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107TH CONGRESS }
2d Session

SENATE

{ REPORT
107-145

**CRIMINAL JUSTICE COORDINATING COUNCIL
RESTRUCTURING ACT OF 2001**

R E P O R T

OF THE

**COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE**

TO ACCOMPANY

H.R. 2305

TO AUTHORIZE CERTAIN FEDERAL OFFICIALS WITH RESPONSIBILITY FOR THE ADMINISTRATION OF THE CRIMINAL JUSTICE SYSTEM OF THE DISTRICT OF COLUMBIA TO SERVE ON AND PARTICIPATE IN THE ACTIVITIES OF THE DISTRICT OF COLUMBIA CRIMINAL JUSTICE COORDINATING COUNCIL, AND FOR OTHER PURPOSES



APRIL 29, 2002.—Ordered to be printed

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CRIMINAL JUSTICE COORDINATING COUNCIL
RESTRUCTURING ACT OF 2001

APRIL 29, 2002.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Governmental Affairs,
submitted the following

R E P O R T

[To accompany H.R. 2305]

The Committee on Governmental Affairs, to which was referred the bill (H.R. 2305) to authorize certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

The purpose of H.R. 2305, the Criminal Justice Coordinating Council Restructuring Act of 2001, is to authorize the heads of six Federal agencies, specifically, the Court Services and Offender Supervision Agency for the District of Columbia, the District of Columbia Pretrial Services Agency, the United States Attorney for the District of Columbia, the Federal Bureau of Prisons, the United States Parole Commission, and the United States Marshals Service, to meet regularly with District law enforcement officials as the “Criminal Justice Coordinating Council” (CJCC). H.R. 2305

strengthens the CJCC by authorizing Federal participation and funds. H.R. 2305 requires the CJCC to submit to the President, Congress, and appropriate Federal and local agencies an annual report detailing its activities.

II. BACKGROUND

The Criminal Justice Coordinating Council for the District of Columbia (CJCC) is the primary venue in which District of Columbia criminal justice agencies can identify and address interagency coordination issues. The CJCC for the District of Columbia was originally established pursuant to a Memorandum of Agreement entered into on May 28, 1998 by the Mayor of the District of Columbia, the Chief of the Metropolitan Police Department, the Chair of the Council of the District of Columbia, the Chair of the Judiciary Committee of the Council of the District of Columbia, the Chief Judge of the Superior Court of the District of Columbia, the United States Attorney for the District of Columbia, the Corporation Counsel of the District of Columbia, the Chief Management Officer, the Corrections Trustee of the District of Columbia, the Offender Supervision Trustee of the District of Columbia, and three members of the District of Columbia Financial Responsibility and Management Assistance Authority (also known as the “Control Board.”). It has operated as an independent working group to foster cooperation among the 13 governmental agencies which have law enforcement responsibility in our Nation’s capital.

CJCC’s mission is to address coordination difficulties among District of Columbia criminal justice agencies. CJCC members have typically met every four to six weeks and have formed numerous teams to address criminal justice issues, such as drugs, juvenile justice, halfway houses, information technology, and identification of arrestees. CJCC staff have coordinated meetings, provided data and statistics, summarized workgroup findings, performed best practices reviews, and provided other information and support to District of Columbia criminal justice agencies.

Establishment as a local agency

As part of a local enactment in August 2001, the Fiscal Year 2002 Budget Support Emergency Act of 2001 (District of Columbia Laws Act 14–124, Title XV), the CJCC was established as an independent agency within the District of Columbia.

Under this local law, the Mayor of the District of Columbia is designated as the Chair of the CJCC. Other members include the Chairman of the Council of the District of Columbia; the Chairman of the Judiciary Committee of the Council of the District of Columbia; the Chief Judge of the Superior Court of the District of Columbia; the Chief of the Metropolitan Police Department; the Director of the District of Columbia Department of Corrections; the Corporation Counsel for the District of Columbia; the Director of the Department of Human Services’ Youth Services Administration; the Director of the Public Defender Service; the Director of the Pretrial Services Agency; the Director of the Court Services and Offender Supervision Agency; the United States Attorney for the District of Columbia; the District of Columbia Corrections Trustee; the Director of the Federal Bureau of Prisons; and the chair of the United States Parole Commission.

The 2001 local law enumerates eight specific duties of the CJCC. Among them are the responsibility to: make recommendations concerning the coordination of the activities and the mobilization of the resources of the member agencies in improving public safety in, and the criminal justice system of, the District of Columbia; define and analyze issues and procedures in the criminal justice system, identify alternative solutions, and make recommendations for improvements and changes in the programs of the criminal justice system; receive information from, and give assistance to, other District of Columbia agencies concerned with, or affected by, issues of public safety and the criminal justice system; make recommendations regarding systematic operational and infrastructural matters as are believed necessary to improve public safety in the District of Columbia and Federal criminal justice agencies; and establish measurable goals and objectives for reform initiatives.

Federal funding

The FY 2002 appropriations for the District of Columbia (P.L. 107–96, 115 Stat. 923 at 925) provides for a Federal payment of \$300,000 to the City Administrator for the Criminal Justice Coordinating Council for the District of Columbia.

GAO assessment of criminal justice coordination challenges in the District of Columbia

In March 2001 the General Accounting Office (GAO) released a report, “D.C. Criminal Justice System,”¹ on the effectiveness of coordination among the District’s various criminal justice entities. As explained by GAO, the criminal justice process—from arrest through correctional supervision—in any jurisdiction is generally complex and typically involves a number of participants including police, prosecutors, defense attorneys, courts, and corrections agencies. Because of the large number of agencies involved, coordination among agencies is necessary for the process to function as efficiently as possible within the requirements of due process.

GAO emphasized that the unique structure and funding of the District of Columbia’s criminal justice system, in which Federal and District of Columbia jurisdictional boundaries and dollars are blended, creates additional coordination challenges. The District of Columbia criminal justice system consists of four District of Columbia agencies principally funded through local funds, six Federal agencies, and three District of Columbia agencies principally funded through Federal appropriations. Seven of the ten stages of the District of Columbia’s criminal justice system require coordination among agencies funded by different sources.

Because of the different sources of funding, reporting structures, and organizational perspectives of the various agencies involved in the District of Columbia criminal justice system, GAO stressed that it has been difficult in the District of Columbia to coordinate systemwide activities, reach agreement on the nature of systemwide problems, and take a coordinated approach to addressing problem areas that balances competing institutional interests. CJCC’s abil-

¹“D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies,” GAO–01–187, March 30, 2001 (210 page report); see also “D.C. Criminal Justice System: Better Coordination Needed Among Participating Agencies,” GAO–01–708T May 11, 2001 (GAO prepared testimony before House Subcommittee).

ity to effect cooperation among the various agencies has been limited because it has no formal authority or power over any member agency.

According to GAO, without a requirement to report successes and areas of continuing discussion and disagreement to each agency's funding source, CJCC's activities, achievements, and areas of disagreement have generally been known only to its participating agencies. GAO observed that this has created little incentive to coordinate for the common good, and all too often agencies have simply "agreed to disagree" without taking action. Further, without a meaningful role in the establishment of multi-agency initiatives, CJCC has been unable to ensure that criminal justice initiatives are designed to identify the potential for joint improvements, and that they are carefully coordinated among all affected agencies.

GAO found that while there has been notable success in areas where agencies share a common interest, there is a general lack of coordination among participating agencies. According to GAO, poor coordination of numerous projects, such as case processing, information technology, correctional supervision, and the sharing of responsibilities among agencies, have led to inefficient operations and poor program performance. GAO also stated that funding is a problem for CJCC because the Control Board disbanded in 2001 and because funding of CJCC through any individual participating agency potentially diminishes its stature as an independent entity in the eyes of several CJCC member agencies, reducing their willingness to participate.

GAO offered several recommendations to address the deficiencies identified. Among them, GAO recommended that Congress consider funding CJCC; require CJCC to report annually to Congress, the Attorney General, and the Mayor of the District of Columbia; and require all District of Columbia criminal justice agencies to report multi-agency activities to the CJCC, which would serve as a "clearinghouse" for these initiatives.

III. LEGISLATIVE HISTORY

H.R. 2305 was introduced on June 25, 2001 by Representative Connie Morella (R-MD) and Delegate Eleanor Holmes Norton (D-DC). It was referred to the House Government Reform Subcommittee on the District of Columbia on July 9, 2001. H.R. 2305 was amended in the subcommittee to address concerns raised by the Department of Justice that requiring participation by the Federal entities designated in the bill in this locally-constituted body could be read to authorize the local agencies comprising a majority of the CJCC to make decisions with binding authority on the Federal agency participants.² The amendment allays the concern by making clear that Federal agency involvement is merely authorized, but not required, thereby making clear that the bill does not impose on the Federal agencies any obligation to accede to CJCC decisions. H.R. 2305, as amended, was reported to the full House Committee on Government Reform by voice vote on September 21, 2001.

²Letter of July 31, 2001 to Representative Connie Morella from Assistant Attorney General Daniel J. Bryant.

On December 4, 2001, H.R. 2305, as amended, was considered by the House of Representatives under suspension of the rules, and passed by voice vote. H.R. 2305, as passed in the House, was received in the Senate on December 5, 2001, and referred to the Committee on Governmental Affairs. On December 17, 2001, the bill was referred to the Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia.

On March 14, 2002, H.R. 2305 was favorably polled out of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia. H.R. 2305 was considered by the Committee on Governmental Affairs on March 21, 2002, approved by voice vote, and ordered to be reported, with no Members present dissenting.

Present were Senators Akaka, Bennett, Cleland, Cochran, Levin, Lieberman, Stevens, Thompson, and Voinovich.

IV. SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act as the “Criminal Justice Coordinating Council Restructuring Act of 2001.”

Section 2 authorizes the Director of the Court Services and Offender Supervision Agency for the District of Columbia, the Director of the District of Columbia Pretrial Services Agency, the United States Attorney for the District of Columbia, the Director of the Bureau of Prisons, the chair of the United States Parole Commission, and the Director of the United States Marshals Service to serve on the District of Columbia Criminal Justice Coordinating Council, participate in the Council’s activities, and take such other actions as may be necessary to carry out the individual’s duties as a member of the Council.

Section 3 requires that not later than 60 days after the end of each calendar year, the District of Columbia Criminal Justice Coordinating Council shall prepare and submit to the President, Congress, and each of the entities of the District of Columbia government and Federal government whose representatives serve on the Council a report describing the activities carried out by the Council during the year.

Section 4 authorizes such sums to be appropriated for fiscal year 2002 and each succeeding fiscal year as may be necessary for a Federal contribution to the District of Columbia to cover the costs incurred by the District of Columbia Criminal Justice Coordinating Council.

Section 5 defines the ‘District of Columbia Criminal Justice Coordinating Council’ as the entity established by the Council of the District of Columbia under the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001.

V. ESTIMATED COST OF LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 3, 2002.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Government Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2305, the Criminal Justice Coordinating Council Restructuring Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Matthew Pickford (for federal costs), and Susan Sieg Tompkins (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 2305—Criminal Justice Coordinating Council Restructuring Act of 2002

H.R. 2305 would authorize certain federal officials involved in the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council. The act would authorize the appropriation of the necessary sums to cover the costs incurred by the council.

Assuming the appropriation of the necessary funds, CBO estimates that implementing H.R. 2305 would cost about \$500,000 annually. That estimate assumes that the council would hire a staff of five individuals. Because the act would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 2305 would require the District of Columbia Justice Coordinating Council to prepare an annual report describing the activities carried out by the council during the year. This requirement would be an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the cost to the District of Columbia in complying with this mandate would not be significant and thus would fall well below the threshold established by UMRA (\$58 million in 2002, adjusted annually for inflation). Further, the bill would authorize funding to cover the costs incurred by the council. The act contains no private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs), and Susan Sieg Tompkins (for the state and local impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analyst.

VI. EVALUATION OF REGULATORY IMPACT

Paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate the "regulatory impact which would be incurred in carrying out this bill." Carrying out H.R. 2305 would have no regulatory impact. In addition, as explained in the Congressional Budget Office (CBO)

letter, H.R. 2305 would require the District of Columbia Coordinating Council to prepare annual report describing the activities carried out by the Council during the year. This requirement would be an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO has estimated that the cost to the District of Columbia to comply with this mandate would not be significant and thus would fall well below the threshold established by UMRA. Further, the bill would authorize funding to cover the costs incurred by the Council. H.R. 2305 contains no private-sector mandates as defined in UMRA.

VII. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that H.R. 2305, as reported, makes no changes in existing law.

