

# Restoring Local Control of Parole to the District of Columbia

## Executive Summary

December 2019

Prepared by: Justice Policy Institute

The District of Columbia Restoring Local Control of Parole Study was produced by JPI under grant #2019-PBS-01 awarded by the District of Columbia Office of Victim Services and Justice Grants, Executive Office of the Mayor, District of Columbia. The findings, conclusions, and recommendations expressed in this report are those of the Justice Policy Institute and do not necessarily reflect the views of the Office of Victim Services and Justice Grants or the Executive Office of the Mayor.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Victim Services and Justice Grants



December 31, 2019

In fiscal year 2019, the Office of Victim Services and Justice Grants commissioned a report to explore mechanisms for Washington, DC to reestablish local control over the District of Columbia Parole Board. Under a competitive grant awarded by my office, the Justice Policy Institute produced a report entitled, “*Restoring Local Control of Parole to the District of Columbia.*”

The report addresses critical elements, including examining parole systems in other jurisdictions, exploring the impact of potential and differing outcomes in response to parole violations, and providing recommendations for parole decision-making and supervision practices. It outlines three options for restoring local control of release decision-making, each with its own challenges and benefits, requiring thoughtful consideration. Decisions regarding next steps need to be made soon given that the U.S. Parole Commission’s authorization is set to expire on October 31, 2020.

A number of issues warrant further examination:

- Assessing realistic costs for personnel and operational expenses for each option;
- Ongoing costs associated with training, evaluation, and use of a structured risk assessment;
- Identifying the necessary federal and local statutory changes needed; and
- Developing a transition plan for the transfer of control from the federal government to the District.

Each of these items are critical elements to determine next steps in the process of attaining local control over this important function.

I thank everyone who contributed their time, expertise, and lived experiences to this report. We look forward to working with all our government and criminal justice system partners to move this conversation forward and determine how to best meet the needs of our residents.

Sincerely,

A handwritten signature in black ink that reads 'Michelle M. Garcia'.

Michelle M. Garcia  
Director



## Acknowledgements

The Justice Policy Institute (JPI) would like to thank the Office of Victim Services and Justice Grants of the District of Columbia for their support to produce this report. In addition, this report would not have been possible without the expert legal research conducted by the pro bono team assembled from Covington & Burling LLP: Jason Everett, Sanchi Khare, Michael Labson, Alexandra Langton, and Claire O'Brien.

JPI extends special thanks to Philip Fornaci, formerly of the Washington Lawyers' Committee for Civil Rights and Urban Affairs; Olinda Moyd, Katerina Semyonova, Jamie Argento Rodriguez, and Chiquisha Robinson of The Public Defender Service for the District of Columbia; Tammy Seltzer, University Legal Services; Louis Sawyer, D.C. Reentry Taskforce; Michelle Bonner, D.C. Corrections Information Council; and Adam Schlosser, Drinker Biddle & Reath LLP for their foundational work outlining the reasons why the District should restore local control of parole and catalyzing a call for a deeper examination.

JPI expresses its deepest gratitude to the individuals, organizations, and associations whose important work we relied on extensively to produce the recommendations in this report. Their generosity with their time to speak with us and their critical contributions to improve the field of parole release and supervision helped shape our internal deliberations about the final recommendations and are cited extensively throughout the report.

JPI thanks Jamie Argento Rodriguez, Olinda Moyd, and Chiquisha Robinson of The Public Defender Service for the District of Columbia for their feedback on the parole practices in the District section of the report. We also thank Emily Gunston and Stacey Litner of the Washington Lawyers' Committee for Civil Rights and Urban Affairs for their feedback on the local parole practice section of the draft as well as for connecting us with a number of individuals and family members in the District with parole experience.

We also thank representatives from the Executive Office of the Mayor, the D.C. Council, and the Superior Court who generously shared their time and insight as we developed the recommendations in this report. JPI also thanks the practitioners, attorneys, stakeholders, family members, and justice-involved individuals, including those currently and formerly incarcerated, in the District of Columbia whose experiences with parole and wisdom about challenges and solutions were invaluable to the shaping of this report.

JPI would also like to thank Jenifer Warren of Warren Communications for writing and editing support throughout this project.

## Executive Summary

In January 2019, the District of Columbia's Office of Victim Services and Justice Grants enlisted the Justice Policy Institute (JPI) to explore the feasibility of restoring local control of parole.<sup>1</sup> Transferring supervision responsibilities and parole decision-making back to the District would be an ambitious, complicated undertaking. Fortunately, the District's leaders can draw on a wealth of data, evidence, and experience from other jurisdictions as they evaluate how best to move forward.

This document highlights the best available research and practice in the parole field, provides recommendations for parole decision-making and supervision, and outlines three options for restoring local control of release decision-making. JPI undertook a series of activities to produce this report. These included:

- Consulting with experts from multiple organizations that provide technical assistance to help states improve their parole practice, including attending the 2019 Association of Paroling Authorities International Chairs Meeting and Annual Training Conference in Baltimore, Maryland.
- Examining a broad array of research in academic peer-reviewed journals, technical white papers, and state agency reports.
- Interviewing District and federal officials to understand how the current system functions and how best to build upon its strengths.
- Speaking with attorneys who handle parole applications to the United States Parole Commission.
- Attending community speak-out events and local criminal justice coalition meetings to solicit input from a wide range of community and system stakeholders, including currently and formerly incarcerated people with experience in the District's parole system.

JPI also drew upon lessons learned from successful policies and practices in other jurisdictions. Once an initial draft of this report was prepared, JPI asked experts with expertise with parole to review the document and provide feedback.

## Background

On August 5, 1997, Congress enacted the National Capital Revitalization and Self-Government Improvement Act, commonly known as the D.C. Revitalization Act. Adopted at a time of financial crisis in the District, the law transferred control of most correctional responsibilities to the federal

---

<sup>1</sup> The District of Columbia Restoring Local Control of Parole Study was produced by JPI under grant #2019-PBS-01 awarded by the District of Columbia Office of Victim Services and Justice Grants, Executive Office of the Mayor, District of Columbia. The findings, conclusions, and recommendations expressed in this report are those of the Justice Policy Institute and do not necessarily reflect the views of the Office of Victim Services and Justice Grants or the Executive Office of the Mayor.

government. Under the Act, the Lorton Prison Complex in Lorton, Virginia, was closed and people housed there were transferred to the custody of the Bureau of Prisons (BOP), which operates 122 institutions from Maryland to California. The Act also abolished the D.C. Board of Parole and transferred its responsibilities to the United States Parole Commission (USPC), and it created the Court Services and Offender Supervision Agency (CSOSA). A federal agency, CSOSA is under the jurisdiction of the USPC, which has sole authority to grant parole to eligible individuals and has the power to enforce parole conditions and revoke parole in the event of violations.

Additionally, the Revitalization Act created the Truth-in-Sentencing Commission, which was directed to develop recommendations to the Council of the District of Columbia on amendments to the District of Columbia Code regarding sentences imposed for felonies committed on or after August 5, 2000. Under the law, individuals convicted prior to August 5, 2000, remain parole-eligible. Those convicted after August 5, 2000, are sentenced under a new guidelines system and are placed on supervised release after serving a minimum of 85 percent of their sentence. Unlike the rules governing the parole-eligible population, there is no exercise of discretion that can influence the release date for persons sentenced under the truth-in-sentencing system. They can earn up to 15 percent off of their sentence for participating in programming and earning good-time credits.

## Corrections in the District Today

### D.C. Criminal Code

#### Bureau of Prisons in 2018

- There were 4,126 individuals incarcerated, a 34 percent reduction since 2008
- There were 883 individuals *eligible for parole release*
- There were 2,395 individuals *eligible for supervised release*

#### D.C. Jail in 2017 / 2018

- There were 2,048 people held in D.C. Jail in 2017, a 33 percent decrease since 2008
- In 2018, 197 people (15 percent of the population) were being held awaiting a parole violation hearing

#### Community Supervision in 2018

- There were 950 people *under parole supervision*
- There were 2,382 people *under supervised release*
- On average, parole supervision lasts between 12 and 17.5 years and supervised release lasts 40 months

#### Revocations in 2018

- CSOSA reported 68 parole revocations (5.4 percent) to prison and another 567 supervised release revocation (15.9 percent) to prison

### Challenges and Concerns About Parole in the District

Transferring responsibility for the incarceration, release, and supervision of Washington, D.C. residents from local officials to the federal government has created challenges and concerns on several fronts. These include the imprisonment of people far from home, reentry complicated by a lack of sufficient preparation and supportive housing, high rates of parole denial, and unusually high numbers of parole revocations.

JPI heard frequent complaints that the USPC systematically denies parole based on the severity of an individual's original offense, rather than on evidence of a person's progress toward rehabilitation. Critics argue that the USPC's practice erodes the authority of the court and produces unjust outcomes.

The mere process of preparing for parole is complex and fraught with challenges for those seeking consideration.

Attorneys also express frustration with the need to submit Freedom of Information Act requests for any information they require from the USPC and BOP in advance of the hearing. Requests for victim statements or witness statements are often ignored. Moreover, the USPC will only release documents that they create, so other meaningful information that a hearing examiner may consider, such as BOP reports or the pre-sentence investigation, must be requested separately.

At the hearing, an applicant is permitted only one person in the room, typically the counsel who has helped prepare the parole materials.

Another common complaint is that the USPC seldom identifies a path forward for those persons who are denied parole. Little guidance is given about what steps can be taken to mitigate the factors that led to the denial. In some cases, the USPC instructs the applicant to enroll in certain programs prior to returning for a subsequent review. But programming options in the BOP vary widely by facility, often based on security classification or whether a private provider manages the prison. Given that, it may be impossible for an individual to complete a recommended program before a subsequent parole review—a Catch 22 that can lead to yet another denial.

Of greatest concern is the USPC's record of revocations for technical violations, or those that represent a non-criminal act, such as missing an appointment with a supervising officer or failing a drug test.

Each year, hundreds of people on parole and supervised release in D.C. are returned to prison for violations, based on policy positions set by a federal panel currently comprised of two members, one from Maryland and one from Kentucky, who have no connection to the D.C. community or government and may be out-of-step with local priorities. In some cases, parole violations are connected to charges of a new criminal offense. But even when such charges are dismissed in court, the USPC often revokes parole, leading to incarceration.

## **Recommendations for Release Decision-Making**

In recent years, a growing number of researchers have expressed support for a set of principles considered key to ensuring fairness in parole release decisions:

- There should be a presumption of release when a person in prison first becomes eligible for parole.
- Parole boards should not deny release because they believe an individual has not served sufficient time for a given crime.
- Parole denials should be based on a credible assessment of a person's risk of serious criminal conduct and preparation to reenter society.

JPI reviewed published resources and spoke with national experts who provide technical assistance to jurisdictions around the country on parole-related issues to identify best practices across the country in parole release decision-making and supervision. No single jurisdiction

reflected all of the best practices in release decision-making and supervision that are outlined below. In fact, many of the recommendations in this document are principles drawn from the experiences of practitioners and technical assistance experts and represent aspirational goals for a model system of parole. The recommendations below represent the most current thinking about how the District of Columbia should most effectively manage their parole release systems.

**Recommendation 1: The parole board should use a structured decision-making approach that incorporates a validated risk and needs assessment tool.**

*Create guidelines to limit subjectivity*

Over time, research has demonstrated the value of using a different approach to decision-making—one that is clear, structured, more professional, and reliant upon an evidence-based tool for gauging risk. The foundation of this approach is a set of policy-driven guidelines designed to increase objectivity, consistency, and transparency in the parole release process.

If applied correctly, guidelines should ensure that case factors are consistently given the same weight by parole boards, leading to greater fairness and uniformity in parole grants and denials. Guidelines also should specify presumptive release dates at initial eligibility for low-risk people in prison, and for moderate- and high-risk people unless risk assessments or in-prison behavior dictate otherwise.

*Use a validated risk and needs assessment tool*

To effectively govern parole decisions, guidelines must include the use of a validated risk and needs assessment tool. Research over the past 20 years has shown that such actuarially-based instruments can predict a person’s risk of future criminal behavior far better than the clinical judgment of individual parole board members.

To ensure confidence in risk assessments and their use in parole decisions, jurisdictions should make public the factors measured in such evaluations, how risk is calculated, and the risk scores. Researchers also advise that parole boards examine their risk assessments closely to identify any variables that may be influenced by race, and then determine how the removal of such variables would affect accuracy. This should include opportunities for input from experts in the field as well as the public.

**Recommendation 2: The parole board should operate under the presumption that the goals of punishment have been met at the time of initial parole eligibility, and parole release decision-making should be based solely on objective factors related to an individual’s future risk to the community.**



### *Focus decision-making on risk*

Decisions to delay parole beyond the initial point of eligibility should be based only on a finding by the parole board that a person represents an unacceptable risk of reoffending upon release. More specifically, such findings should be anchored in credible factors—such as risk assessments and in-prison conduct—that research has linked with readiness for release.

In many states, parole boards use their discretion to essentially reexamine decisions of sentencing judges and determine whether further incarceration is needed to ensure what board members consider sufficient punishment for a given crime. Often, these decisions turn on the “too much crime” rule, meaning that the severity of the offense tends to overwhelm all other considerations.

### *Administrative parole*

For low-risk cases, a small handful of states have adopted policies allowing “administrative parole” to avoid the need for board hearings. Models vary, but typically, people in prison who comply with preestablished criteria in their parole case plans, and who refrain from any serious misconduct for a specified period of time, are certified as prepared for release by corrections officials and freed without an evaluation by the parole board.

**Recommendation 3: Supervision should be imposed selectively, with the length and conditions of supervision linked to risk. Conditions should be the least restrictive necessary to meet the goals of reentry and public safety, resources should be front-loaded, and people should have the opportunity to shorten their parole term through good behavior.**

### *Length of supervision*

The length of parole supervision should be disconnected from the incarceration term, and supervision should be the least restrictive necessary to serve public safety and support a successful reentry. Supervision also should be reserved primarily for people at higher risk of reoffending, along with those convicted of serious crimes.

Individuals on community supervision also should have the opportunity to accumulate “earned time” credits to shorten the duration of parole.

### *Early discharge*

Early discharge from parole should be available for low-risk people and for others who maintain compliance with supervision conditions or other established criteria for a sustained period of time. Research consistently demonstrates that when guided by evidence-based practices, early discharge can promote good behavior while conserving government resources.

## *Conditions of supervision*

Recommendations on best practices for setting conditions of parole include imposing as few as necessary; ensuring that special conditions reflect individual risk and needs, as identified by a validated assessment; placing minimal conditions, or possibly no conditions, on low-risk people; and frontloading conditions during the period immediately following release (i.e., the first six to 12 months), when the risk of violations and reoffending is highest.

**Recommendation 4: The parole board should work closely with other criminal justice agencies, as well as support agencies, to ensure development of a parole release plan that supports a successful reentry.**

Planning for this critical transition from prison should begin well before people reach their minimum parole eligibility date and should be guided by a carefully crafted parole plan involving corrections officials and the parole board.

To support a seamless and successful transition into the community, corrections and parole board officials should maintain partnerships with community agencies and organizations that offer relevant services and can provide support to individuals under supervision. These agencies include those that address mental health and substance use disorder treatment, housing, employment, education, and licensing.

**Recommendation 5: The parole board should employ transparency in parole release decision-making protocol and practices. The applicant and victim should be fully informed of the process and be allowed to participate actively.**

Individuals should be provided materials outlining expectations for their in-prison conduct and clearly detailing ways in which they can prepare themselves for release, thereby improving their chances of obtaining an earlier parole date.

During the hearing, applicants should be provided the ability to present a case, including submitting written information and calling witnesses. They should be given the opportunity to challenge assertions by correctional officials about their program participation or institutional conduct, if necessary. They also should be permitted to challenge their risk score, which forms the foundation of release decision-making, and to obtain help from an attorney or other advocate in preparing and presenting a case before the board.

For purposes of clarity and accountability, board members should be required to submit, in writing, their justification for decisions that depart from parole guidelines. The board also must be provided a clear, publicly available set of procedures governing “set-backs,” or parole denials.

Policies should clearly define the role of victims in parole proceedings, taking into consideration victims’ rights codified in statute. Before a hearing, victims should be notified that the board is

conducting a “forward-looking assessment” of an individual’s risk level and readiness for parole. Victims may offer an impact statement and appear at parole hearings, but the parole board should limit their consideration to an applicant’s future risk potential and conditions governing release and should not use a victim’s testimony to revisit the circumstances of the crime.

## **Recommendations for Parole Supervision**

Parole should be more about promoting success and less about continued punishment. It also reflects the reality that rather than serving as an alternative to incarceration or pathway to stability after prison, parole too often fuels imprisonment, exacting a toll on individuals and communities and doing little to restore victims.

**Recommendation 6: A continuum of graduated sanctions should be used by the parole board to address infractions committed by people on supervision. Revocation to prison should be used as a last resort, and only for individuals who cannot be safely supervised and supported in the community.**

The parole board should establish a continuum of progressive sanctions authorities use in response to parole violations. The goal is to hold individuals accountable for their conduct but avoid the high costs—both fiscal and human—of a parole revocation and return to prison.

**Recommendation 7: The parole board should respond to repeated violations with swift, certain, and proportional sanctions that reflect the seriousness of the infractions.**

Along with using a matrix to determine the appropriate, proportional sanctions for rules violations, experts recommend that responses be imposed swiftly and certainly to have the maximum deterrent effect. New research supports a strategy that focuses on swift and certain sanctions without relying on the most severe response of using revocations to prison.

**Recommendation 8: Preparations for reentry should begin while individuals are in prison, and community support services should be strengthened to improve the prospects for post-incarceration success.**

**Recommendation 9: The parole board should be required to use risk and needs assessments and should adjust supervision and services accordingly.**

As with parole release decisions, there is a strong consensus backing the use of validated risk and needs assessments to set the intensity of supervision levels and the range of services and programs people on parole receive. The lowest risk individuals, for example, might be placed on administrative supervision, which typically requires a minimal amount of contact with authorities.

**Recommendation 10: Supervision intensity and support resources should be front-loaded to decrease an individual's risk of reoffending or committing violations that result in a return to prison.**

Studies have consistently shown that people are at greatest risk of reoffending or violating parole rules during the first weeks and months after their release. This timeframe also is when individuals are most in need of substance abuse treatment, mental health care, and help with housing, employment, and other issues related to reintegration.

**Recommendation 11: The parole board should adopt policies allowing for earned discharge from supervision.**

The District should allow individuals to earn time off of their parole term by participating in programs and/or complying with the terms of their supervision. This approach provides an incentive for people on parole to engage with programs that may be helpful to their success, and also encourages compliance with rules.

**Recommendation 12: The parole board should cap the amount of time that must be served in prison for parole revocations.**

The District should prioritize costly prison beds for people who commit more serious offenses and rely on effective violation responses that cause less damage to a person's community reintegration, employment, or development of positive family relationships. Such caps are particularly appropriate for violations stemming from behavior that would be legal if a person was not on parole.

**Recommendation 13: To improve outcomes, individuals on parole should be actively engaged in their own supervision process.**

While risk and needs assessments should highlight major elements of the plan, allowing and encouraging individuals under supervision to have input is valuable, enhancing feelings of accountability and resulting in improved public safety. Under this approach, parole officers adjust case plans in consultation with people on parole, help them with goal-setting, and maintain an open dialogue about conditions of supervision.

**Recommendation 14: The District should expand and improve community-based treatment and services to support successful reentry.**

Formerly incarcerated people face an obstacle course of challenges as they attempt to reintegrate into society, from limited access to housing and employment to challenges related to substance use and mental health disorders. As part of comprehensive criminal justice reform packages

adopted in recent years, many states have increased funding of community-based treatment and services to better support people transitioning through reentry.

**Recommendation 15: Fines and fees imposed on justice-involved people should be reduced or eliminated.**

## **Operational Considerations**

### *Professionalizing Parole*

**Recommendation 16: Reasons for denial of parole must be made public, documented in writing, and appealable.**

**Recommendation 17: An applicant should have access to counsel and be provided all materials that the parole board will use to make its decision in advance of the hearing.**

**Recommendation 18: Establish standards for parole board member eligibility, including education and work/life experience.**

**Recommendation 19: A panel of experts should review parole board nominations and submit recommendations to the executive for review.**

**Recommendation 20: Parole board members should serve terms of between four and six years, staggered by the term of the executive, and the D.C. Council should establish rules for removal in statute.**

**Recommendation 21: The parole board must have transparent rules and procedures that reflect the input of all interested parties.**

**Recommendation 22: The parole board should adopt a robust set of performance measures that are publicly reported on a regular basis.**

### *Staffing and Budgeting*

Parole agency budgeting and staffing protocols vary widely among the states, typically reflecting different approaches each jurisdiction takes to managing parole. In most states, parole costs are not itemized, and instead are included in total corrections budgets. Such accounting creates challenges in determining and comparing levels of state spending on parole release and supervision, and also obscures staffing and other institutional priorities.

We anticipate that the annual budget of a local parole board in the District would be far less than the \$13 million currently spent by the USPC. A reasonable estimate is that the District would spend no more than **\$4 million annually on its board**, plus additional start-up costs such as hiring staff, securing office space, and so forth. Additional funding would likely be needed for costs associated with ongoing judicial training and evaluation.

## A “Second Look” Approach

While reviewing documents and speaking with technical assistance experts and local stakeholders, the possibility of assigning release decision-making to the courts through a “second look” provision emerged. First, this approach makes sense due to the declining number of parole-eligible cases remaining in the BOP. Secondly, the District is already operating a similar system of judicial review for people who committed their crimes as juveniles (under 18 years of age) and had served at least 15 years in prison. Finally, the current chair of the USPC, Patricia Cushwa, has called for a court-centered review process in place of the USPC in a memo issued in March 2019. For these reasons, JPI decided to explore the possibility of a second look provision in the District.

Support for the general principle of a second look provision has been growing nationally among sentencing experts, fueled in part by the proliferation of extremely long criminal sentences during the U.S. incarceration boom. Many researchers believe the country’s use of lengthy sentences—sentences that are much longer than those in other Western democracies—merits the creation of a mechanism for their review by a court at some point in time.

Parole boards have proven to be risk-averse and amenable to political pressure, which contributes to why states with indeterminate sentencing have higher rates of incarceration. The American Law Institute also believes that parole boards have not been effective at accurately identifying risk of reoffending at release, erring by being too restrictive or too liberal. Many of the policies and practices we recommend are an acknowledgment of past weaknesses in parole practice and an effort to safeguard against those historic problems.

Under the second look model, the decision-making authority—a judge or panel of judges—would conduct a hearing to consider an application for sentence modification from qualifying individuals who have served a minimum of 15 years in prison. Hearings would involve a reevaluation of the sentence applying current standards of review, and would evaluate whether the purposes of the sentence could be better met with a modification. Reconsiderations could not lead to a lengthening of sentence, but could modify it in other ways, including an order that an individual be released with time served. Decisions would be shaped by guidelines designed to ensure fairness, proportionality, consistency, and transparency in the evaluation process.

Judicial sentence modification raises potential practical challenges. First, there may be problems with administrative capacity, as already over-burdened courts process sentence modification motions and hearings. Second, it is unclear that the case-by-case judicial modification mechanism will adequately address the prison cost and overcrowding concerns that partially motivate

interest in early release. Additionally, it is up for debate as to whether judges are best positioned to consider motions for sentence modification. It is unlikely that the same judge who sentenced an individual will consider the motion for sentence modification. In fact, judges in the D.C. Superior Court rotate through five different divisions. This will impact continuity on cases and poses an obstacle to judges obtaining the appropriate expertise in making release decisions.

### **The Path Forward: A Hybrid System of Release Decision-Making and Supervision**

After extensive research and consultation with local and national experts, it is clear that simply reconstituting the Washington, D.C. Board of Parole would not fully meet the needs of the District's correctional population.

First, since August 5, 2000, the District has operated a determinate sentencing system. Those individuals are not subject to the discretionary release of a parole board. They must serve a minimum of 85 percent of their sentence in prison and a local parole board would not have the authority to provide relief for those persons serving long prison terms.

However, establishing a court-centered process for *all* District release decision-making would create a potentially significant additional burden on the courts. While the Superior Court may have the capacity to handle release decision-making for parole-eligible individuals as well as people who have served more than 15 years under the current determinate system, the additional daily responsibilities of managing parole supervision and revocation hearings will create substantial staffing, budgeting, and physical space challenges. This would include the cost of providing counsel to represent applicants in their second look hearing.

In addition, while parole has proven problematic in other jurisdictions, the field has evolved, and a strong set of best practices now provide a detailed framework for success. With the District's profound commitment to progressive justice practices in the executive, legislative, and judicial branches, JPI believes a local parole board could manage release decisions in a fair, effective, and transparent way.

Thus, JPI recommends that the District adopt a hybrid system with separate and coordinated bodies responsible for decisions regarding those sentenced under the current determinate system and the "old law" indeterminate system. Under this model, people subject to indeterminate sentences would have their parole release decided by an independent parole board, while people subject to determinate sentences would have the opportunity to seek judicial review and resentencing. All individuals, regardless of when their crime occurred, would have the option to apply for a second look judicial review after serving 15 years in prison. The new parole board would take over the responsibilities of the USPC with regard to parole supervision oversight, setting standards of practice for CSOSA for community supervision and revocation hearings.

District leadership in the Executive Office of the Mayor and the D.C. Council, in conjunction with stakeholders and the public, will determine which option makes the most sense for the

community. This public conversation should begin immediately, given that the USPC's authorization is set to expire on October 31, 2020. Regardless of which option is selected, significant work lies ahead. The USPC will likely need to be authorized for an additional period of time to facilitate an orderly transfer of responsibilities to local authorities, as occurred with the transfer of parole functions from the District to the USPC following passage of the National Capital Revitalization and Self-Government Improvement Act in 1997.

JPI recommends a phased shift of control during which the District assumes responsibility for certain elements of parole in stages until full capacity can be established. The District should also consider securing technical assistance in the near future to help shape and manage the creation and implementation of a system for local control of parole.