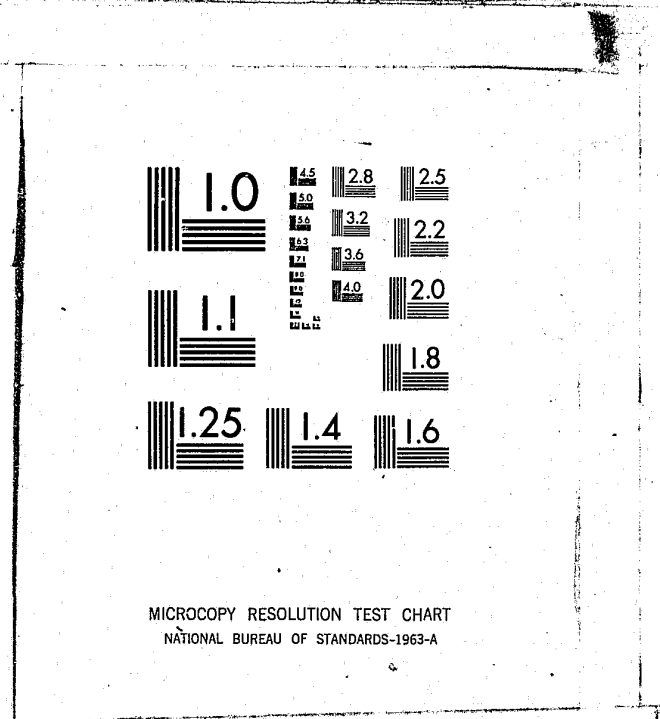


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PRETRIAL RELEASE AND DETENTION

HEARINGS

BEFORE THE

SUBCOMMITTEE ON  
GOVERNMENTAL EFFICIENCY  
AND THE DISTRICT OF COLUMBIA

OF THE

COMMITTEE ON  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 7747

AN ACT TO AMEND TITLE 23 OF THE DISTRICT OF COLUMBIA  
CODE WITH RESPECT TO THE RELEASE OR DETENTION PRIOR  
TO TRIAL OF PERSONS CHARGED WITH CERTAIN VIOLENT OR  
DANGEROUS CRIMES, AND FOR OTHER PURPOSES.

JANUARY 31 AND FEBRUARY 6, 1978

for the use of the Committee on Governmental Affairs



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PREPARED STATEMENT OF GEORGE E. HOLLAND, SUPERINTENDENT, DETENTION SERVICES, D.C. DEPARTMENT OF CORRECTIONS: DELBERT C. JACKSON, DIRECTOR

Senator Eagleton, members of the Subcommittee on the District of Columbia. Thank you very much for this opportunity to present testimony on HR-7747 which contains, as I understand, amendments to the D.C. Pre-Trial Detention Law intended to increase the categories of arrested persons who can be detained before trial and the length of such detention.

The Director testified on similar legislative proposals last year before Congressman Mazzoli's House Subcommittee on the Judiciary. In his statement he concerned himself with the impact such legislation could have on the Department and asked that greater effort be made, from a legislative and system standpoint, to determine what impact any legislation could have on courts, police, prosecution and corrections. A case in point was the D.C. Court Reform Act of 1970 which greatly improved the District's court system. As a result of that law the courts became an extremely efficient and productive system. The direct effect of that efficiency was to increase the Department's sentenced - incarcerated population at Lorton from about 2400 in 1970 to nearly 3000 in 1972. This caused a great strain on our facilities. Fortunately, immediate reaction by the City and Congress made \$65 million in capital funds available to construct new and better facilities. Subsequent events and the building of our new Detention Facility, with additional modules now under construction, have delayed the complete expenditure of those funds.

Our immediate examination of HR-7747 does not lead me to expect so dramatic an increase in our detention population, currently averaging slightly in excess of 1400. Nevertheless, considering that the Department is greatly affected by legislation that accelerates or changes the function of other criminal justice systems components, or, more important, by increased workload in those components, it is imperative to again ask Congress to consider the impact such proposed legislation could have on the Department. In that respect, let me share with you some of the things the Department has found out about pre-trial detention in the District and elsewhere in the United States.

First, let me make it clear that I share the widespread concern about crime and criminals. After all, we in Corrections work with and live with them far longer than any of the other criminal justice agencies. More important, we are very much concerned about the quality of the product we turn out of our correctional system. Ideally, we would like to assure the Congress and the District that every man and woman coming back into the community (and 98 percent of them do) will lead a crime-free life. Unfortunately, that is not the case. Nevertheless, I happen to believe we in the District do a commendable job. As evidence of this I cite data taken from the massive and on-going parolee recidivism study conducted by the reputable National Council on Crime and Delinquency. According to its figures, for persons released from prison during the 1972-74 period, the District's parolee recidivism rate is below that of the national

average. After one year on the streets District parolees had an 11 percent rate, and the national rate was 18 percent. At three years out, it was 23 percent for the District and 26 percent for the nation.

I believe the District can take justifiable pride in the efficiency and effectiveness of its criminal justice agencies. Whatever measures exist and are examined by independent studies substantiate this belief. The Department's concern then is essentially about the impact such efficiency, and these proposed amendments could have on Corrections' capital and program resources.

The District has had one of the highest, if not the highest rate of pre-trial detention in the United States. For example, as far back as 1970 the District had a pre-trial detention rate of 123 persons per 100,000 of population, compared with Boston, 42; Columbus, 29; San Antonio, 48; and Jacksonville, 38. These are comparable cities and provide services similar to the District's "county-like" detention service. There is no evidence available to the Department now that would lead us to believe that the situation has changed. Our detention rate (pre and post-trial) has risen 47 percent during the past 10 years. What is interesting about the comparison is the fact that the District's index crime rate is slightly lower than the average of the other four cities.

According to Metropolitan Police figures, the percentage of all arrests accounted for by persons on pre-trial release status

has dropped from 17 percent at the beginning of 1976 to 10 percent in the third quarter of 1977. All this was accomplished without any change in the pre-trial release laws. This might give some cause to question the need for amending present law.

Perhaps the clearest picture of what's been happening in the District of Columbia, insofar as detention is concerned, is contained in the attached table showing the numbers and rates of detention for the last 10 years. In 1968, there were 131 persons per 100,000 held in jail; today that has increased to 193. Admittedly, the District's population has declined during that time, but not enough to account for the substantial increase in the rate.

Let me further illustrate impact potential by recounting events and situations of the past couple of years:

I'm sure you remember the famous police and FBI Sting and Got You Again raids, and, later, the decision by Superior Court Judges to revoke probation in certain cases. Still later, there were other actions and policy decisions by various criminal justice agencies which impacted heavily on the District's Department of Corrections.

In 1968, our detention population was 791. In 10 years it rose 39 percent, to 1377. That was in our jails. In our prisons, the increase was 74 percent, from 1843 to 3208. The increase in our jail population very likely is attributable to a greater use of pre-trial detention, either directly or by the use of higher money bonds. Ultimately, if legislation such as that being

considered by this subcommittee were to become law, the strain on the Department's capital and program resources would become greater.

In 1976, for example, 6950 felons, most of whom would fit the categories in such legislation, were processed by the District's Bail Agency, and 2815 of these were let go on unsecured release. Not all of the remainder were sent to jail, but many were. The Department then must be gravely concerned with how many more of these 2815 will end up in our charge as a result of this or any like legislation. Since there is no sure way to tell, let us assume that at least a third would. This means an annual increase in detention population (or an average increased daily workload) of 231. The taxpayers would have to cough up an estimated additional \$3,000,000, based on an average stay of 90 days at current average daily cost of \$35.50.

The Department of Corrections' capital plan calls for closing the old jail after the addition of the modules to our new Detention Facility. If this is accomplished and the revision of detention provisions have the anticipated impact, (that is, an additional 231 persons), the Department again would be faced with crowding that could place us in violation of court orders

Capacity at that time would be 1360 (960 at the Detention Center and 400 in the module). Conceivably, this could mean that the Department's Detention Facility could be over capacity by at least 231 persons. Experience has shown us that we would exceed that figure on occasions. At one point last year, for

example, it was as high as 1551. Stated in terms of capital outlay, this means we could need another facility estimated to cost somewhere in the neighborhood of \$10 million, aside from land acquisition cost.

In closing, the Department again respectfully urges this subcommittee to make further in-depth inquiry about the impact of such legislation before it is enacted.

Mr. Chairman, once again, thank you for this opportunity. If there is anything the Department can do to assist you and the distinguished members of this subcommittee in its deliberations, please ask.

January, 1978

10 YEARS INCARCERATION IN THE DISTRICT OF COLUMBIA

<u>Calendar Year</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
<u>Detention</u>										
Male	918	1015	1082	1153	1019	722	823	898	1228	1228
Female	73	88	85	93	99	64	56	78	148	149
Total	991	1103	1167	1246	1118	786	879	976	1376	1377
<u>Detention Rate</u>										
(detainees per 100,000 population)	(131)	(146)	(154)	(165)	(149)	(107)	(121)	(135)	(192)	(193)

D.C. Population Estimates Used to Compute Rates

758000 757200 756500 753600 752700 736800 725000 720600 716200 711800

**END**