

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Kwame R. Brown
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: April 4, 2012

SUBJECT: Fiscal Impact Statement – “DOC Inmate Processing and Release Amendment Act of 2011”

REFERENCE: Bill 19-428, Draft Committee Print shared with OCFO on February 16, 2012

Conclusion

Funds are sufficient in the FY 2012 budget and the proposed FY 2013 through FY 2016 budget and financial plan to implement the bill.

Background

The bill establishes release requirements for inmates at the Department of Corrections (DOC). Inmates shall be released before noon if they have completed their sentence, within five hours of a court order,¹ or prior to 10:00 p.m. in all other release cases. The bill restates many of the conditions² to be met by DOC established in the Safe Release of Inmates Amendment Act of 2010³ if an inmate is released after 10:00 p.m. Lastly, the bill imposes a \$1,000 fine on DOC for each inmate released after 10:00 p.m. and an additional \$1,000 fine for each 24-hour period an inmate is over-detained. Fines are deposited in the Settlements and Judgments Fund to support DOC related litigation.

¹ The five hour window begins when custody of an inmate is transferred from the United States Marshals Service back to DOC.

² Conditions include ensuring an inmate has access to housing following release, provision of reasonable clothing, a 7-day supply of prescription medications, transportation upon release, and the option to stay within a DOC facility until 7:00 a.m. the next morning.

³ Effective July 23, 2010 (D.C. Law 18-190; D.C. Official Code § 24-211.02).

The Honorable Kwame R. Brown

FIS: Bill 19-428, "DOC Inmate Processing and Release Amendment Act of 2011," Draft Committee Print shared with OCFO on February 16, 2012

Financial Plan Impact

Funds are sufficient in the FY 2012 budget and the proposed FY 2013 through FY 2016 budget and financial plan to implement the bill.

The bill's fine provision could create a spending pressure on DOC, but it is difficult to predict how many inmates will be released between 10:00 p.m. and 7:00 a.m. in a fiscal year. In FY 2011, DOC released between 10 and 15 inmates per month during the restricted hours.⁴ However, in FY 2012, only 5 inmates in total were released during those hours in the first five months of the year. DOC implemented new release procedures,⁵ which is having a positive impact on releasing inmates in compliance with the bill's provisions.⁶

⁴ 10 to 15 inmates per month would result in annual fines ranging from \$120,000 to \$180,000.

⁵ Released documents are scanned at D.C. Superior Court and sent electronically to the central detention facility.

⁶ According to DOC, inmates are being released in 3.5 hours on average.