an intensive therapeutic experience, in a 32-bed residential program on the grounds at the Lorton Complex, for women who have long-standing substance abuse problems that have severely impaired their ability to function.

Currently, 15 of the program's participants have been selected and are participating in transitional planning for full programmatic involvement. Additionally, we plan to bring back from the federal system some of the women who most appropriately could benefit from this therapeutic environment. Aside from this specialized treatment program, drug education and prevention counseling is available to all female residents on a voluntary basis.

Programs notwithstanding, the major issue confronting the District's prison system is our ability to provide suitable housing for the thousands of people placed in our custody by the local judiciary. In order to approach this need from a well-reasoned, systematic perspective, in 1988 the Department of Corrections developed and published a master plan, encompassing policy, program and facility expansion goals. A copy of the March 1990 update of the plan has been submitted for the record. However, I would like to highlight one item from the Facilities Master Plan, which is construction of a 500-bed facility for female offenders.

The facility will contain two 250-bed, single room units. Capital authority for construction will be requested in fiscal year 1992. We would be greatly appreciative of your support in facilitating increased federal funding for that institution after the budget for it has been presented to the Congress. In the interim, we will continue to house as many women as logistically possible at the Lorton Complex and will continue striving to improve services available to women under our care at the Jail and Minimum Security Facility.

The District of Columbia Department of Corrections is but one step in the criminal justice process. Another extremely important component in the treatment and supervision of female offenders is the D. C. Board of Parole, and Mrs. Gladys Mack, Chairperson of the Board, will now provide testimony on the innovative programs the Board has designed and implemented for female parolees.

Again, thank you for the opportunity to appear before you today. I look forward to your continued support and will be happy to respond to questions after you hear from Mrs. Mack.

Mr. DYMALLY. Thank you.

Do you want Ms. Mack to testify now and then questions after?

Mr. RIDLEY. If you would, please, sir.

Mr. DYMALLY. Very well.

Ms. Mack, proceed.

STATEMENT OF GLADYS W. MACK, CHAIR, D.C. BOARD OF PAROLE

Ms. MACK. Thank you, Mr. Ridley.

Good morning, Mr. Chairman, members of the committee. I am Gladys Mack, chairperson of the District of Columbia Board of Parole. I appreciate this opportunity to appear before you today to talk about the board of parole's initiatives under the Garnes Decree.

I am pleased to report that Garnes' implementation, Mr. Chairman, is working well. Over the last several years, the D.C. Board of Parole has been very aggressive in its efforts to make the parole consideration process more predictable for women D.C. Code offenders who are covered by the Garnes Decree.

In March 1987, a member of this committee staff, Mr. Ridley and I traveled to Alderson to meet with the warden there, the staff and the D.C. Code offenders who are housed there. As a result of that meeting, the board initiated a process to familiarize all inmates with the parole determination process and to make sure that they had access to the board and were able to raise any questions that they needed to raise as a result of that.

Mr. Ridley and I worked together at that time to make sure that the department of corrections and the board of parole were working hand in hand to take care of the needs that the women had in this regard.

The board now has a staff person who, among other duties, has the responsibility for trouble-shooting complex complaints, concerns and other issues that occur as a result of women incarcerated in the Federal system. We constantly monitor the procedure for women incarcerated on Federal grounds, to ensure that they may exercise their rights under the Garnes Decree to return for board hearings without suffering any undue delay or other hardships.

Also, in 1987, the board of parole commissioned a report on D.C. Code women offenders. The purpose of the report was to assess the needs of D.C. women and provide specific program recommendations addressing those needs. The report was published in June 1987, and the board moved very quickly to begin to implement some of the recommendations that were presented in the report.

One such recommendation was to have women on parole included in a special temporary employment program known as STEP, which had been available only to male ex-offenders. This is a model program in the country. It provides transition jobs for people who are just getting out of prison and have been unable to find employment on their own.

We have subsidized jobs that will tide them over until either they can find their own jobs or our department of employment services helps them in that effort.

Another project that grew out of the report on women offenders was a demonstration project called "Project Lifeline." This project was designed to provide women parolees, including those returned under Garnes, with intensive parole supervision, coupled with strong supportive services.

Our experience shows, and it also has been documented, that the needs of women, both in prison and on parole, are tremendous and require close monitoring and a lot of coordination once they are a part of the criminal justice process.

Our "Project Lifeline" was designed specifically to address some of those unique needs that women have and to make sure that they were not simply treated in the same way that we might treat other parolees who had a different set of needs.

Because the demonstration Project Lifeline, was successful, we have now made it a regular case load within our parole supervision services. We have a parole officer dedicated to the Project Lifeline case load and we have a treatment specialist who is available to provide those special needs that I spoke about earlier.

Continuing our activity to assure that the needs of women parolees were addressed and also that the recommendations in the report were addressed, in November 1988, the board established the D.C. Advisory Council on Female Offenders. The council has private- and public-sector members from a wide variety of disciplines. The purpose of the council is to advise the District of programs and services to meet the needs of female offenders, ex-offenders and their children in an effort to reduce the recidivism rate of women and prevent the children from becoming offenders.

Another effort that we have undertaken is to assure that recently adopted policies by the bureau of prisons are ameliorated somewhat in their impact on D.C. Code offenders. At one time, the majority of the D.C. women were housed at Alderson, in West Virginia, and while that is relatively inaccessible, it was better than some of the faraway institutions that the women are in now.

In order to assure that D.C. Code violators who were in some of the women facilities for the first time, would have access to all the information they needed to be considered under Garnes, we outreached to all of those institutions and provided them with complete information on how women should apply for parole and invited them to raise any questions that they might have.

Mr. Chairman, the D.C. Board of Parole will continue its full support and commitment to the mandate of Garnes and will work with the D.C. Department of Corrections and Federal corrections facilities to ensure that the rights of women D.C. Code offenders housed in other jurisdictions are preserved.

I would be happy to answer any questions that you might have. Thank you very much.

[The prepared statement of Ms. Mack follows.]

TESTIMONY OF
GLADYS W. MACK
CHAIRPERSON
DISTRICT OF COLUMBIA BOARD OF PAROLE

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON JUDICIARY AND EDUCATION

1310 LONGWORTH HOUSE OFFICE BUILDING
JUNE 12, 1990
10:00 A.M.

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE ON JUDICIARY AND EDUCATION. I AM GLADYS MACK, CHAIRPERSON OF THE DISTRICT OF COLUMBIA BOARD OF PAROLE. THANK YOU FOR GIVING ME THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO REPORT ON THE BOARD OF PAROLE'S INITIATIVES REGARDING THE GARNES DECREE.

OVER THE LAST SEVERAL YEARS, THE D.C. BOARD OF PAROLE HAS BEEN VERY AGGRESSIVE IN ITS EFFORTS TO MAKE THE PAROLE CONSIDERATION PROCESS MORE PREDICTABLE FOR WOMEN D.C. CODE OFFENDERS WHO ARE COVERED BY THE GARNES DECREE. IN MARCH 1987, A MEMBER OF THIS COMMITTEE STAFF, MR. RIDLEY AND I TRAVELLED TO ALDERSON TO MEET WITH THE WARDEN, THE STAFF, AND THE D.C. CODE OFFENDERS HOUSED THERE. AS A RESULT OF THAT MEETING, THE BOARD INITIATED A PROCESS TO FAMILIARIZE INMATES WITH THE PAROLE DETERMINATION PROCEDURE.

THE BOARD NOW HAS A STAFF PERSON WHO, AMONG OTHER DUTIES, HAS THE RESPONSIBILITY FOR TROUBLE SHOOTING COMPLEX COMPLAINTS, CONCERNS AND ISSUES THAT OCCUR AS A RESULT OF WOMEN INCARCERATED IN THE FEDERAL SYSTEM, AND DEVELOPING PROCEDURE FOR WOMEN INCARCERATED ON FEDERAL GROUNDS, SO THAT THEY MAY EXERCISE THEIR RIGHT UNDER THE GARNES DECREE TO RETURN FOR BOARD HEARINGS WITHOUT SUFFERING UNDUE DELAY OR OTHER HARDSHIPS.

IN SEPTEMBER OF 1987, THE BOARD COMMISSIONED A REPORT ON D.C. WOMEN CODE OFFENDERS. THE PURPOSE OF THE REPORT WAS TO ASSESS THE NEEDS OF THE WOMEN, AND PROVIDE SPECIFIC PROGRAM RECOMMENDATIONS ADDRESSING THOSE NEEDS. IT WAS PUBLISHED IN JUNE, 1987.

THE REPORT MADE A NUMBER OF RECOMMENDATIONS THAT HAVE SINCE BEEN IMPLEMENTED, INCLUDING THE INCLUSION OF WOMEN, AFTER RELEASE ON PAROLE, IN A SPECIAL TEMPORARY EMPLOYMENT PROGRAM (STEP) THAT HAD ONLY BEEN AVAILABLE TO MALE EX-OFFENDERS.

ANOTHER PROJECT WHICH GREW OUT OF THE REPORT WAS A DEMONSTRATION PROJECT CALLED PROJECT LIFELINE, DESIGNED TO PROVIDE WOMEN PAROLEES, INCLUDING THOSE RETURNED UNDER GARNES, WITH INTENSIVE PAROLE SUPERVISION COUPLED WITH STRONG SUPPORTIVE SERVICES. STAFFING WAS PROVIDED BY A COMMUNITY RESOURCE SPECIALIST AND A PAROLE OFFICER.

AS A DEMONSTRATION PROJECT, LIFELINE PROVED SUCCESSFUL AND LIFELINE IS NOW A REGULAR CASELOAD WITHIN OUR PAROLE SUPERVISION SERVICES. IN ESSENCE, PAROLE SUPERVISION HAS ASSUMED, IN LIFELINE, THE STAFF RESPONSIBILITY OF TEACHING OUR WOMEN PAROLEES WHERE TO GO, WHEN TO GO, AND HOW TO GO IN ORDER TO TAP INTO EXISTING SERVICE DELIVERY SYSTEMS.

IN NOVEMBER 1988, THE BOARD ESTABLISHED THE D.C. ADVISORY COUNCIL ON FEMALE OFFENDERS. THE COUNCIL HAS PRIVATE AND PUBLIC SECTOR MEMBERS FROM A WIDE VARIETY OF DISCIPLINES. THE PURPOSE OF THE COUNCIL IS TO ADVISE THE DISTRICT OF COLUMBIA OF PROGRAMS AND SERVICES TO MEET THE NEEDS OF FEMALE OFFENDERS, EX-OFFENDERS AND THEIR CHILDREN, IN AN EFFORT TO REDUCE THE RECIDIVIST RATE OF WOMEN AND TO PREVENT THEIR CHILDREN FROM BECOMING OFFENDERS.

THE FEDERAL BUREAU OF PRISONS RECENTLY ADOPTED A POLICY AFFECTING WOMEN OFFENDERS, WHICH CREATED NEW DESIGNATIONS FOR WOMEN INMATES. AS A RESULT OF THIS NEW POLICY, THE MAJORITY OF DISTRICT WOMEN ARE NO LONGER HOUSED AT THE ALDERSON FACILITY IN WEST VIRGINIA.

IN ORDER TO ASSURE THAT WOMEN D.C. CODE VIOLATORS WILL BE ABLE TO RECEIVE ADEQUATE INFORMATION, WE HAVE OUTREACHED TO ALL THE STAFFS OF THE FEDERAL WOMEN'S INSTITUTIONS TO ASSURE THAT THEY HAVE COMPLETE INSTRUCTIONS CONCERNING THE APPLICATION OF GARNES.

THE D.C. BOARD OF PAROLE WILL CONTINUE ITS FULL SUPPORT OF AND COMMITMENT TO THE MANDATES OF GARNES, AND WILL WORK WITH THE D.C. DEPARTMENT OF CORRECTIONS AND FEDERAL CORRECTIONAL FACILITIES TO ENSURE THE RIGHTS OF WOMEN D.C. CODE VIOLATORS HOUSED IN OTHER JURISDICTIONS. IF YOU HAVE ANY QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM AT THIS TIME.

Mr. DYMALLY. Thank you very much, indeed.

I have a couple of questions for you, Mr. Ridley.

Ms. Mack, is it possible for you to send us a copy of that report you mentioned?

Ms. MACK. Be happy to, sir.

Mr. DYMALLY. Fine, thank you.

[The above-mentioned information was not received in time for printing.]

Mr. DYMALLY. Mr. Ridley, where do you propose to put the new facility?

Mr. RIDLEY. It will be located on the 3,000 acres of land in Lorton, Virginia, Mr. Chairman. In Lorton, Virginia, where our other sentencing facilities are currently located.

Mr. DYMALLY. Close to the Lorton facility?

Mr. RIDLEY. Right, sir.

Mr. DYMALLY. What is the response of our friends in Virginia?

Mr. RIDLEY. Mr. Chairman, about 6 months ago, I made a presentation to the local community, as well as one of the representatives from the board of supervisors, Mr. Jerry Highland, on our master plan, facilities master plan. It was, of course—I would say—warmly received, in lieu of some other kinds of activities that, of course, are slated to go on some of the territory down here.

Mr. DYMALLY. That warmth is not confused with heat, is it?

Mr. RIDLEY. No, sir. [Laughter.]

They were receptive and they understood our need. There were some trade-offs that were made to get our master plan on the books. One trade-off was that we will use some of the land at Lorton for, you know, Fairfax County activities. They were receptive to that. So thus far, we haven't received any—

Mr. DYMALLY. What about the congressional delegation from northern Virginia?

Mr. RIDLEY. We haven't heard from the congressional delegation in northern Virginia, Mr. Dymally, but we are moving ahead with our facilities master plan.

Mr. DYMALLY. Have they been briefed?

Mr. RIDLEY. Yes, they have.

Mr. DYMALLY. OK. That ought to be very helpful.

How many inmates do you have at Lorton—female inmates?

Mr. RIDLEY. On yesterday, Mr. Chairman, we had 178 female offenders, if I remember. Ms. Rolark and I toured the female facility at Lorton on yesterday.

Mr. DYMALLY. You have 12 in California, 7 in Danbury. Are there any set of criteria by which you make the determination or the—who makes the determination that Jane Doe will go to Danbury or to Pleasanton?

Mr. RIDLEY. The Federal Prison System does that, Mr. Chairman.

Mr. DYMALLY. The Federal Prison System.

Mr. RIDLEY. Yes, they do.

Mr. DYMALLY. What are the criteria they use?

Mr. RIDLEY. I would think that one would be length of sentence, the charge, prior record, programmatic needs. I would think those would be the criteria that they would use, Mr. Chairman.

Mr. DYMALLY. Danbury is minimum security?

Mr. RIDLEY. Yes, sir; level 1, if my memory serves me.

Mr. DYMALLY. In that case, why would someone be sent to Danbury minimum security instead of West Virginia or Lorton?

Mr. RIDLEY. Mr. Chairman, I would think that they were transitioning from one of their higher level facilities, such as maybe Lexington, Kentucky, and from Lexington, they move to a minimum security facility.

Mr. DYMALLY. OK.

Mr. RIDLEY. I would be glad to discuss that with the Federal Prison System and provide that information to you.

Mr. DYMALLY. If those seven people were under your jurisdiction, then you would make that determination.

Mr. RIDLEY. I would, sir.

Mr. DYMALLY. That is to say, if you had the space, you would make the determination of where they ought to go.

Mr. RIDLEY. That is correct, sir.

Mr. DYMALLY. They are there because you don't have the space.

Mr. RIDLEY. That is correct, sir.

Mr. DYMALLY. OK. Now, some time ago, you received about \$20 million and that is lingering someplace. Where is that \$20 million now for a new facility?

Mr. RIDLEY. We received \$50 million about—

Mr. DYMALLY. Fifty?

Mr. RIDLEY. Right, for construction of a correctional treatment facility, which I made mention of in my testimony. That facility is due to come on line November 1992, sir.

Mr. DYMALLY. Now, that 50 has nothing to do necessarily with the women facility?

Mr. RIDLEY. It does in that there is going to be space available to house female offenders in that facility.

Mr. DYMALLY. That facility would be built here—

Mr. RIDLEY. In the District of Columbia.

Mr. DYMALLY. In the District.

Mr. RIDLEY. Yes. It is adjacent to the existing detention facility.

Mr. DYMALLY. That is mostly a rehab center, is it?

Mr. RIDLEY. A treatment facility, that is correct, sir, and it also has space for reception and diagnostic facilities.

Mr. DYMALLY. Do you have any money—I think you suggested in your testimony you don't have the money for the proposed Lorton facility yet. Is that—

Mr. RIDLEY. For female offenders?

Mr. DYMALLY. Yes.

Mr. RIDLEY. No, we have not submitted the request for capital.

Mr. DYMALLY. OK. Right.

Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you, Mr. Chairman.

Mr. RIDLEY, did you say that 50 percent of the inmates that you are in charge of are involved with drug-related offenses?

Mr. RIDLEY. Female offenders, Mr. Rohrabacher, yes.

Mr. ROHRABACHER. So 50 percent of them are—

Mr. RIDLEY. Roughly 50 percent, yes.

Mr. ROHRABACHER. Of that 50 percent, how many would you say are incarcerated for use versus sale?

Mr. RIDLEY. I don't have those figures available, but I will provide them so that we can have some accuracy, but off the top, I

would say use and sale, maybe 30 percent, possibly. That is a real rough—

Mr. ROHRABACHER. Thirty percent is just possession and—

Mr. RIDLEY. Possession, right.

Mr. ROHRABACHER [continuing]. The other 70 percent would be incarcerated for sale?

Mr. RIDLEY. Yes, I would say that.

Mr. ROHRABACHER. You have a drug treatment program currently.

Mr. RIDLEY. Correct.

Mr. ROHRABACHER. Of the inmates that have been through this program, how many, after a year of being free, for a year actually have stayed clean?

Mr. RIDLEY. I don't have those figures available. I would like to research it and provide it—

Mr. ROHRABACHER. Yes, I would like to know that.

[The above-mentioned information was not received in time for printing.]

Mr. ROHRABACHER. I think that when you are talking about cost-effectiveness, if you can get somebody off drugs, it is better to help them get off drugs than it is to keep them in some kind of a cage.

Mr. RIDLEY. I would agree.

Mr. ROHRABACHER. What is the cost per prisoner for a year's incarceration?

Mr. RIDLEY. We are running right now per day about \$52 a day for an offender in the District of Columbia, and that is for the total system. That is not broken out, male versus female or young adult offender versus long-term adult offender. But our average per day is about \$52. That runs somewhere in the neighborhood of pretty close to \$19,500, \$20,000 a year.

Mr. ROHRABACHER. OK. You are opening a new facility, a \$50 million facility for treatment?

Mr. RIDLEY. It is a correctional treatment facility that is to serve substance abusers, the emotionally and mentally disturbed, as well as a reception and diagnostic function; 800.

Mr. ROHRABACHER. Eight hundred beds?

Mr. RIDLEY. Yes, 800 beds.

Mr. ROHRABACHER. I assume service on an outpatient type of a system as well?

Mr. RIDLEY. There will be an after-care component included there for continuum of services, yes.

Mr. ROHRABACHER. Will that be—how much will that cost per patient or per client or—

Mr. RIDLEY. Outpatient is a lot less costly than inpatient. I would give an estimate of maybe \$20 to \$25 for after care services.

Mr. ROHRABACHER. I would very much appreciate any information you have on the effectiveness of rehabilitation drug programs dealing with prisoners.

Mr. RIDLEY. Certainly.

Mr. ROHRABACHER. This is something I think the United States has to come to grips with, to find out if rehabilitation is a way and drug programs are a way that we cannot only help people, but keep costs down, and both are important now, helping people probably should have the priority there, but this is a very costly—it is a

costly activity by the government of putting people who are drug users in jail, and if there is actually an effective program that, after a certain length of time in the program, keeps them off drugs, it sounds like, to me, that—I would like to know if, in your opinion, and the opinion of those who work with you, whether that would be cost-effective.

Ms. Mack, I would like to know what happens to the children of female prisoners?

Ms. MACK. That is one of the other really serious problems with women who are in our system. Very often, they get sent to family members, either grandmothers or aunts or older siblings, and since the women are so far away from home and their community ties, very often they go for long periods of time without seeing their children.

The Gurnes Decree does offer the opportunity in bringing women back 9 months prior to their parole eligibility. It offers the women a little bit of opportunity to try to reestablish family ties and try to find ways to bring the family back together once the women is released.

That is one of the very serious problems here.

Mr. ROHRABACHER. Is it better for these children to establish family ties with a mother that is committing crimes? I mean, we all make mistakes and—but sometimes, if you have someone who is a repeat offender, and I don't know, how many people are we talking about of these women who are incarcerated are actually repeat offenders? I would imagine quite a few.

Ms. MACK. It is true that many of the women who are incarcerated are repeat offenders. However, these women, whatever their other problems are, are very concerned about their children and they are concerned about the care for them. What we find is that many of the women have a large number of problems. They have, as Mr. Ridley pointed out, they have drug problems.

Women we find in the criminal justice system generally lack coping skills. They are not bad people; they just have really fallen on unfortunate circumstances. They love their children; they want to be with their children and it would be wrong simply to write them off and separate the children and send them off somewhere else.

Mr. ROHRABACHER. I wish I could be as optimistic about you—as you—not about you, but as you are about them in terms of them not being bad people. I mean, I think there are some bad people in this world and sometimes I think that if we keep them in touch with their children—and I know keeping a mother in a relationship with her child is a priority in this society—and I am not sure whether that is the best for the child or not when you have someone who is committing crimes, repeatedly committing crimes, and all of us, let's admit it, we can all make mistakes so we can't just say because someone has committed a crime that this is a bad person. I am certainly not saying that, but when someone has committed two or three crimes and they just keep going back to this, I don't know if that is the most beneficial thing for that child or not.

Am I being too harsh there?

Ms. MACK. I would be the first to say to you that we certainly should look for better ways to see if we can't socialize people so

that we work on the prevention end of this, but I think Mr. Ridley also wanted to contribute to that.

Mr. RIDLEY. Mr. Rohrabacher, I would like to offer something. I think if we in this country would start to address the causes of the crime problem in this country, rather than constantly working on the effect—

Mr. ROHRABACHER. You know, there is a good—there are two kids who are incarcerated now in Los Angeles and they are going through trial, so I won't predetermine whether or not they have committed the murder of their parents or not, but they are very wealthy children, and a lot of people from upperclass families who have never suffered the deprivation that many of the people that probably are incarcerated in the facilities that you run have to—many of them just—they do bad things and they are sometimes bad people.

Mr. RIDLEY. Deprivation comes in many ways, not just economic deprivation. There is emotional deprivation. I tend to believe that most of the people that we have incarcerated suffer all of the above, economic deprivation, social deprivation, emotional deprivation and they have just not been afforded an opportunity to address those issues. I would recommend that—and one of the reasons we are constructing this treatment facility is to begin to address a lot of those from a cultural perspective, from a treatment perspective, a comprehensive program.

I don't think we really attacked the problem in that respect. We have Band-Aided and I think you just can't Band-Aid a cancer, Mr. Rohrabacher. We are dealing with a cancer. We have to go at it through full force and it is a long-term effort. Sometimes we want knee-jerk reactions to the thing and it is just not going to work.

Mr. ROHRABACHER. One last area of questioning and that is about drug testing. At your facilities, do you have drug testing and do you consider it to be effective?

Mr. RIDLEY. Yes, we do. We conduct random drug testing in our facilities. We have, in recent months, seen a significant decrease in the number of positive urines that have been—

Mr. ROHRABACHER. Do you drug test both the inmates and the people who work at the facility?

Mr. RIDLEY. No. We only, right now, test employees during pre-service. We are now looking, I might say, at testing employees in a different kind of program.

Mr. ROHRABACHER. Would you be in favor of drug testing under a random drug testing for your employees?

Mr. RIDLEY. To be honest with you, I am seriously looking at it. At this point in time, I reserve, if you would allow, comment. I am in the midst of some issues in that regard.

Mr. ROHRABACHER. But you do think it has been effective for the inmates themselves?

Mr. RIDLEY. I do. I think it has been.

Mr. ROHRABACHER. Ma'am, do you have something?

Ms. MACK. Yes, I wanted to comment on that issue. As you know, the issue of random drug testing is one that is very much being discussed in other areas. I happen to serve on a transportation board where, as you know, there have been rules that would drug test

many of the people in that profession and it is in court and has had various levels of decisions and appeals.

So the issue of random drug testing is really a national issue which may not be one that we have the discretion to make a decision in.

Mr. ROHRBACHER. I am just sort of seeking your opinion on it now. You are right, it is a national decision and that is something that we are going to be talking about in the Congress. If in the future, you have some thoughts on this, please feel free to contact my office and I would be very pleased to see what your thoughts are on drug testing and how effective it is.

Thank you very much, Mr. Chairman.

Mr. DYMALLY. Thank you very much.

Mr. Ridley, I want to get back to the question raised by Mr. Rohrabacher on the full issue of rehabilitation. There are private opinions being expressed that we are not really being effective in the methods we are using now, that we put people through an expensive rehab system and they go back out to idleness. We are not training them for anything worthwhile in the world of work and so you are treating the symptom, but there is nothing else. There is no fallback for them. The only fallback is more drugs.

Care to comment on that?

Mr. RIDLEY. The unfortunate part of that, Mr. Chairman, is that no matter how skilled and well-trained I think an offender comes out, if they return to the same deprivation that they came out of—and there is always that chance, a very strong chance—

Mr. DYMALLY. One would say deprivation is absence of skill, in addition to other things, but if they have a skill, why are we sending them back to the same address?

Mr. RIDLEY. It becomes a choice that the offender makes if they want to return to their home of record. Nine out of 10 times, that home of record is an environment that has not been conducive to what I would say is good or positive behavior.

Mr. DYMALLY. Mr. Tom Sowell would disagree with you, of course, even though he is an economist and not a psychologist. His position would be that there is something inherently weak or lacking in that person, that he is trained now—first, his problem was he didn't have a skill. He had nothing to do. He went to drugs. Now he goes—he gets trained and you are telling me he goes back there and he doesn't have the strength or the courage or the conviction to say bye-bye to drugs.

Mr. RIDLEY. Let me continue the walk.

Mr. DYMALLY. Yes.

Mr. RIDLEY. That is one part of it. The other is, as I indicated to Mr. Rohrabacher, we have not put the kinds of resources that are required to prepare to return to the community well. Historically, the training programs we have had in institutions have consisted of antiquated equipment, outdated equipment that is not in keeping with the change in the general community.

The other part of that, right now we are facing crowded conditions. There is an extremely long waiting list for most of our training programs, not just locally, but from nationally. I am not trying to make excuses; I am just trying to provide you with what is, Mr. Chairman.

I think if we could reduce overcrowding, if we could come up with modern updated equipment, training and treatment programs that would lend themselves to what we called successful activities in the community—a good example of that, Mr. Chairman, is our University of the District of Columbia program, higher education program in our institutions. We found that the individuals who have completed that program have an extremely high success rate. As a matter of fact, the recidivism might be anywhere from 1- to 2-percent, if that high, I am not sure. But the success rates have been extremely high.

Mr. DYMALLY. Why is it the college-trained person has such a low rate of recidivism as opposed to the skill-trained person? Is there something inherently weak in our training system that someone with a skill goes back to the neighborhood, someone with a degree doesn't go back to the same neighborhood?

Mr. RIDLEY. It is an image that I think we have created in the larger community, that to be successful, you need to wear a white shirt and tie and carry a briefcase and not necessarily be one who wears work clothes, as an auto mechanic or carpenter or brick mason. I think that is an image that we have allowed to exist in our community.

So our offender population are not really—they don't lend themselves to participate in those crafts types of training programs. And if they do, unless there is something unusual or unique, they don't really get into it.

That is what we found in the District of Columbia, for the most part.

Mr. DYMALLY. I want to state for the record my reference to Mr. Sowell, I know pleases Mr. Rohrabacher, but it was just a reference. It was not an endorsement. [Laughter.]

Mr. RIDLEY. Thank you very much, Mr. Dymally. I was a little afraid of that.

Ms. MACK. Mr. Chairman, I can't let you get away with that. I have to comment on it. The fact is that we know—we do not believe certainly that the people who end up in our system are inherently bad and that under any circumstances at all, they would end up right there in that system because, as you point out, if people have skills and if they have the ability to negotiate the society, then they simply stay away from our system.

The people that we see in the criminal justice system fit a very homogeneous group. They are generally school dropouts; they come from single-parent families; they are generally poor; they have some type of learning disability often. We think that if we would meet some of these needs on the front end and give the people that end up in our system some of the same opportunities that the people who don't end up in our system have, that we could actually see a much higher success rate.

We think that the people who end up in our system are a product of some of the inability that they have to negotiate society and I think that if we begin seriously to look at treatment or support mechanisms that we could have an impact on that.

Mr. DYMALLY. Would it be safe to say that we all could be honest with each other and say that the rehab system just hasn't worked, or we haven't addressed the question of drugs adequately because

we don't know enough about it, about the after effects, the phenomena of drugs?

For example, one school says lock them up. That is called the Bennett school, put them in jail, when you look at the cost for the taxpayer and the end result, like zero, recidivism high. The other school says rehab and rehab is not quite working because they go through the period and they are good fakers, some of them, not to mention good liars, too, but is it safe to say that we need to just begin to reexamine that whole process and we could be honest with our constituents and say, "Look, we really don't have an answer yet"?

We are admitting we don't have an answer for cancer. Why can't we be honest with each other and say, "We don't have an answer," rather than fake it with prisons and fake it with rehab and just say, "Look"—

Ms. MACK. My comment on that, Mr. Chairman, would be that, as you well know, the abuse of drugs is not only a problem in the criminal justice system, but is a problem throughout the country, and indeed, there are drug programs that work and people who have access to drug programs and who have the economic wherewithal to participate in both inpatient and outpatient programs, are better able to overcome and cope with their problems.

So I think what we see in terms of people in the criminal justice system and the kind of treatment they get is probably, to some extent, a level of need that we can't expect the public dollar to support. I think that gets into part of the problem.

Mr. DYMALLY. You said it works and the only people I see are the super star on television who says, "I was hooked, but now I'm not," a good guy, but for every one of those TV interviews, there are about 1,000 who are right back on drugs after having gone through the prison or the rehab system.

Ms. MACK. I suspect if we look at the stars and we look at the people in prison, we are looking at kind of the extremes and there is probably a big middle there somewhere that looks a lot different than either of those.

Mr. DYMALLY. We kind of strayed away from women, but it is part of the reason why your population is increasing, is that not correct?

Mr. RIDLEY. That is correct.

I think, Mr. Chairman, rehab does work.

Ms. MACK. It does.

Mr. RIDLEY. But I think more than rehab working with our population, I think habilitation works, if we give it a chance to work. Habilitation consists of treatment, teaching, showing, guiding, supporting, training, but there has to be what we call a continuum of services once the individual leaves the confines of an institution.

That is that after-care component that has to be extremely strong to support that person while they are transitioning back into the mainstream, the community, and I don't think we have done a good job of that. I applaud Ms. Mack and the parole board for the efforts they have been putting forth in that regard.

I think we have, because of the philosophical discussion as it relates to parole and parole boards in recent years, you know, the discarding of them and not supporting them as they need to be sup-

ported. We have lost a real, I guess, punch as it relates to after care. I think we in the correctional system, in institutions, specifically, be it male or female, can do a fairly adequate job of providing the offender population with certain kinds of services.

The key is when they return to the community. Once they return to the community, they must have those supportive structures. If those elements aren't there, yes, Mr. Chairman, habilitation doesn't work, rehabilitation does not work.

Mr. DYMALLY. Two quick questions. Of the population which you have in the out-of-State Federal facilities, how many of them, if any, do you bring back to Lorton or is Lorton just for new offenders?

Mr. RIDLEY. As of—

Mr. DYMALLY. Talking about women now.

Mr. RIDLEY. As of today, we have not brought back any directly to the facility at Lorton. They transition back through the jail and, of course, you know, based upon that, they will either go to a half-way house or some—

Mr. DYMALLY. That is the 9-month period we are talking about?

Mr. RIDLEY. Yes, either to a halfway house or either to one of the facilities—to the facility at Lorton, and as to a number, I don't have that available. I can get that for you.

Mr. DYMALLY. The committee receives mail, and I suspect your parole board receives mail, too, about women who want to know about the return. How do you handle that on families?

Ms. MACK. As I indicated, we have a person on our staff who has the responsibility for handling any special mail or issues that come from our women who are in Federal facilities and we do this expeditiously. Also, we receive phone calls from time to time from women who have questions about our process.

We are very careful to make sure that we respond to all the issues that are raised.

Mr. DYMALLY. Thank you very much.

Mr. Rohrabacher, any last questions?

Mr. ROHRABACHER. No, Mr. Chairman, thank you very much.

Mr. DYMALLY. Thank you very much, indeed.

Ms. MACK. Thank you.

Mr. RIDLEY. Thank you, Mr. Chairman.

Mr. DYMALLY. We want to reserve the right to forward some questions in writing to you for your response.

Ms. MACK. Thank you.

Mr. RIDLEY. Thank you. Please do.

Mr. DYMALLY. Thank you.

Thank you, Mr. Rohrabacher.

Our next witness, Mr. David DeBruin.

**STATEMENT OF DAVID W. DeBRUIN, ESQ., ACCOMPANIED BY
THERESA CHMARA, ATTORNEY, LAW OFFICES OF JENNERY &
BLOCK**

Mr. DeBRUIN. Thank you, Mr. Chairman.

Mr. DYMALLY. Would you introduce yourself for the record, please.

Mr. DEBRUIN. Yes, thank you. My name is David DeBruin. I am a lawyer with Jennery & Block. With me is a colleague of mine, Theresa Chmara.

Mr. Chairman, I represent D.C. women. I have done so for almost 10 years, first as a lawyer with the Public Defenders Service and now on a pro bono basis at the law firm of which I am a member.

I appreciate the opportunity the committee has extended to me to testify this morning. I would first ask that my written statement be included in the record.

Mr. DYMALLY. Without objection, it is so ordered.

Mr. DEBRUIN. Mr. Chairman, I would like to bring to the committee's attention this morning a particular problem facing women, D.C. women, in the Federal prison system, and that is the problem of the impact of the D.C. Good Time Credits Act. Because of that statute, Mr. Chairman—

Mr. DYMALLY. That is a D.C. statute, not a Federal statute, is that right?

Mr. DEBRUIN. It is a D.C. statute, passed by the D.C. City Council in 1986.

Because of that act, women offenders virtually always spend substantially more time in prison than male D.C. offenders with the exact same sentence.

Mr. DYMALLY. Why?

Mr. DEBRUIN. I will explain how that works in a minute, but I would submit for the committee that result, which is undisputed, is unnecessary, it is unfair and it is simply intolerable. It has been continuing since the statute went into effect in 1986.

I would submit just for the record, even though Mr. Rohrabacher has left, that this is not an issue concerning length of imprisonment or how long someone should be imprisoned. It is not an issue concerning the safety of the community. It is an issue of equal treatment for equal persons, that men and women who have the same sentence, who may have committed the same crime, who were sentenced by the same court, possibly on the very same day, should not serve different months or even years in prison simply because one is a woman and one is a man.

I can explain how this happens and it is really very simple. As the chairman knows, most D.C. women offenders are sent to the Federal prison system. The only exceptions are those who have such a short sentence or so few months to serve at the time that they are sentenced, that they are close enough to their release date that it doesn't make sense to send them all the way to Kentucky or West Virginia or California, and those few women are held either at the D.C. Jail or at this new facility that has opened up at Lorton within the last year, but everybody else, all other women offenders, and specifically all of those who have more than 9 months remaining to be served, are sent to the Federal prison system.

In 1986, the D.C. City Council passed a law called the Good Time Credits Act of 1986 that provides a new and different way of awarding what we call good time credits. Good time credits come in different kinds. There are essentially two different types. One is a type of credit that is awarded for institutional good behavior. Basically, these are credits that are awarded automatically, up front, so long as an inmate does not commit a major criminal offense while

in prison, such as an assault upon another inmate, a homicide in prison, or a drug offense in prison.

The second kinds of credits are achievement credits, educational credits, credits that an inmate earns for successfully completing a GED program or a vocational training program, a drug rehabilitation program or the like.

The statute that the city council passed in 1986 for the first time provided that those credits, which can amount to literally years as they aggregate month by month—you can earn up to, I believe it is 10 days per month of institutional credit, so you can see it is almost a third or more of the sentence.

The 1986 law provided that those credits would apply to the minimum term, the parole release date term, not simply the maximum, which is the rule in the Federal system. The Federal statute—you can earn good time credits, but they only reduce your maximum sentence and they have little or no effect on your parole date. But the D.C. law, passed in 1986, directly affects your parole date, so that for every day of good behavior, you literally bring yourself a day closer to your release date when you can go home.

The problem, however, is that statute applies only to persons imprisoned in a District correctional facility. Now, since most women are not in District correctional facilities, they cannot earn these credits. Men, on the other hand, most of whom are held at Lorton, do earn the credits.

So that may mean that a male offender, convicted of a homicide, a very serious offense, and held at Lorton may earn substantial good time credits, reduce his sentence, while a female offender, who may have committed a burglary or a much less serious offense, because she is in the Federal system, will not get those credits and will serve more time in prison than a similar male.

Mr. DYMALLY. So the 240 women in the half a dozen Federal facilities don't benefit from this—

Mr. DEBRUIN. They do not benefit at all. The result of that is you can take a man and a woman with the same crime, same sentence, and one may do 4 years in prison and one may do 6, simply because of their sex.

Mr. DYMALLY. Now, in terms of enforcement, are the Feds saying that you are in our custody and, therefore, that local statute doesn't apply?

Mr. DEBRUIN. Well, that is exactly the point I wanted to make, is that no one, neither the Federal Government nor the District government nor the parole board nor the department of corrections, no one ever says, "This is the way it should be," or "This is fair." They all point to somebody else.

Mr. DYMALLY. Right. What about a little piece of legislation that says the D.C. good times statute shall apply to all D.C. inmates out of State?

Mr. DEBRUIN. To all D.C. inmates, period, wherever they are, in State or out of State.

Mr. DYMALLY. Fine.

Mr. DEBRUIN. That is all it would require, Mr. Chairman.

Mr. DYMALLY. OK.

Mr. DEBRUIN. I submit all that would do is treat equal persons equally.

Mr. DYMALLY. Can we come back to you to help us work on that draft?

Mr. DEBRUIN. Absolutely. I would be happy to provide any assistance that I can in that effort. That is really the only point I wanted to make to the committee, that I think this is intolerable and must be changed.

Mr. DYMALLY. We appreciate that very valuable information and staff has been instructed to draft legislation to get into the hopper and see if we could get it out this year.

Mr. DEBRUIN. Thank you. I will assist the staff every way I can to help bring that about.

Mr. DYMALLY. Good.

Mr. DEBRUIN. Again, I thank the committee for giving me the opportunity to make these remarks.

Mr. DYMALLY. Thank you very much, indeed.

Mr. DEBRUIN. Thank you.

[The prepared statement of Mr. DeBruin follows:]

Testimony of David W. DeBruin
House Committee on District of Columbia
Subcommittee on Judiciary and Education
Tuesday, June 12, 1990, 10:00 A.M.
1310 Longworth

Good morning. My name is David W. DeBruin. I would like to thank the Subcommittee for permitting me the opportunity to testify this morning. I have been representing a group of women inmates in their Challenge to the District of Columbia Good Time Credits Act. The failure of the Act to apply good time credits -- that substantially reduce an inmate's sentence -- to virtually all women D.C. Code offenders merely because they are housed in federal facilities is inherently unfair. I appreciate the opportunity to apprise the Committee of the impact of this Act on women offenders who are housed in federal facilities.

Since the District of Columbia does not maintain a long-term correctional facility for women, female prisoners convicted in the District of Columbia Superior Court of District of Columbia Code offenses, who at the time of sentencing are required to serve more than nine additional months in prison are automatically designated by the Attorney General of the United States to federal facilities.

By reason of the Good Time Credits Act, which expressly is limited in its application to D.C. Code offenders "imprisoned in a District correctional facility," that determination of the Attorney General directly and immediately alters the amount of time that female prisoners spend

in prison. These women will be eligible for parole later than their male counterparts, and likely will spend significantly more time in prison, than male D.C. Code offenders housed in District correctional facilities with identical sentences. The unfairness of that result is apparent.

A. The Good Time Credits Act

The District of Columbia Council enacted the Good Time Credits Act in 1986. By design, the Act radically alters the manner in which certain D.C. Code offenders earn "good time" credits while incarcerated. In general terms, the Act allows a person convicted of a violation of a District of Columbia criminal law and "imprisoned in a District correctional facility," 24 D.C. Code § 428(a), to earn good time credits that apply "to the person's minimum term of imprisonment to determine the date of eligibility for release on parole." Id. § 428(b) (emphasis supplied). Prior to the enactment of the law, good time credits served only to reduce the maximum term, and had little or no impact on the amount of time an inmate actually spent in prison.

The Act provides two different types of good time benefits. The first and most substantial is "institutional" good time. As described by the statute, any inmate "whose conduct is in conformity with all applicable institutional rules is entitled to institutional good time credits" in accordance with a formula set forth in the Act. Id.

§ 428(a). These credits are automatically awarded in lump sums.

The Act also provides for "educational" good time. These benefits are awarded to an inmate "whose conduct complies with institutional rules and who demonstrates a desire for self-improvement by successfully completing an academic or vocational program, including special education and Graduate Equivalency Diploma programs." 24 D.C. Code § 429(a). These credits range from three to five days per month, and are not awarded until completion of the program. Id.

Pursuant to this statutory scheme, a male D.C. Code offender can reduce significantly the amount of time he must serve before becoming eligible for parole. For example, a male offender housed in a District correctional facility and sentenced to a minimum term of six years could reduce his eligibility for parole by 576 days through "institutional" good time, and would have the opportunity to earn as much as 60 additional days per year through "educational" good time. Instead of serving a minimum of six years in prison, he could serve less than four.

The declared purposes of the Act are to promote a uniform system of awarding good time credits, to provide incentives for offenders to shorten their sentences through institutional adjustment and educational achievement, and to improve prison population control. However, the Report and

the brief legislative history of the Act suggest that the statute was designed primarily to relieve prison overcrowding.

The legislative history of the Act does not explain why the statute is limited in its application to those particular D.C. Code offenders "imprisoned in a District correctional facility." The effective date of the Act is April 11, 1987, and it applies to all D.C. Code offenders serving a sentence after that date.

B. The Classification of D.C. Code Offenders

As a result of a complex series of historical events, all persons convicted in the District of Columbia for any offense, including violations of municipal regulations or other D.C. Code offenses, are committed to the custody of the United States Attorney General. 24 D.C. Code § 425. The Attorney General is required to designate the place of confinement where the sentence shall be served.

The Attorney General historically has determined that most male D.C. Code offenders shall serve their sentences in institutions operated by the District of Columbia. See Pitts v. Thornburgh, 866 F.2d 1450, 1452 (D.C. Cir. 1989). Prisoners needing special protection or presenting other special concerns, however, typically have been assigned to federal prisons. Id. at 1457. In addition, because the District of Columbia has not maintained a long-

term correctional facility for women since 1966, id. at 1452, the Attorney General has designated to federal prisons every female D.C. Code offenders who, at the time of her sentence, has more than nine months to serve in prison before becoming eligible for parole. The classification to a federal facility significantly affects the inmate's ability to earn good time credits while incarcerated. It has been undisputed in judicial proceedings regarding the Act that the good time benefits available to D.C. Code offenders in the federal system are significantly less favorable than those provided by the Good Time Credits Act.

The prison overcrowding crisis in the District has not only meant an influx of D.C. Code offenders into the federal prison system. A substantial number of D.C. Code offenders are housed in state prisons in Nevada and Washington, and in county jails in Texas, Virginia and Tennessee. However, despite the express limitation of the Good Time Credits Act to inmates "imprisoned in a District correctional facility," 24 D.C. Code § 428(a), these D.C. Code offenders in county jails and state prisons continue to receive the benefits of the Act.

C. Conclusion

The District of Columbia is unable to house all of its convicted prisoners. As a result, many D.C. Code offenders -- and all women with more than nine months to

serve at the time of her sentence -- are incarcerated in federal prisons.

As a result of the Good Time Credits Act, D.C. Code offenders in federal facilities will serve significantly more time in prison than D.C. Code offenders in District facilities who received identical sentences. In other words, the amount of time that a D.C. Code offender will spend in prison is no longer governed solely by the sentence he or she receives, but by the fortuity of where room will be found to house them.

This result is irrational and unconstitutional. First, it is arbitrary and irrational to single out D.C. Code offenders in District facilities for special (and substantial) good time benefits that directly advance an inmate's eligibility for parole. The Act is not rationally related to the goal of reducing overcrowding in District facilities. Creating a classification that excludes D.C. Code offenders in federal prisons does not advance in any way the goal of reducing overcrowding in District facilities. To the extent the classification bears any relationship to that goal, it retards, rather than furthers, it.

More fundamentally, the classification in the Act is not rationally related to the goal of reducing overcrowding at District facilities because the Act is not logically tailored to the asserted overcrowding "problem." Those

inmates who receive the benefits of the Act because of their placement in District facilities are no more "responsible" for the overcrowding problem in those facilities than inmates who, because of the overcrowding problem, are sent to federal prisons.

The irrationality of the Act is underscored by the fact that the legislative classification is wholly unnecessary. The District of Columbia Council has the power to define the extent of punishment, including parole benefits, for D.C. Code offenders. 24 D.C. Code § 209. The federal government has never claimed that it could not, or would not, administer a statute that applied to all D.C. Code offenders. Particularly given the fact that the award of benefits is largely automatic, and involves no significant administrative burden, such a claim would be untenable.

The Act also is unconstitutional and inherently unfair for a second reason, as it is applied to women offenders. Having made the decision not to provide a long-term correctional facility for women, the District of Columbia is not free -- without making a classification that inevitably is based in part on sex -- to provide substantial parole benefits only to inmates housed in District facilities. No justification exists for that sex-based classification. The District of Columbia was not required, in order to extend the benefits of the Act to women as well as men, to build a District correctional facility for women.

In these circumstances, there is no reasonable basis for requiring all long-term women offenders to serve substantially more time in prison than male offenders in District facilities with identical sentences.

I thank you for the opportunity to testify on behalf of women D.C. code offenders who because of the fortuity of being housed in federal facilities are denied substantial good time credits that their male counterparts will receive in District facilities. The District of Columbia Good Time Credits Act is inherently unfair, irrational and unnecessary, and we appreciate the opportunity to provide you with additional information as to its impact. I would be happy to answer any questions or provide any further information that might be of assistance to the Committee. Thank you.

Mr. DYMALLY. I want to note that while we do not have a witness here today from the Federal Bureau of Prisons, it is the intent of the Chair to ask the appropriate officials of the Bureau to respond to questions which may have arisen from testimony given here today.

I thank all of the witnesses for the information. I trust that the time is not far away when we can resolve the specific problems of female D.C. Code offenders. I am very pleased that we are about to solve one of the problems today.

The record will remain open for 30 days for any additions witnesses may wish to make to their testimony. If one wishes to do so, they may contact the staff counsel at the committee office.

Thank you very much, and the meeting is adjourned.

[The prepared closing statement of Mr. Dymally follows:]

CLOSING STATEMENT
OF
THE HONORABLE MERVYN M. DYMALLY
CHAIRMAN, SUBCOMMITTEE ON JUDICIARY AND EDUCATION
COMMITTEE ON THE DISTRICT OF COLUMBIA
HEARING ON THE STATUS OF THE GARNES DECREE
Tuesday, June 12, 1990

I WANT TO NOTE THAT WHILE WE DO NOT HAVE A WITNESS HERE TODAY FROM THE FEDERAL BUREAU OF PRISONS, IT IS THE INTENT OF THE CHAIR TO ASK THE APPROPRIATE OFFICIALS OF THE BUREAU TO RESPOND TO QUESTIONS WHICH MAY HAVE ARISEN FROM TESTIMONY GIVEN HERE TODAY.

THANK YOU FOR THE INFORMATION YOU HAVE GIVEN US TODAY.

I TRUST THAT THE TIME IS NOT FAR AWAY WHEN WE CAN RESOLVE THE SPECIAL PROBLEMS OF FEMALE D.C. CODE OFFENDERS.

THE RECORD WILL REMAIN OPEN FOR THIRTY (30) DAYS FOR ANY ADDITIONS YOU WISH TO MAKE TO YOUR TESTIMONY. IF YOU WANT TO MAKE ADDITIONS, PLEASE CONTACT DONN G. DAVIS, SENIOR LEGISLATIVE ASSOCIATE, COMMITTEE ON THE DISTRICT OF COLUMBIA, AT 225-4457; OR FAYE WILLIAMS, STAFF COUNSEL, COMMITTEE ON THE DISTRICT OF COLUMBIA, AT 225-1612.

[Whereupon, at 11:05 a.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]

[The following additional prepared statement of D.C. Council member, Wilhelmina J. Rolark was subsequently received for the record:]

STATEMENT OF COUNCILMEMBER WILHELMINA J. ROLARK
ON THE GARNES DECREE
BEFORE
THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA,
SUBCOMMITTEE ON JUDICIARY AND EDUCATION

JUNE 12, 1990

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM PLEASED TO OFFER MY COMMENTS ON THE GARNES DECREE.

IN MY CAPACITY AS CHAIR OF THE COMMITTEE ON THE JUDICIARY, I HAVE DIRECT OVERSIGHT AUTHORITY OVER THE D.C. DEPARTMENT OF CORRECTIONS. CONSEQUENTLY, MY OFFICE HAS RECEIVED NUMEROUS CALLS AND LETTERS FROM FEMALE D.C. CODE OFFENDERS AND THEIR FAMILIES EXPRESSING THEIR DISMAY WITH THE MANNER IN WHICH FEMALE OFFENDERS ARE BEING TREATED.

ACCORDING TO THE D.C. BOARD OF PAROLE, AS OF MAY 31, 1990, 244 FEMALE D.C. CODE OFFENDERS WERE HOUSED IN FEDERAL CORRECTIONAL FACILITIES. OF THE 244 WOMEN WHO PRESENTLY ARE INCARCERATED, 146 ARE IN LEXINGTON, KENTUCKY; 60 ARE IN ALDERSON, WEST VIRGINIA; 15 ARE IN MARIANA, FLORIDA; 12 ARE IN PLEASANTON, CALIFORNIA; 7 ARE IN DANBURY, ILLINOIS; 3 ARE IN BALTIMORE, MARYLAND; AND 1 IS IN LOS ANGELES, CALIFORNIA. WHILE THESE FIGURES APPEAR TO BE SMALL, THE DISTRICT RANKS AMONG THE TOP 5 JURISDICTIONS, INCLUDING FLORIDA, TEXAS, CALIFORNIA, AND NEW YORK, WITH THE LARGEST NUMBER OF FEMALE INMATES IN FEDERAL INSTITUTIONS.

MANY FEMALE D.C. CODE OFFENDERS CONTENT THAT SINCE THEY ARE INCARCERATED IN PRISONS FAR FROM THEIR FAMILIES AND FRIENDS, THEY ARE UNABLE TO RECEIVE THE NECESSARY SUPPORT THAT THEY NEED WHILE INCARCERATED. THESE INMATES ALSO

COMPLAIN THAT THEY DO NOT HAVE ACCESS TO EDUCATIONAL AND REHABILITATIVE PROGRAMS LIKE THOSE OFFERED AT LORTON, AND THAT CERTAIN LAWS SUCH AS THE GOOD TIME CREDIT ACT AND THE EMERGENCY POWERS RELEASE ACT ARE NOT APPLIED WHEN THEY ARE CONSIDERED FOR PAROLE.

FEMALE D.C. CODE OFFENDERS PLACED IN FEDERAL CORRECTIONAL FACILITIES ALSO ALLEGE THAT DESPITE THE GARNES DECREE THEY SPEND MORE TIME IN PRISON THAN D.C. CODE OFFENDERS HOUSED AT LORTON. MANY BELIEVE THAT THESE WOMEN ARE TREATED DIFFERENTLY THAN THEIR MALE COUNTERPARTS BECAUSE THE FEDERAL PAROLE AUTHORITIES' INVOLVEMENT AT THE INITIAL STAGE OF PAROLE EVALUATION OFTEN RESULTS IN LONGER SENTENCES FOR THE WOMEN INVOLVED. FOR INSTANCE, MANY FEMALE INMATES HAVE ALLEGED THAT DESPITE THEIR ELIGIBILITY FOR PAROLE, THE BUREAU OF PRISONS HAS REFUSED TO COMPLETE THE PAPERWORK NEEDED TO INITIATE THE PAROLE PROCESS. THIS FAILURE HAS RESULTED IN NEEDLESS DELAYS IN THE INMATES' RETURN TO THE WASHINGTON AREA AND ULTIMATELY IMPACTS ON THEIR RELEASE.

WHILE THIS SITUATION CAN ONLY BE FULLY REMEDIED BY TRANSFERRING CONTROL TO A SINGLE PAROLE AUTHORITY, ACTION MUST BE TAKEN IMMEDIATELY BY THE CONGRESS AND THE D.C. GOVERNMENT TO ENSURE THAT THE RIGHT TO PAROLE OF ALL FEMALE D.C. CODE OFFENDERS IS NOT BEING VIOLATED. BECAUSE THE D.C. GOVERNMENT HAS NO JURISDICTION OR OVERSIGHT OVER FEDERAL INSTITUTIONS, WE ARE ENCOURAGED THAT YOU ARE TAKING A FIRST STEP TO LOOK AT THIS SITUATION.

AS I PREVIOUSLY NOTED, FEMALE D.C. CODE OFFENDERS HOUSED OUTSIDE THE DISTRICT DO NOT REAP THE BENEFITS OF THE GOOD TIME CREDIT ACT. TO REMEDY THIS INEQUITY, ATTORNEY DAVID DEBRUIN OF THE LAW FIRM OF JENNER AND BLOCK

FILED A LAWSUIT IN 1988, JACKSON V. THORNBURGH, ON BEHALF OF 30 FEMALE D.C. CODE OFFENDERS AT ALDERSON, CLAIMING THAT THE ACT WAS UNCONSTITUTIONAL SINCE IT ONLY APPLIED TO INMATES INCARCERATED IN DISTRICT CORRECTIONAL FACILITIES. DISTRICT COURT JUDGE CHARLES RICHEY DETERMINED THAT THE ACT WAS NOT UNCONSTITUTIONAL, FINDING THAT THERE WAS A RATIONAL BASIS FOR THE LEGISLATION SINCE IT WAS DESIGNED TO REDUCE PRISON OVERCROWDING IN DISTRICT CORRECTIONAL FACILITIES AND THAT IT WAS NOT SEX-BASED. THE DECISION WAS APPEALED IN 1989 AND THE PARTIES PRESENTLY ARE AWAITING THE APPEALS COURT DECISION.

IN ADDITION TO NOT BEING ELIGIBLE FOR GOOD TIME CREDIT, FEMALE D.C. CODE OFFENDERS HAVE NOT HAD THE LUXURY OF BEING INCARCERATED IN THE WASHINGTON AREA LIKE THEIR MALE COUNTERPARTS. INDEED, IT IS IRONIC HOW SO MUCH ATTENTION IS NOW BEING GIVEN TO MALE D.C. CODE OFFENDERS WHO ARE BEING TRANSFERRED DUE TO PRISON OVERCROWDING. THE FACT IS, FEMALE OFFENDERS HAVE LONG ENDURED THE HARDSHIP OF BEING HOUSED OUTSIDE THE WASHINGTON AREA FAR FROM THEIR FAMILY AND FRIENDS. IN THE PAST, THE BEST FEMALE D.C. OFFENDERS COULD HOPE FOR WAS TO AT LEAST BE INCARCERATED TOGETHER IN ALDERSON WHEN IT WAS A GENERAL SECURITY FACILITY. HOWEVER, SINCE ALDERSON IS NOW A MINIMUM SECURITY FACILITY, ONLY CERTAIN OFFENDERS ARE SENT THERE. SINCE THE MAJORITY OF FEMALE D.C. CODE OFFENDERS ARE BEING SENT TO INSTITUTIONS SCATTERED THROUGHOUT THE UNITED STATES, NOW FEMALE OFFENDERS DON'T EVEN HAVE THE BENEFIT OF BEING INCARCERATED WITH THE FEW PEOPLE THEY SHARE SOMETHING IN COMMON.

WITH RESPECT TO EDUCATION AND REHABILITATION OF FEMALE INMATES, IT IS A KNOWN FACT THAT EDUCATION OR A PERSON'S LACK OF EDUCATION IS DIRECTLY RELATED TO THE LEVEL OF CRIME IN THE UNITED STATES. UNFORTUNATELY, HOWEVER, RAISING THE LITERACY LEVEL AMONG OFFENDERS IS VIEWED BY SOME TO BE CONTRADICTORY TO THE PRIMARY PURPOSE OF INCARCERATION, WHICH IS TO PUNISH THE OFFENDER. TO

REMEDY THIS PROBLEM, THE FEDERAL GOVERNMENT AND INDIVIDUAL STATES MUST REALIZE THAT REHABILITATING INMATES BY PROVIDING THEM WITH EDUCATIONAL OPPORTUNITIES AS WELL AS INTENSIVE DRUG COUNSELING AND TREATMENT, SHOULD BE A TOP PRIORITY IF WE ARE TO SOLVE THE CRISIS WE HAVE IN OUR PRISON SYSTEM.

IN CLOSING, I URGE THE COMMITTEE TO STUDY THE EFFECTS OF THE GARNES DECREE TO IDENTIFY THE PROBLEMS IT HAS RAISED FOR FEMALE D.C. CODE OFFENDERS AND TO CORRECT THOSE PROBLEMS. THE CONGRESS AND THE COUNCIL MUST MAKE SURE THAT THE WOMEN WHO GO THROUGH THE DISTRICT'S CORRECTIONAL SYSTEM ARE PREPARED TO RE-ENTER SOCIETY, THAT THE FACILITIES THEY ARE HOUSED IN ARE PREPARED TO MEET THAT CHALLENGE, AND THAT THEY ARE TREATED THE SAME AS THEIR MALE COUNTERPARTS.

ADDITIONALLY, SINCE MANY FEMALE INMATES ARE SINGLE PARENTS, SPECIAL ATTENTION SHOULD BE GIVEN TO THE FACT THAT THEIR PRIMARY CONCERNS INVOLVE THEIR CHILDREN. PERHAPS IF THE CONGRESS COULD PROVIDE A STIPEND TO HELP PAY THE TRANSPORTATION COSTS OF AN INMATE'S FAMILY, FEMALE INMATES WOULD GET REGULAR VISITS AND COULD CONTINUE TO MAINTAIN FAMILY TIES DESPITE THE FACT THAT THEY ARE INCARCERATED FAR FROM THEIR HOMES.

CONGRESS SHOULD ALSO CONSIDER PROVIDING ADDITIONAL SUMMER CAMPS FOR THE CHILDREN OF FEMALE OFFENDERS IN MINIMUM SECURITY FACILITIES LIKE THE ONE ALREADY AT ALDERSON.

AGAIN, THANK YOU FOR INVITING ME TO PARTICIPATE IN THIS HEARING.

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