

**Statement on behalf of the
American Civil Liberties Union of the District of Columbia
before the D.C. Council Committee on the Judiciary and Public Safety
Budget Oversight Hearing on the Department of Corrections
and the Office of Victim Services and Justice Grants
by
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Chair Pinto and members of the Committee, my name is Melissa Wasser, and I am Senior Policy Counsel at the American Civil Liberties Union of the District of Columbia (ACLU-D.C.). I am submitting the following testimony for the record on behalf of our over 14,000 members and supporters in all 8 wards.

The ACLU-D.C. is committed to working to dismantle systemic racism, safeguard fundamental liberties, and advocate for sensible, evidence-based criminal justice policies, and this should be reflected in both the District's policies and budget. Our testimony today addresses our key recommendations regarding the District's Fiscal Year 2027 (FY27) budget for the D.C. Department of Corrections (DOC) and the Office of Victim Services and Justice Grants (OVSJG).

Department of Corrections

While analyzing the budget for the Department of Corrections, we once again urge the Council to take a close look at the recent report from the D.C Auditor and the Council for Court Excellence (CCE) titled "Urgent Need for New D.C. Jail."¹ In this busy budget oversight season, we urge the Council to pay closer attention to this crucial report. This report shows how poor conditions continue to persist inside the jail; the number of risks to residents has increased over the past six years since the initial report was released; and calls for an immediate replacement to the jail. With closer attention to this report in mind, the Council can still pursue the immediate

¹ Kathleen Patterson, "Urgent Need for New D.C. Jail," Office of the District of Columbia Auditor (May 28, 2025), https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/6837197775af1c53f8f34cf0_JailUpdate_Web_v5.pdf.

actions necessary to build a new jail and ensure additional transparency into the public-private partnership being pursued to help fund the jail.

I. While funding the construction of a new D.C. jail is a step in the right direction, funding cannot be delayed until FY32 to build the new jail.

The need to replace the D.C. jail cannot be overstated. The joint report mentioned above from the D.C. Auditor and CCE outlines the need for *immediate* action to address the problems at the 50-year-old facility. As a part of the FY27 budget, DOC would receive proposed funding for construction projects in FY27 (\$20.5M), FY28 (\$18M), FY29 (\$10.5M), and FY32 (\$75M).² Under the proposed FY27 budget, the \$75M in proposed funding for constructing a new D.C. jail would not be available until FY32.³ This funding would be for the design and construction of a new Correctional Treatment Facility (CTF) Annex hosting 600-1,000 beds, which would be “right-sized” to accommodate the current jail population.⁴

With key funding delayed for a new D.C. jail yet again and zero publicly available details on a proposed public-private partnership, the mayor’s plan raises a broad range of concerns. Delaying the funding until FY32 is further delaying a process that has been ongoing for over a decade, which is especially concerning considering the findings of the referenced report and our previous testimonies in front of this Committee that implicate the habitability of the jail. Constructing a new jail cannot continue to wait while people are still dying at the D.C. jail. Residents at the D.C. jail should not be given a potential death sentence just for being held there. As Chair Pinto mentioned in her opening statement at this past year’s DOC performance oversight hearing, “one death at the jail is too many.”⁵

II. More publicly available information and transparency is necessary on the public-private partnership being pursued to build the new jail.

² Office of the Chief Financial Officer, FY 2027 – FY 2032 Capital Improvements Plan, p. 207, <https://app.box.com/s/3mwl1neeolc1yopnpi7n5vhvn1s4j7eaq>.

³ *Id.* at 211.

⁴ *Id.*

⁵ See D.C. Department of Corrections, “2026 Deaths in Custody Report” (updated Jan. 21, 2026), <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20DOC%202026%20Report%20-%20Deaths%20in%20Custody%2001.21.26.pdf>.

The same concerns remain from performance oversight season: there are almost zero publicly available details on a proposed public-private partnership funding scheme.⁶ It is unclear who would control the design and location of the new jail and whether that location, design process, and timeline would be keeping in line with DOC's determined highest operational needs or with the feedback they've received through opportunities that were to-date created for engagement with the community on this project. The District and its residents should be in control of decisions about location, design, and construction sequencing. There must also be further clarity about accountable entities and government representatives during this project, particularly as any project or delay in such a project will impact continued facility management and programming.

III. The Council should ensure that the new public-private partnership being pursued to fund the new D.C. jail includes strong public accountability measures, including the creation of a Community Advisory Board.

Without the District including community input into the planning of a new jail, we once again are echoing the recommendation of CCE to create a Community Advisory Board (CAB). Creating this board is a best practice of the National Institute of Corrections in jail planning and would ensure that the community would receive meaningful opportunities to provide input into the design, construction, and oversight of the new jail.⁷ Creating a CAB will bring more transparency and accountability to this extremely secretive process and will welcome the community to actively shape the planning and future of the new jail.

Acknowledging that it will be difficult for new programs to be funded during this upcoming budget cycle, the Council could fund a CAB and make contractors associated with building the new jail responsible for its creation and implementation in the future. However, it is deeply concerning that there is a projected construction start date of December 1, 2026 listed for a new facility when the progress assessment is still listed in the "pre-design" phase, there is no funding slated for this project until FY 2032, and there is no information about the process

⁶ Alex Koma, "Could a private company help build a new D.C. jail? Local leaders see pros and cons," WAMU 88.5 (June 4, 2025), <https://wamu.org/story/25/06/04/could-a-private-company-help-build-a-new-d-c-jail-local-leaders-see-pros-and-cons/>.

⁷ National Institute of Corrections, "Jail Planning and Expansion: Local Officials and Their Roles," U.S. Department of Justice, January 2010, <https://www.nijc.org/pdfs/DOJTribalCorrections/PONIConferenceMaterials/JailPlanningandExpansionLocalOfficialsandTheirRoles.pdf>.

being used to select contractors or on the previously mentioned public-private partnership.⁸ The public deserves more transparency on the process before rushing into the search for contractors to build a new jail.

Should the DOC not commit to the creation of a CAB in this process, the Council should require that a CAB be created through legislation and fully funded to ensure that the new jail is “rooted in community trust and reflects the needs, values, and lived experiences of the District’s most impacted communities.”⁹ The District and DOC must be accountable and able to ensure that the entire process protects the health and safety of those incarcerated and will create a system that will well-prepare them for release and successful reintegration into D.C. communities.

Office of Victim Services and Justice Grants

IV. The Council should fully restore the Access to Justice Initiative program to its FY26 appropriations level of \$31.785M to ensure critical services continue for vulnerable District residents.

The D.C. Council created the Access to Justice Initiative almost twenty years ago to offer legal help and provide crucial legal services for low- and moderate-income District residents. In the FY27 budget, Mayor Bowser is proposing an 86% cut to the initiative with a proposed budget of \$4.487M.¹⁰ This devastating reduction would mean that an estimated 38,000 District residents would go without access to the critical legal help they need.¹¹

Over 44,000 District residents received Access to Justice Initiative-funded solutions to their civil legal problems last year alone.¹² Being able to receive help for civil legal problems through the Access to Justice Initiative promotes housing stability for District residents, leverages existing resources and community partnerships, and is a great return on investment that generates both economic benefits and cost

⁸ Government of the District of Columbia, FY 2027 – FY 2032 Capital Improvements Plan, Volume 5, 211, <https://app.box.com/s/3mw1neeolc1yopnpi7n5vhvn1s4j7eaq>.

⁹ District Task Force on Jails & Justice Task Force Statement (August 22, 2025), https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/68a7850d56db5f4b22b2bcf1_Task%20Force%20Community%20Advisory%20Board%20Statement.pdf.

¹⁰ Government of the District of Columbia, FY 2027 Proposed Budget and Financial Plan, Volume 2 – Agency Budget Chapters – Part I, 460, <https://app.box.com/s/sh0kf066e74i83cqxsona9x3jcowh5eg>.

¹¹ D.C. Access to Justice Commission, Accessing Justice in D.C., <https://dcaccesstojustice.org/wp-content/uploads/2026/04/Impact-of-Funding-Cuts.pdf>.

¹² D.C. Access to Justice Commission, The Access to Justice Initiative, <https://dcaccesstojustice.org/wp-content/uploads/2026/04/ATJ-Initiative-Overview-FY27.pdf>.

savings to the entire D.C. community. National studies show a \$7 to \$1 return on investment in civil legal aid,¹³ and in 2023 alone, the D.C. Council Committee on the Judiciary pointed out that “a proposed \$18 million cut to Access to Justice funds could cost the District upwards of \$90 million by having to provide other services for residents in need, while also causing long-term harm.”¹⁴ Reversing these proposed cuts and fully restoring Access to Justice Initiative funding to FY26 funding levels of \$31.785M must remain a top FY27 Council-wide budget priority as its benefits to the District far outweigh the costs.

V. Conclusion

Providing a safe jail is a core government function, and it must protect 8th Amendment rights against cruel and unusual punishment. While the Mayor’s allocation of \$75M for DOC to support a public-private partnership to build a new D.C. jail is a start, both the Council and the public need more publicly available details on a new D.C. jail before it can further consider the budget allocations.

We appreciate the Council’s ongoing oversight of DOC, which is especially necessary as we move toward having a new jail built in the District of Columbia, and of the Council’s longstanding commitment to ensuring civil justice for low-income District residents through the Access to Justice Initiative. The ACLU-D.C. is ready to work with you and alongside community partners to push for added public accountability during planning and construction of the new jail and restore FY26 funding to the Access to Justice Initiative, ensuring critical legal services continue so no one has to navigate the civil legal system alone.

¹³ *Id.*

¹⁴ Legal Aid DC, “Access to Justice: Why DC Funds Legal Services,” <https://www.legalaiddc.org/access-to-justice-dc>.