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Testimony of the Council for Court Excellence
Before the Committee on Public Works & Operations
of the Council of the District of Columbia

Performance Oversight Hearing for the
Office of Human Rights

February 18, 2026

Thank you, Chairperson Nadeau, for the opportunity to testify at today’s Performance Oversight Hearing for the Office of Human Rights (OHR). My name is Katie McConville, and I am providing this testimony in my capacity as the Policy Counsel for the Council for Court Excellence (CCE). CCE is a nonpartisan, nonprofit organization with the mission to bring people together to conduct research, educate, and advocate to make DC’s unique legal systems more just, equitable, and accountable to the community. For over 40 years, CCE has worked to improve the administration of justice in the courts and related agencies in DC through research and policy analysis, convening diverse stakeholders, and creating educational resources for the public. Please note that in accordance with our policy, no judicial member of CCE participated in the formulation or approval of this testimony. This testimony does not reflect the specific views of, or endorsement by, any judicial member of CCE.

My testimony today concerns OHR’s role in two areas: implementation of the Second Chance Amendment Act of 2022 (SCAA)ⁱ and resolution of complaints related to employment from the DC Department of Corrections (DOC).

Second Chance Amendment Act Implementation. I’ll begin with the Second Chance Amendment Act of 2022. Under the SCAA, a person in D.C. can petition to have certain misdemeanor records sealed five years after completion of their sentence, with the record automatically sealed after ten years for low-level offenses; and those with a felony conviction record can petition to have records sealed eight years after sentence completion. Certain criminal records related to citations, arrests, charges or convictions for offenses that have been decriminalized, legalized, or declared unconstitutional, as well as some simple possession of marijuana violations, will be automatically expunged, as will the records of people who were found innocent or otherwise cleared of the offense in question.ⁱⁱ The SCAA also prohibits criminal history providers from reporting criminal history information related to records that have been sealed, expunged, or set aside.ⁱⁱⁱ As modified by the Secure DC and the Second Chance Clarification Temporary Amendment Act of 2025, DC Courts are required to automatically seal and expunge all eligible criminal records by October 1, 2027,^{iv} and the Office of Human Rights (OHR) has *exclusive* authority to adjudicate complaints and impose penalties for violations arising under the Act.^v

CCE convenes the Second Chance Hiring Alliance (SCHA) to support DC employers in hiring returning citizens and to promote meaningfully inclusive workplace practices.^{vi} SCHA members confirm that timely sealing and expungement of eligible records is critical for both employers seeking qualified workers and returning citizens seeking employment. Criminal records—including those for offenses that have since been legalized or determined to be

unconstitutional—continue to create significant and often insurmountable barriers to employment when relief is delayed or improperly denied.

As this committee recalls, the SCAA was enacted in a piecemeal manner, and while it took full effect on March 1, 2025, it remains unclear how many records have been automatically sealed or expunged to date, or how many individuals have filed complaints with OHR alleging criminal history violations under the Act.^{vii} With DC Courts having approximately two and a half years remaining to complete the automatic sealing and expungement of all eligible records, and with OHR serving as the sole enforcement entity for the SCAA, transparency and accountability in implementation of the SCAA are essential.

Accordingly, we urge the Council to require OHR to publicly report on the number and nature of administrative complaints filed under the SCAA. We further recommend that OHR report, for each complaint: whether OHR found probable cause to believe the SCAA was violated; whether the complaint was a first or subsequent violation; and whether the violation resulted in a financial penalty, and if so, the amount assessed. This level of transparency would allow the Council and the public to evaluate whether the SCAA is functioning as intended and to address persistent implementation challenges before the narrow two-and-a-half-year timeline for automatic sealing and expungement expires.

Lastly, we also request that Council ensure OHR is adequately funded to implement the SCAA in the next budget cycle. OHR's FY2026 approved budget included an enhancement of \$296,000 to support two full time equivalent positions to support the SCAA,^{viii} substantially less than the 2022 Financial Impact Statement (FIS) for the SCAA, which noted it would cost OHR \$553,000 in FY2026 to implement the Act, with no additional funding allocated in FY2027 for addressing complaints and violations.^{ix} With subsequent amendments in the SCAA extending implementation of automatic expungement and sealing deadlines into 2027, we urge Council to provide OHR with necessary funding to support positions and resources necessary to address complaints arising under the SCAA in FY2027.

DOC Employment Complaints. Next, I would like to address discrimination and harassment at DOC. In summer of 2024, on behalf of the Office of the DC Auditor (ODCA), CCE supported an audit of two DOC facilities that are collectively referred to as the 'DC jail,' the Central Detention Facility (CDF) and Correctional Treatment Facility (CTF); we looked at conditions for a one-year period from July 1, 2023 through June 30, 2024 utilizing official inspection and incident reports and an array of other sources. The report, entitled "*Urgent Need for a New DC Jail*," was published this past May and reflected the urgent need to remedy poor conditions in the jail and to build a new facility so that residents and staff can have an improved living and working environment as soon as possible.^x

The audit found that staff and residents at DOC have reported that harassment, misconduct, and disrespect have negatively impacted staff morale and resident well-being, with staff filing 15 complaints to the Equal Employment Opportunity Commission alleging discrimination on the basis of age, disability, national origin, race, sex, and retaliation during the audit period.^{xi} Currently, public reports on complaints are not disaggregated by agency, so it is not possible to track trends in these DOC complaints over time. Alongside formal complaints, DOC staff have also reported areas of widespread and chronic harassment and discrimination within the jail. As an example, friction and repeated incidents of disrespect reportedly exist between DOC staff members who are African immigrants and those who are not.^{xii}

At their oversight hearing on February 6th, DOC reported they currently have a 15% vacancy rate—105 unfilled positions—that forces DOC to rely on costly overtime; with DOC spending \$30.5 million dollars on overtime in FY2025 alone.^{xiii} While recruitment is often cited as the primary challenge, the conditions documented in the ODCA audit make clear that staff retention is inseparable from workplace culture. A workplace culture that tolerates or minimizes discrimination and harassment undermines morale, erodes trust in leadership, and contributes directly to attrition. High vacancy rates, in turn, exacerbate unsafe working conditions, increase mandatory overtime, and further strain remaining staff—creating a self-perpetuating cycle that harms both employees and residents.

For these reasons, we urge the Office of Human Rights to publicly report on a quarterly basis the number, type, and status of complaints filed by DOC employees with OHR, including employment complaints related to discrimination, harassment, retaliation, and hostile work environment. Public reporting would promote transparency, accountability, and early intervention, and would provide policymakers, agency leadership, and employees with critical insight into systemic issues affecting workplace culture and driving reliance on costly overtime.

In closing, OHR’s enforcement and transparency are essential to ensuring that the SCAA is implemented as intended and that DOC employees can work in safe, respectful environments. Regular public reporting will strengthen oversight, promote accountability, and allow the Council to address systemic issues before they deepen. Thank you for the opportunity to testify, and we look forward to continued collaboration with the Council and OHR.

ⁱ Second Chance Amendment Act of 2022, DC Law 24-284, (2023) <https://code.dccouncil.gov/us/dc/council/laws/24-284>.

ⁱⁱ See DC Code § 16–805, Automatic sealing of criminal records, (2026) <https://code.dccouncil.gov/us/dc/council/code/sections/16-805> (listing citations, arrests, charges, or convictions not eligible for automatic sealing).

ⁱⁱⁱ Second Chance Amendment Act of 2022, DC Law 24-284, (2023) <https://code.dccouncil.gov/us/dc/council/laws/24-284>.

^{iv} See DC Code § 16–802, Automatic expungement of criminal records, (2026) <https://code.dccouncil.gov/us/dc/council/code/sections/16-802> (noting that the operative deadline in law for automatic sealing and expungement of eligible records under the Second Chance Amendment framework is by October 1, 2027, or within 90 days after final disposition where that is later).

^v Second Chance Amendment Act of 2022, DC Law 24-284, § 203 – 204, (2023) <https://code.dccouncil.gov/us/dc/council/laws/24-284>.

^{vi} Second Chance Hiring Alliance, (2026), *SCHA Members and Partners*. <https://scha-dc.org/>.

^{vii} See D.C. Law 26-9. Second Chance Clarification Temporary Amendment Act of 2025, (2025) <https://code.dccouncil.gov/us/dc/council/laws/26-9> (detailing amended effective dates of various provisions of the SCAA).

^{viii} Office of the Chief Financial Officer, “2026 HM0 Office of Human Rights,” Government of the District of Columbia, October 3, 2025, <https://cfo.dc.gov/node/1782706>.

^{ix} Glenn Lee, “Fiscal Impact Statement – Second Chance Amendment Act of 2022,” Government of the District of Columbia Office of the Chief Financial Officer, December 20, 2022, https://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/New%20Folder/FIS%20Second%20Chance%20Amendment%20Act%20of%202022.pdf.

^x Kathleen Patterson, “Urgent Need for a New D.C. Jail,” Office of the District of Columbia Auditor, May 28, 2025, <https://dcauditor.org/report/dc-jail-report-update-report-5-28-25/>.

^{xi} Kathleen Patterson, “Urgent Need for a New D.C. Jail,” Office of the District of Columbia Auditor, May 28, 2025, <https://dcauditor.org/report/dc-jail-report-update-report-5-28-25/>.

^{xii} Kathleen Patterson, “Urgent Need for a New D.C. Jail,” Office of the District of Columbia Auditor, May 28, 2025, <https://dcauditor.org/report/dc-jail-report-update-report-5-28-25/>.

^{xiii} Brooke Pinto. (2026, February 4). *Corrections Information Council and Department of Corrections* [video]. YouTube. <https://www.youtube.com/watch?v=iDGMD5O0LFM>.