

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
PERFORMANCE OVERSIGHT HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

January 24, 2016

Michelle Bonner
Executive Director
Corrections Information Council
2901 14th Street, N.W.
Washington, D.C. 20009

Dear Director Bonner:

The Committee on the Judiciary will hold performance oversight hearings on agencies under its purview between February 4, 2016, and March 11, 2016. The Corrections Information Council's hearing will be held on **March 2, 2016, at 10 a.m. in Room 123**. In preparation for your hearing, the Committee is sending the following questions for your response.

Please submit your responses no later than close of business **February 26, 2016**. If you need to discuss any of the questions, please contact Tai Meah, Senior Legislative Counsel, at (202) 724-8107 or tmeah@dccouncil.us.

General Questions

1. Please provide, as an attachment to your answers, a current organizational chart for the agency, including the number of vacant, frozen, and filled FTEs in each division or subdivision. Include the names and titles of all senior personnel. Also provide the date that the information was collected on the chart.

A current organizational chart is attached.

- a. Please provide an explanation of the roles and responsibilities for each division and subdivision.

While we do not have separate divisions and subdivisions, the program analysts lead the bulk of report writing and inspections. The community outreach assistant is responsible for replying to letters/emails/calls from inmates and community; he also manages our social media and attends functions as CIC representative. The administrative assistant manages the office, phones, acts as receptionist, and performs other administrative duties. The executive director represents the CIC in public meetings, meetings with partners, shareholders, corrections agencies, and with government officials. She also is responsible for meeting government reporting requirements, personnel issues, accounting/budget management, website/communications management, and other duties.

- b. Please provide a narrative explanation of any changes made during the previous year.

Due to FY 2016 budget enhancement, we expanded our staff from three to six FTEs: executive director (started 11/9/15), three program analysts (one existing, two started 12/14/15), community outreach assistant (existing) and administrative assistant (existing, but new staffer as of 11/2/15).

2. Please provide, as an attachment, a current Schedule A for the agency, which identifies all employees by title/position, current salaries, fringe benefits, and program. This Schedule A should also indicate if the positions are continuing/term/temporary/contract and whether they are vacant or frozen positions.

Schedule A attached.

- a. For each vacant position, please provide the status of the agency's efforts to fill the position, as well as the position number, the title, the program number, the activity number, the grade, the salary, and the fringe associated with each position. Please also indicate whether the position must be filled to comply with Federal or local law.

Program Analyst Position – by March 2, 2016, we will have identified a replacement and use name-select process to fill the position. Position #00087330, Program Analyst, Program Code 1010, Activity 1000, Grade 11, Salary \$55,195 to \$60,517 with 20% fringe. This position need not be filled to comply with Federal or local law.

- b. For each filled position, please provide the employee's length of service with the agency.

As of March 2, 2016:

- **Administrative Assistant – 4 months**
- **Community Outreach Assistant – 1 year**
- **Program Analyst – 3 months**
- **Program Analyst – 3 months**
- **Executive Director – nearly 4 months**

3. Please list all employees detailed to or from your agency, if any. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

N/A – there are no employees detailed to or from our agency.

4. Please provide the Committee with:

- a. A list of all employees who received or retained cellphones, personal digital assistants, or similar communications devices at agency expense in FY15 and FY16, to date;

FY15 – Cara Compani and John Kowalko

FY 16 – Cara Compani, Phillip Mosby, and Compani's phone transferred to Lashonia Thompson-El on 2/22/16.

- b. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle accidents involving the agency's vehicles in FY15 and FY16, to date;

N/A – no vehicles owned, leased, or otherwise used by the agency.

- c. A list of employee bonuses or special award pay granted in FY15 and FY16, to date;

N/A – no employee bonuses or special award pay granted in FY16 and FY 16 to date.

- d. A list of travel expenses, arranged by employee for FY15 and FY16, to date, including the justification for travel; and

Please see attached CIC Travel Log for FY15 and FY16 to date.

- e. A list of the total overtime and workers' compensation payments paid in FY15 and FY16, to date, including the number of employees who received overtime and workers' compensation payments.

Please see attached list of total overtime for FY15. There are no overtime or workers' compensation payments paid in FY16, to date.

5. With regard to the use of communication devices:

- a. What procedures are in place to track which individuals or units are assigned mobile devices (including, but not limited to, smartphones, laptops, and tablet computers)? Please include how the usage of these devices is controlled.

The CIC obtains mobile devices and equipment agreement from the EOM Telecommunications Specialist. The executive director instructs staff on the proper usage of cellular and mobile devices, which are used for work email and work calls only. Executive director only loads work email onto mobile phones.

- b. How does your agency limit the costs associated with its mobile devices?

The agency pays at a set rate of \$55 per month for each mobile phone assigned to the agency.

- c. For FY15 and FY16, to date, what was the total cost including, but not limited to, equipment and service plans for mobile communications and devices?

\$1,050.94 for FY15

\$449.40 to-date for FY16

6. Please provide a chart showing your agency's approved budget and actual spending, by division, for FY15 and FY16, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures.

Please see attached approved budget and actual spending, by division, for FY15 and FY16.

7. For FY15 and FY16, to date, please list all intra-District transfers to or from the agency.

N/A – no intra-District transfers to or from the agency for FY15 or FY 16 to-date.

8. For FY15 and FY16, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated by each source or program; and (5) expenditures of funds, including the purpose of each expenditure.

N/A – there are no special purpose revenue funds maintained, used or available for use by the agency .

9. Please list each contract, procurement, lease, and grant awarded, entered into, extended, and option years exercised, by your agency during FY15 and FY16, to date. For each contract, please provide the following information, where applicable:

- a. The name of the contracting party;
- b. The nature of the contract, including the end product or service;
- c. The dollar amount of the contract, including budgeted amount and actually spent;
- d. The term of the contract;
- e. Whether the contract was competitively bid;
- f. The name of the agency’s contract monitor and the results of any monitoring activity; and
- g. Funding source.

Name	Nature of Contract	Dollar Amount	Term	Competitively bid?	Contract monitor/results	Funding Source
Michele Deitch	Review of reports and expert consultation	\$3375	FY15 – July-August 2015	No	Awaiting ratification – Contract with Program Analyst	Local
Michele Deitch	Expert consultation	\$562.60	Oct. 2, 2016	No	Same as above	Local
Connor Curtin	Research/writing editing	\$1387.50	FY16 10/13/15-12/20/15	No	Same as above	Local
Sophia Browning	Sentence computation research	\$615	FY16 10/5/15-12/4/15	No	Same as above	Local

10. For FY15 and FY16, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

Please see attached list of P-Card purchases for FY15 and FY16, to date.

11. Please list all memoranda of understanding (MOU) entered into by your agency during FY15 and FY16, to date, as well as any memoranda of understanding currently in force. For each, indicate the date entered and the termination date.

The CIC did not enter into any memorandum of understanding during fiscal years 2015 and 2016 (to date). The CIC did, however, entered into a MOU during fiscal year 2013 with the Federal Bureau of Prisons (FBOP) for announced CIC inspections of FBOP facilities. This MOU was entered into on July 22, 2013 and will terminate on July 22, 2016.

12. Please list the ways, other than memoranda of understanding, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY15 and FY16, to date.

In addition to the MOU with BOP, the CIC regularly attends meetings with DC Department of Corrections, CSOSA, Reentry Task Force, and service providers working with presently and formerly incarcerated DC inmates. We distribute our reports and other information to the Mayor, the Council, corrections agencies, and the community.

13. Please describe any anticipated spending pressures for FY16. Include a description of the pressure, the estimated amount, and any proposed solutions.

N/A – there are no anticipated spending pressures for FY16.

14. Please list all currently open capital projects, including an update on all capital projects under the agency’s purview in FY15 and FY16, to date, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:

- a. An update on all capital projects begun, in progress, or concluded in FY14, FY15, and FY16, to date, including the amount budgeted, actual dollars spent, and any remaining balances.
- b. An update on all capital projects planned for FY16, FY17, FY18, FY19, FY20, and FY21.
- c. Do the capital projects begun, in progress, or concluded in FY14, FY15, or FY16, to date, have an impact on the operating budget of the agency? If so, please provide an accounting of such impact.

N/A - The CIC does not have any open capital projects from FY16 or prior fiscal years.

15. Please provide a list of all budget enhancement requests (including, but not limited to, capital improvement needs), for FY15 and FY16, to date. For each, include a description of the need and the amount of funding requested.

Enhancement Request for FY16 - The CIC requested a budget enhancement that included funding for an executive director and two program analysts for legal analysis, report preparation, research, and other necessary inspection and reporting procedures. The funding amount requested was \$283,331.02.

Enhancement Request for FY15 – The CIC requested a budget enhancement that included funding for an executive director, administrative assistant, community outreach specialist, secure office space, and non-personnel funding to support new FTEs. The funding amount requested was \$230,050.00.

16. Please list, in chronological order, every reprogramming in FY15 and FY16, to date, that impacted the agency, including those that moved funds into the agency, out of the

agency, and within the agency. Include the revised, final budget for your agency after the reprogrammings for FY15 and FY16. For each reprogramming, list the date, the amount, the rationale, and the reprogramming number.

N/A – There is no reprogramming to report for the CIC for FY15 or FY16, to date.

17. Please list each grant or sub-grant received by your agency in FY15 and FY16, to date. List the date, amount, and purpose of the grant or sub-grant received.

Title	Funder	Date	Amount	Purpose
Ginny and Mike Spevak Internship	Chevy Chase Presbyterian Church	1/14/15	\$ 5,494.00	To provide a stipend to the Community Outreach Intern position for formerly incarcerated individuals to assist the CIC with its mission of monitoring the experiences of DC residents who are part of the criminal justice system.

The agency has received no grant or sub-grant in FY16, to date.

18. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans (if any) are in place to continue funding?

N/A – The CIC has no FTEs that are dependent on grant funding.

19. Please list all pending lawsuits that name the agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant financial liability and/or will result in a change in agency practices, and the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

N/A - The CIC does not have any pending lawsuits that name the agency as a party.

20. Please provide the total number of administrative complaints or grievances that the agency received in FY15 and FY16, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received.

N/A – The CIC has not received any administrative complaints or grievances in FY15 or in FY16, to date.

21. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY15 and FY16, to date, along with the agency’s compliance or non-compliance with any recommendations.

N/A - The CIC does not have any investigations, audits, studies, or reports on the CIC or any employee of the CIC that are ongoing or were completed in FY15 or FY16, to date.

22. Please provide a copy of the agency's FY15 performance plan. Please explain which performance plan objectives were completed in FY15 and whether or not they were completed on time and within budget. If they were not, please provide an explanation.

Please see attached DMPSJ Performance Accountability Report for FY15, which contains the plan, explains which performance plan objectives were completed in FY15 and whether or not they were completed on time. The CIC remained within budget for FY15.

23. Please provide a copy of your agency's FY16 performance plan as submitted to the Office of the City Administrator.

24. Please provide the number of FOIA requests received for FY15 and FY16, to date. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, and the estimated number of hours spent responding to these requests.

NA – The CIC has not received any FOIA requests for FY15 or FY16, to date.

25. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared, or contracted for, during FY15 and FY16, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee.

Please see attached list of CIC inspection reports and status. The purpose of each inspection report is to report on information obtained from the corrections agency, the onsite inspection, inmate interviews, inmate and community communications. The report also identifies key findings and recommendations for improvement of conditions and services. Each report is reviewed by BOP for factual corrections and response, and is then distributed to the Mayor, the Council, Congressional representative, corrections agency, and the community.

Personnel

1. Please separately list each employee whose salary was \$100,000 or more in FY15 and FY16, to date. Provide the name, position number, position title, program number, activity number, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.

Please see attachment for employees whose salary was \$100,000 or more in FY15 and FY16, to date. (Note that the employee listed for FY15, was actually paid only \$17,000, but at a salary rate of over \$100,000. This was a result of creative accounting to pay employee in lieu of stipend for year he worked for CIC as a legal fellow.)

2. Please list in descending order the top 25 overtime earners in your agency in FY15 and FY16, to date. For each, state the employee's name, position number, position title, program number, activity number, salary, fringe, and the aggregate amount of overtime pay earned.

Please see attached list of overtime earners in the CIC for FY15. There are no overtime earners in FY16, to date.

3. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement.

N/A - There are no collective bargaining agreements in effect for our agency employees.

4. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

The CIC has not conducted performance evaluations in the past. With a new executive director, the CIC will now perform performance evaluations of all employees, starting with review of position descriptions as a baseline. This will ensure that agency employees are meeting individual job requirements. There will be an initial six-month review, followed by annual reviews and other reviews as needed. The executive director will propose to the board a performance review for the executive director position as well.

Agency Operations

1. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in FY16.

FY 16 Priorities:

- a. Reduce backlog of inspection reports – The program analysts have made drafting reports a priority since their start in December 2015. We expect to have all reports for FY14 and FY15 inspections drafted by June, and to be on track with FY16 inspection reports by the end of FY16.**
 - b. Establish inspection follow-up – We are implementing a procedure to follow up with those recently released from facilities we have inspected to ascertain whether there have been any changes of conditions of confinement. Our Community Outreach Assistant is taking the lead in outreach to recent returning residents for interviews by program analysts, interns, and other staff.**
 - c. Data Management System – We plan to develop and implement a data management system for all of the information collected from corrections agencies, inmates, and community members. We desire this system to be web-based, so that we can access the data even when on the road at inspections. We will consult with a technology expert, and our public policy program analyst will lead this development.**
 - d. Thematic reports and information – We plan to create and disseminate information on broad issues pertaining to multiple facilities, such as sentencing and designation, programs, reentry services, for example. We plan to use formats including issues briefs, reports, and educational sessions during our open meetings.**
 - e. Renew memorandum of understanding (MOU) with Federal Bureau of Prisons (BOP) – We will renew our MOU with BOP for access and entry into facilities for inspections and interviews with inmates. The current MOU expires in July 2016.**
2. Please list each new program implemented by the agency during FY15 and FY16, to date. For each initiative please provide:

- a. A description of the initiative;
- b. The funding required to implement to the initiative; and
- c. Any documented results of the initiative.

FY15 –

- **The CIC increased the use of interns and volunteers in its office. During the summer of 2015, the CIC had no fewer than four law student interns who conducted legal research and participated in inspections and report writing. One intern conducted a training for interns and staff from other prisoners services providers on sentence computation and parole grant/revocation issues.**
- **Program Analyst Cara Compani and Community Outreach Assistant Phillip Mosby visited YouthBuild in Columbia Heights, Dunbar High School, and Montgomery County Pre-release Center (PRC), sharing the mandate and work of the CIC.**

FY16 –

- **The CIC hosted a volunteer from YouthBuild, who came in several hours a week in the fall of 2015, helping with mass mailings to inmates and other administrative tasks.**
- **The CIC has retained the services of Symphonic Strategies for strategic planning, to create a road map of the agencies priorities and tasks over the next 2-3 years. AJ Robinson of Symphonic Strategies has provided similar services for DC Department of Corrections (DOC), Criminal Justice Coordinating Council (CJCC), and other DC government agencies.**
- **CIC Bulletin and social media – CIC has produce a bulletin to update the community on issues affecting DC incarcerated residents. (See attached.) It has also developed its Facebook page and will develop its Twitter account in FY16.**

3. Please explain the impact on your agency of any legislation passed at the federal level during FY15 and FY16, to date, which significantly affected agency operations. If regulations are the shared responsibility of multiple agencies, please note.

Executive Actions Limiting Solitary Confinement – On January 25, President Obama adopted US Department of Justice recommendations limiting solitary confinement for adults and banning the use of solitary confinement for juveniles in BOP facilities. The CIC must monitor BOP to ensure these new orders are being implemented throughout the BOP and within DOC for inmates under BOP custody.

Colson Recommendations – The Colson Task Force released its recommendations for BOP that will affect DC prisoners in BOP facilities. The CIC must monitor BOP to see if recommendations are being implemented, should Congress and the President order that these recommendations be implemented.

4. Please list all regulations for which the agency is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision.

The CIC is responsible for inspecting and monitoring conditions of confinement of BOP, DOC and contract facilities where DC residents are incarcerated. This includes all regulations, program statements, statements of work and contracts with contracting agencies, and other regulations that may affect conditions of confinement.

5. Please identify any statutory or regulatory impediments to your agency’s operations, including any outstanding legislative requirements of the agency (e.g. implementation of rulemakings).

Board Size – The CIC Board is limited to three members (two Mayoral appointees, one Council appointee). The CIC has requested that the board size be increase from 3 members to five members in an FY17 Budget Support Act submission.

6. Please identify all electronic databases maintained by your agency, including the following:
- a. A detailed description of the information tracked within each system;
 - b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - c. Whether the public can be granted access to all or part of each system.

At present, we do not have a single electronic database, and we are developing one in FY16. The CIC does use Microsoft One Note to collect inmate calls, emails, letters, and other communicated concerns, by inmate and by facility. Because the CIC keeps personally identifying information of inmates confidential, this database is not accessible to the public.

7. Please provide a detailed description about any new technology acquired in FY15 and FY16, to date, including the cost, where it is used, and what it does. Please explain if there have there been any issues with implementation.

FY15 – CIC purchased computers and monitors for staff and for interns’ use. Three larger monitors and high powered CPUs were purchased for three FTEs. Other smaller monitors and CPU’s were purchased for interns/volunteers. There were problems with speed of the smaller CPUs for the two new program analysts, as well as smaller monitor screens. This totaled \$6662.50.

FY16 – To date, the CIC purchased two new CPUs with faster speed and more storage for program analysts, as well as two 20” monitors, totaling \$2,262. These were also purchased through the District government’s contract with Dell Computer Corp.

8. Please provide a current list of Governing Board members, with appointing authorities and term expiration dates.

Commission Members	Appointing Authorities	Expiration Dates
Board Chair	D.C. Code § 24-101.01 (2)(A), (B) & (C)	Vacant
Phylisa Carter	D.C. Code § 24-101.01 (2)(A) & (B)	January 10, 2016
Katharine Huffman	D.C. Code § 24-101.01 (2)(A).	June 7, 2016

9. Please list and describe the facility visits made in FY15 and FY16, to date. What facility visits are currently planned for the remainder of FY16?

Please see travel log for FY15 and FY16 inspections conducted to date.

For the remainder of FY16, we plan to conduct fewer inspections than in FY15, in order to reduce the backlog of inspection reports and adopt a shortened inspection report schedule. Two BOP inspections and one DOC inspection have been made in FY16 so far; and the CIC intends to conduct at least seven additional inspections, to include DC Jail, and BOP facilities, such as FCI Allenwood Medium, FCI Victorville I (gain entry this time), USP Terre Haute, and medical facility (FMC Devins or Carswell). We also plan to do follow-up at USP Lewisburg.

10. Please list any reports that CIC plans to release in FY16.

Please see attached inspection report list for #25, above, for list of reports yet to be released. These reports will be released in FY16. Also, the CIC plans to release at least one thematic report or issue brief in FY16.

11. CIC remained understaffed and did not have a quorum for the summer of 2015. Please describe how this affected the agency.

This lack of quorum reduced the number of CIC open meetings held in FY2015. While there was no quorum, nominee Phylisa Carter did volunteer and participated in inspections and report review over the summer. The CIC also hired four summer interns and employed legal fellow John Kowalko to assist with inspections and report drafting.

The lack of quorum and no executive director left a leadership void, slowing the report approval and publication process. With at least a quorum (and hopefully a third board member in FY16), and executive director, and two additional program analysts, we plan to catch up on report publication backlog, increase follow-up, and provide more information regarding conditions of confinement and reentry planning for DC inmates.

12. What is the protocol regarding follow-up on published reports?

The CIC is working on ways to implement systematized follow-up on published reports. Presently, we meet with and hear from former inmates and community advocates about whether conditions have improved or worsened at facilities previously inspected. We hope to publish follow-up information (even if one-pagers), in addition to performing follow-up inspections.

13. To the office's knowledge, are there any entities in other jurisdictions with similar missions and/or mandates?

Other entities in other jurisdictions with similar missions and/or mandates include:

- **Correctional Institution Inspection Committee (CIIC, Ohio)**
<http://www.ciic.state.oh.us/>
- **John Howard Association of Illinois: Prison Monitoring Project**
<http://www.thejha.org/monitor>
- **UK Independent Monitoring Boards** <http://www.imb.org.uk/>
- **NY City Board of Correction**
<http://www.nyc.gov/html/boc/html/home/home.shtml>

- **Correctional Association of New York**
<http://www.correctionalassociation.org/pp/prison-monitoring-and-research>

14. Has the CIC obtained a sufficient support staff to ensure it effectively fulfills its mandate?

We do not have sufficient support staff in the form of FTEs to ensure the CIC effectively fulfills its mandate. We do have one administrative assistant, and we use the help of student interns when available.