

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To codify the right of residents at Department of Corrections facilities to testify before the Council of the District of Columbia and to engage with the Advisory Neighborhood Commissioner elected to represent them.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the “Ensuring Access and Supporting Engagement Act of 2024”.

Sec. 2. Definitions.

For the purposes of this Act, the term:

(1) “ANC Commissioner” means Advisory Neighborhood Commissioner serving as part of an Advisory Neighborhood Commission within the meaning of D.C. Official Code § 1–207.38;

(2) “DOC” means the Department of Corrections, as defined in D.C. Code § 24–76 211.01;

(3) “Electronic device” means a device that enables access to, or use of, electronic communication services, including a telephone, tablet, or computer;

(4) “Video conference” means conducting a conference between two or more participants at different sites using computer networks to transmit audio and video data using remote meeting technologies.

Sec. 3. Scope

This Act shall apply to all Residents detained or incarcerated at the Central Detention Facility, the Correctional Treatment Facility, and any other penal institution owned, operated, or controlled by DOC.

Sec. 4. Right to testify before the Council

(a) All Residents have the right to observe public meetings of, and provide oral or written testimony to, the Council of the District of Columbia.

(b) DOC shall promulgate policies and procedures to facilitate the opportunity of residents to exercise their rights under subsection (a).

Sec. 5. Provision of Electronic Devices and Internet Service.

(a) DOC shall provide access to electronic devices and internet service for the purpose of:

(1) Enabling Residents to register in a timely manner as a public witness to orally testify at a hearing, roundtable, or other public event of the Council;

(2) Allowing Residents to submit written testimony to the Council before or after a hearing or roundtable in which the Resident will participate or participated as a public witness or for which the Resident wants to submit written testimony; and

(3) Orally providing testimony as a witness and answering questions during any hearing for which they are scheduled to appear as a witness.

(b) DOC shall establish a process for Residents to utilize electronic devices, internet service, and telephones, to orally testify before the Council.

Sec. 6 Informing Residents of Right to Testify and Related Procedures

(a) Individuals held at the Central Cell Block shall be provided informational and educational resources, including on how to access their ANC Commissioner and DC Council, before transitioning out of the Central Cell Block.

(b) DOC shall inform all Residents of their right to testify before the Council and the policies and processes for doing so.

(1) DOC shall partner with one or more community-based organizations to develop educational materials for distribution to Residents about regarding:

(A) The legislative process;

(B) Residents' right to participate in the process, and

(C) The policies and processes procedures for providing testimony at Council hearings while in DOC custody.

(2) DOC shall provide the materials developed pursuant to paragraph (1) to Residents upon intake and after intake upon request.

Sec. 7. Right to access ANC.

(a) All Residents have the right to engagement with their ANC Commissioner.

(b) In collaboration with the Office of Advisory Neighborhood Commissions, DOC shall provide Residents access to the ANC Commissioner by:

(1) Providing electronic devices and internet service to Residents for the purpose of:

(A) Utilizing remote meeting technologies for communications with the ANC Commissioner; and

(B) Utilizing electronic messaging services to write to and receive responses from the ANC Commissioner.

(2) Facilitating a "Townhall" walkthrough of the DOC facilities to speak to Residents in person four times a year.

(3) Providing the ANC Commissioner with the ability to communicate with and meet with all persons in their Ward, including those outside of DOC custody.

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Sec. 8. Prohibitions.

(a) Department employees, contractors, or representatives are prohibited from monitoring or observing a Resident's testimony to closed-door, confidential, or non-public hearings with the Council or meetings with ANC Commissioners.

(b) Department employees, contractors, or representatives are prohibited from infringing upon a Resident's right for legal counsel to be present for all testimony before the Council or ANC Commissions.

Sec. 9. Reduction of cost barriers.

(a) The Department shall provide postage-free legal mail to Residents for the provision of written testimony to the Council and correspondence incident to the provision of testimony.

(b) The Department shall provide Residents with access to electronic devices with access to e-mail and internet service at no cost to Residents for the purpose of enabling their provision of their testimony to the Council, viewing the Council website, signing up to testify, and communicating with the ANC Commissioner.

Sec. 10. Tracking and Reporting.

(a) One year after the effective date of the Ensuring Access and Supporting Engagement (EASE) Act of 2025, and annually thereafter, DOC shall submit a report to the Mayor and Council regarding the following:

(1) To the extent known by DOC, the number of Residents that:

(A) Registered to testify before the Council;

(B) Submitted testimony to the Council in written form;

(C) Testified before the Council via telephone; and

(D) Testified before the Council via video conference;

(2) To the extent known by DOC, the number of Residents that: sought to testify before the Council or communicate with or meet with the ANC Commissioner but were denied access by DOC, and the reasons for which their access was denied;

(3) The number of grievances filed by Residents related to:

(A) Testimony before the Council; and

(B) Access to the ANC Commissioner.

(4) Summaries of requests to staff and grievance reports pertaining to civic engagement;

(5) An analysis of the Bill's implementation and any identifiable challenges; and

(6) Any policy or legislative recommendations to ensure that all Residents have meaningful opportunities to participate in civic engagement.

Sec. 11. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 12. Effective date.

This Act shall take effect after approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.