

Statement of
Samuel F. Harahan
of the Council for Court Excellence
before the
Committee on the Judiciary,
Council of the District of Columbia

PR 17-214
The Sense of the Council to Reform Police Court-Papering
Requirements Resolution of 2007

September 17, 2007

Good morning, Chairman Mendelson, Councilmember Wells and members of the committee. My name is Sam Harahan, and with me today is June Kress. I am a Board Member of the Council for Court Excellence (“CCE”), and Ms. Kress is its Executive Director. My testimony today addresses PR 17-214, the Sense of the Council to Reform Police Court-Papering Requirements Resolution of 2007. No judicial member of CCE participated in the formulation of this testimony.

I appear today on behalf of the Council for Court Excellence, which is a local nonpartisan civic organization founded in 1982 to improve the administration of justice in the courts and related justice agencies in the District of Columbia. For 25 years, CCE has been a unique resource that brings together members of the civic, legal, business, and judicial communities to work in common purpose to identify and promote court reforms, improve public access to justice, and increase public understanding and support of our justice system.

CCE has worked closely with the DC Council and the Committee on the Judiciary on many issues, including the 1994 Probate Reform Act, the Office of Administrative Hearings Establishment Act of 2001 and subsequent amendments, as well as on a number of sentencing related matters. In June 2005, we testified before the Judiciary Committee in joint hearings with the Committee on Health regarding persons with mental health diagnoses in the DC Jail and Correctional Treatment Facility. Most recently, the CCE Expungement Subcommittee proposed legislation that was largely adopted as the Criminal Record Sealing Act of 2006.

We’d like to recognize the effort of the DC Metropolitan Police Department, under the vision of Mayor Fenty and the leadership Chief Cathy Lanier, to engage an on-going multi-agency effort to streamline the papering process. We understand that contributions to this effort

being made by the US Attorney's Office, the Office of the Attorney General and the DC Pretrial Services Agency.

The DC Council deserves credit for holding this hearing and focusing attention on this issue, which in a larger sense is about criminal justice system efficiency and minimizing fiscal costs to the District of Columbia.

It is in this respect that we would like to provide some recent historical context to the findings articulated in Section 2(b) through 2(e) of PR 17-214. In 2001 and 2003, the Council for Court Excellence issued reports with 27 recommendations to improve the DC criminal justice system performance, and also with a unique analysis of police officer overtime expenditures for court and prosecutorial proceedings. Some of those recommendations, such as the adoption of the community court model in the DC Superior Court, have been implemented, but a number of recommendations relating to minimizing police officer expenditures of time have not. The CCE reports found that police officers spent 12% of their court and prosecutor related time on the entire papering function, while 36% of officer time was spent in felony trials – the largest amount of time spent for any one type of proceeding.

It is important to note that both studies found that police officer usage at felony trials was very limited – one in six officers summoned to appear for felony trials actually testified. There are good reasons for the prosecutor to summon all officers to trial – they cannot predict which officers will be called by the defense to the stand. And yet other jurisdictions have solved this problem via on-call systems and other arrangements. While the issue of case scheduling problems did arise during the course of our study, CCE found a number of reasons for case delay beyond the court– the defense or prosecutor can be in another trial, as can the judge, but also key witnesses or even jurors may not be present. If the District of Columbia really wants to make

meaningful inroads into a more efficient use of our police officers and police department expenditures, it will require an effort beyond that of reforming the papering process, and must include prosecutors, defense, the court and others. CCE stands ready to assist the DC Council or the criminal justice system agencies in this endeavor, including updating the unique and important findings of our 2001 and 2003 studies.

Finally, we notice the exclusion of the Office of the Attorney General in the preamble, Section 2(a) and Section 3 of the Proposed Resolution. The Office of the Attorney General has prosecutorial authority over an estimated 10,000 criminal cases filed per year in the DC Superior Court. Therefore, the Office of Attorney General should be included with the other agencies referenced in the proposed resolution.

Again, thank you for holding this important hearing, and we would be happy to answer any questions that you have.