

STATEMENT
OF
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COURT SERVICES AND OFFENDER SUPERVISION AGENCY
FOR THE DISTRICT OF COLUMBIA
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON THE POSTAL SERVICE, FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA
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Chairman Davis and Members of the Subcommittee:

When the Revitalization Act created the Court Services and Offender Supervision Agency (CSOSA) in 1997, the District of Columbia's parole system was under investigation by the D.C. Inspector General following a parolee's robbery and murder of a young woman just two years before. The Bettina Pruckmayr case remains a potent cautionary tale about the consequences of inadequate parole supervision. It continues to underscore the reality that public safety is at the heart of community supervision. The citizens we serve expect us to monitor vigilantly the offenders who reside among them, and it is our highest duty to remain deserving of their trust.

From its inception, CSOSA has been committed to improving public safety through effective community supervision. The citizens of the District of Columbia deserve nothing less. At the same time, we are equally committed to addressing the conditions that fuel recidivism—addiction, unemployment, lack of education, unstable housing, broken relationships. The men

and women who return to the District from prison also deserve nothing less. Community supervision provides a window of opportunity in which lives, families, and careers can be permanently rebuilt, but only when both sides of the equation—accountability and opportunity—are given equal weight and adequate resources.

In his report following Ms. Pruckmayr's death, D.C. Inspector General E. Barrett Prettyman identified the conditions that contributed to inadequate supervision. The report cites an average caseload of 179 offenders per officer in 1994 and 1995, inconsistent application of drug testing and contact standards, and inadequate procedures to notify the releasing authority (then the D.C. Parole Board) of violations or arrests.

In its first years, CSOSA received substantial resources to lower supervision caseloads. The general supervision caseload is now below the national recommended maximum of 50 offenders per officer, and specialized caseloads are significantly lower. We also put in place stringent contact standards and drug testing requirements. Despite a history of violence and drug use, the parolee who murdered Ms. Pruckmayr did not see his parole officer for months at a time. That situation has changed: a similar case today would be subject to at least twice-monthly contact, and half of those contacts would be at the offender's home or workplace. Drug testing has also increased significantly. The average number of offenders tested each month has risen from 2,300 in FY 1999 to over 8,500 in FY 2007. On average, offenders are now tested 3.6 times per month, and our Community Supervision Officers, or CSOs, are notified immediately by e-mail of positive test results. Since FY 2003, the percentage of the supervised population who test positive at least once during the fiscal year has decreased 10 percent, to its current level of 46 percent.

CSOSA also recognized the need to maintain an active, visible community presence to improve public confidence and collaboration with our law enforcement partners. To that end, we have established six field offices, locating the majority of our officers in the neighborhoods where offenders live and work. We also conduct joint field visits, or accountability tours, with the Metropolitan Police Department (MPD) at offenders' homes or work sites; over 8,000 such visits were conducted in FY 2007. In addition to regular visits, targeted accountability tours are conducted in neighborhoods following a homicide. The message that police and community supervision officers communicate and collaborate to enforce accountability is constantly reinforced on the streets of Washington. These partnerships have also resulted in unprecedented information sharing among the District's criminal justice agencies. Through both CSOSA's automated case management system, SMART, and the Criminal Justice Coordinating Council's JUSTIS initiative, integrated information from multiple sources is more easily and widely available than ever before.

CSOSA works closely with the U.S. Parole Commission (USPC) to structure special conditions that require the offender to participate in needed programs or treatment. This collaboration has been particularly important in implementing our newest resource, the Reentry and Sanctions Center. This 28-day residential program provides intensive assessment and treatment readiness programming to offenders at the point of reentry. The program is targeted specifically at the highest-risk, highest-need population—long-term substance abusers with extensive criminal histories. This program provides an invaluable opportunity to observe, assess, and plan for the supervision of high-risk offenders before they return to the community.

The relationship between drug use and crime is well-documented.¹ Long-term success in reducing recidivism among drug-abusing offenders, who constitute the majority of individuals under supervision, depends upon two key factors: identifying and treating drug use and other social problems among the offender population; and establishing swift and certain consequences for violations of release conditions. CSOSA recognized early that the District's public treatment capacity could not provide the level of services necessary for this population. To supplement that capacity, we requested and received resources to develop a system of contract treatment. Last year, we made over 2,400 treatment placements. In considering the impact of our treatment resources, it must be remembered that each offender generally requires more than one placement, such as residential treatment followed by outpatient support, and that about 70 percent of the 15,000 offenders on supervision have documented histories of addiction.

The public also has the right to expect that community supervision will be an active, rather than a passive, process—that supervision officers will attempt to detect, control and modify offenders' non-compliant behavior before it escalates to crime. To that end, CSOSA regularly assesses and reassesses cases to determine whether risk levels have changed. We also recognized the necessity to impose sanctions quickly and uniformly, without the delay of referring the case to the releasing authority. CSOSA's Sanctions Matrix defines the appropriate response to each type of infraction based on the offender's supervision level and the nature of the

¹ See, for example, the following treatment outcome studies:

- Office of Applied Studies. *Services Research Outcome Study (SROS)*. DHHS Publication No. (SMA) 98-3177. Rockville, MD: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies, 1998.
- Hubbard, R.L.; Marsden, M.E.; Rachal, J.V.; Harwood, H.J.; Cavanaugh, E.R.; and Ginzburg, H.M. *Drug Abuse Treatment – A National Study of Effectiveness*. Chapel Hill, NC: University of North Carolina Press, 1989.
- Gerstein, D.R.; Datta, A.R.; Ingels, J.S.; Johnson, R.A.; Rasinski, K.A.; Schildhaus, S.; Talley, K.; Jordan, K.; Phillips, D.B.; Anderson, D.W.; Condelli, W.G. ; and Collins, J.S. *The National Treatment Evaluation Study. Final Report*. Rockville, MD: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment, 1997.

violation. This system allows us to extend multiple opportunities to work with the offender, providing his or her risk level remains manageable.

In FY 2007, we sanctioned over 96 percent of the violations reported each month. The sanctioning options available to our officers include written reprimands, attendance at daily sanctions groups, increased reporting, increased drug testing, community service, Halfway Back, and the Reentry and Sanctions Center. We have placed over 2,000 high-risk offenders on GPS monitoring since FY 2004, and last year we implemented Reprimand Sanctions Hearings before the USPC. In 16 months, 84 hearings have been held, and our early data indicate that these hearings improve compliance. We have also implemented Day Reporting and Violence Reduction programs to target non-compliance among high-risk offenders with violent histories, particularly those that are unemployed.

Sanctions are a critical component of community supervision because they can influence behavior and restore compliance. In some circumstances, however, the offender's continued behavior poses such a risk to public safety that revocation is the only appropriate course of action. These circumstances usually involve new criminal activity, failure to report, non-compliance with treatment, and other serious infractions for which sanctions are not appropriate. If we do not request revocation when we believe the offender poses an unacceptable risk and we cannot provide closer supervision, we are not fulfilling our public safety mission.

In FY 2006, CSOs filed over 3,400 Alleged Violation Reports (AVRs) to the USPC. Of these, 46 percent involved a new arrest, and 54 percent were for "technical" violations, which encompass substance abuse, failure to report for an office visit or drug test, and non-compliance with program requirements. The average AVR documented six violations; three-quarters of the violations were drug-related. Three-quarters of these cases were supervised at the highest levels

(maximum or intensive) at the time of the AVR. Less than a third of the AVRs actually resulted in the USPC issuing a warrant.²

If community supervision is to achieve more than a brief interval between costly episodes of incarceration, mechanisms must be in place to address the factors that drive crime and non-compliance in the first place. I have already alluded to the pervasive problem of substance abuse. The supervised population faces many other problems as well, including:

- **Unstable housing.** As of FY 2006, almost 9 percent of the supervised population reported living in a shelter at some point during supervision. Several hundred offenders are homeless at any given time, and many more face unstable or inappropriate housing situations. CSOSA and the USPC have developed a mechanism to provide emergency placement in a Residential Reentry Center for offenders who have nowhere to go upon release. We request several hundred such placements each year.
- **Unemployment and poor work skills.** About 50 percent of the supervised population is unemployed at any given time, and most offenders have poor work histories and lack marketable skills.
- **Lack of education.** About 43 percent of parolees and over 50 percent of offenders on supervised release lack a GED or high school diploma.
- **Mental health issues.** Mental health cases are the fastest-growing in the agency. CSOSA has five dedicated mental health teams supervising over 1,500 active cases, evenly divided between probation and post-release supervision.

² In FY 2006 parole and supervised release cases, 31 percent of AVRs resulted in revocation. In probation cases during that year, 25 percent of AVRs resulted in revocation by D.C. Superior Court.

These issues impact the success of community supervision. Offenders who cannot earn a living wage, find a place to live, improve their skills, or get treatment for their illnesses are more likely to fall out of compliance. They are also more likely to use drugs and commit drug-related crimes.

CSOSA works diligently with our community partners to ensure that offenders have access to as many resources as possible in these critical areas. We contract for transitional housing with one of our faith-based partners, the East of the River Clergy-Police-Community Partnership. Each quarter, we bring District-based service providers to inmates nearing release from Rivers Correctional Institution through our Community Resource Day videoconferences. We are also working with the University of the District of Columbia (UDC) on a pilot program that begins the process of job training at Rivers and continues it at UDC after release. We are attempting to work with the D.C. Workforce Investment Council to link vocational programs at Rivers and other BOP facilities with meaningful post-release training and employment opportunities. We have referred hundreds of our clients to the District's Project Empowerment Program for employment assistance. We work closely with the District's health and mental health agencies to ensure that our clients have access to the full array of available services. Notwithstanding these efforts, more transitional housing and job opportunities are needed.

Offenders on supervision do not constitute a separate class of D.C. residents. Last October, the D.C. Fiscal Policy Institute released a report documenting the ways in which the city's economic revitalization has bypassed its poorest citizens.³ The report stated that unemployment among African-Americans with no post-secondary education is at its highest level in nearly 30 years. This demographic includes, but is not limited to, many offenders under

³ Ed Lazare, "D.C.'s Two Economies: Many Residents Are Falling Behind Despite the City's Revitalization" (Washington, DC: Fiscal Policy Institute, 2007).

supervision. The Brookings Institution estimates that there are between 51,000 and 61,000 low-income Washingtonians between 16 and 64 who lack college degrees.⁴ Whether they have criminal records or are on community supervision, they all need the same help to find their way out of poverty, and they all have children and families who will benefit from improved economic stability.

CSOSA has invested resources in developing four learning labs staffed with educational and vocational specialists, whose job is to link offenders with community-based education and training. In FY 2007, our CSOs made over 6,700 referrals to the learning labs.

Every offender entering CSOSA's supervision receives a comprehensive needs assessment, which results in a Prescriptive Supervision Plan that identifies specific interventions to meet those needs. The CSO and the offender then review and work the plan together. Our CSOs are trained in motivational interviewing techniques, which they use to engage the offender in the process of change and sustain it throughout supervision. Ultimately, however, the CSO cannot impose compliance and require change; he or she can only use every tool available to encourage it. It is the offender who chooses where his or her community supervision experience will lead, and it is our responsibility to protect the public from some of those choices.

Since the Revitalization Act passed, CSOSA has transformed the District's community supervision system from a local crisis into a national model. We are able to enforce accountability, detect problems, work with the police, and protect the public in ways that we only imagined ten years ago. I am proud to have led this Agency for the past five years, during which our supervision model has matured from an idea to a reality. We have begun the next phase of our evolution, which is to measure our results. Last year, we implemented a new performance

⁴ Alice M. Rivlin, "Testimony before the Committee on Housing and Urban Affairs," D.C. City Council Roundtable on Eliminating Poverty Among District Residents, January 16, 2007.

management system that tracks case activity to link core case management practices with the resulting outcome. We are finishing up a three-year recidivism study to enable our results to be compared to national recidivism rates, and we have begun an extensive evaluation of our treatment system.

Today's hearing was convened in part to answer the question, "Are the residents of the District of Columbia better off because the Revitalization Act was passed?" The answer is unequivocally, "Yes." The conditions that the D.C. Inspector General deplored ten years ago no longer exist. In their place, we practice community supervision at the highest level. We are now in a position to evaluate the results of what we have built, and I am confident that we will see positive outcomes emerge.

Thank you for the opportunity to appear before you today. I will be happy to answer any questions you may have.