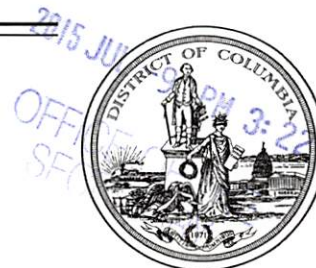

COMMITTEE ON THE JUDICIARY

KENYAN R. MCDUFFIE, CHAIRPERSON
FISCAL YEAR 2016
COMMITTEE BUDGET REPORT



TO: Members of the Council of the District of Columbia

FROM: Councilmember Kenyan R. McDuffie
Chairperson, Committee on the Judiciary *(Signature)*

DATE May 12, 2015

SUBJECT: Report and Recommendations of the Committee on the Judiciary on the Fiscal Year 2016 Budget for Agencies under Its Purview

The Committee on the Judiciary ("Committee"), having conducted hearings and received testimony on the Mayor's proposed operating and capital budgets for Fiscal Year 2016 (hereinafter "FY 2016") for the agencies under its purview, reports its recommendations for review and consideration by the Committee of the Whole. The Committee also comments on several sections in the FY 2016 Budget Support Act of 2015, as proposed by the Mayor, and suggests sections of its own.

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COUNCIL BUDGET DIRECTOR CERTIFICATION:

(Signature)

DATE:

5/27/15

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I. SUMMARY

A. FY 2016 AGENCY OPERATING BUDGET SUMMARY TABLE

<i>OPERATING BUDGET SUMMARY (DOLLARS IN THOUSANDS)</i>					
<i>Agency/Fund Type</i>	<i>FY 2014 Actual</i>	<i>FY 2015 Approved</i>	<i>FY 2016 Mayor's Proposed</i>	<i>FY 2016 Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
<i>Board of Elections (DL0)</i>	7,483	7,240	7,390	0	7,390
Federal Payments	228	0	0	0	0
Federal Grants	278	0	0	0	0
Local Fund	6,976	7,240	7,390	0	7,390
<i>Board of Ethics and Government Accountability (AG0)</i>	1,377	1,498	1,564	210	1,774
Local Fund	1,354	1,438	1,474	210	1,684
Special Purpose Revenue Funds	23	60	90	0	90
<i>Commission on Judicial Disabilities and Tenure (DQ0)</i>	298	295	295	0	295
Federal Payments	298	295	295	0	295
<i>Corrections Information Council (FI0)</i>	0	0	231	251	482
Local Fund	0	0	231	251	482
<i>Criminal Justice Coordinating Council (FJ0)</i>	2,883	2,496	2,514	628	3,142
Federal Payments	2,277	1,900	1,900	0	1,900
Federal Grants	112	0	0	0	0
Intra-District Funds	60	70	75	0	75
Local Fund	434	526	539	628	1,167
<i>Department of Corrections (FL0)</i>	135,559	151,579	152,206	(287)	151,919
Intra-District Funds	247	169	186	0	186
Local Fund	114,521	123,149	123,463	(287)	123,176
Special Purpose Revenue Funds	20,792	28,260	28,557	0	28,557
<i>Department of Forensic Sciences (FR0)</i>	12,750	16,219	15,388	32	15,420
Federal Grant Funds	94	759	460	0	460
Intra-District Funds	800	988	314	0	314
Local Fund	11,856	14,472	14,614	32	14,646

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Department of Youth Rehabilitation Services (JZ0)	100,360	106,285	106,363	(479)	105,884
Intra-District Funds	534	386	344	0	344
Local Funds	99,826	105,899	106,019	(479)	105,540
Deputy Mayor for Public Safety and Justice (FQ0)	22,527	30,258	0	846	846
Federal Grant Funds	3,876	8,179	0	0	0
Intra-District Funds	298	200	0	0	0
Local Fund	18,348	20,472	0	846	846
Private Donations	5	0	0	0	0
Special Purpose Revenue Funds	0	1,406	0	0	0
District of Columbia National Guard (FK0)	8,803	12,704	13,317	0	13,317
Federal Payments	194	435	435	0	435
Federal Grant Funds	4,711	7,204	7,855	0	7,855
Intra-District Funds	0	0	0	0	0
Local Fund	3,898	5,066	5,026	0	5,026
Fire and Emergency Medical Services Department (FB0)	221,833	204,721	234,143	(345)	233,798
Federal Grant Funds	1,380	1,638	0	0	0
Intra-District Funds	3,648	0	0	0	0
Local Fund	215,284	201,563	232,623	(345)	232,278
Special Purpose Revenue Funds	1,520	1,520	1,520	0	1,520
Homeland Security and Emergency Management Agency (BN0)	80,567	109,553	132,744	0	132,744
Federal Grant Funds	78,500	107,467	128,192	0	128,192
Intra-District Funds	0	0	0	0	0
Local Fund	2,067	2,085	4,552	0	4,552
Judicial Nomination Commission (DV0)	239	270	270	0	270
Federal Payments	181	270	270	0	270
Intra-District Funds	0	0	0	0	0
Local Fund	58	0	0	0	0
Mayor's Office of Legal Counsel (AH0)	0	0	1,596	0	1,596
Local Fund	0	0	1,596	0	1,596
Metropolitan Police Department (FA0)	529,102	513,638	538,328	(3,410)	534,919

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Federal Grant Funds	4,695	4,010	3,066	0	3,066
Intra-District Funds	28,523	24,758	24,695	0	24,695
Local Fund	490,703	477,500	502,633	(3,410)	499,223
Private Donations	108	0	0	0	0
Special Purpose Revenue Funds	5,073	7,370	7,934	0	7,934
Office of Administrative Hearings (FS0)	8,477	10,404	10,059	356	10,415
Federal Medicaid Payments	72	60	60	0	60
Intra-District Funds	1,222	1,641	1,355	0	1,355
Local Fund	7,183	8,703	8,644	356	9,000
Office of Campaign Finance (CJ0)	2,593	2,798	2,677	27	2,704
Local Fund	2,593	2,798	2,677	27	2,704
Office of Human Rights (HM0)	3,036	3,405	3,718	293	4,011
Federal Grant Funds	312	267	267	0	267
Intra-District Funds	14	0	0	0	0
Local Fund	2,710	3,138	3,451	293	3,744
Office of Police Complaints (FH0)	2,080	2,241	2,292	0	2,292
Local Fund	2,080	2,241	2,292	0	2,292
Private Donations	1	0	0	0	0
Office of the Attorney General (CB0)	95,816	109,454	83,276	0	83,276
Federal Grants	17,616	21,202	22,177	0	22,177
Intra-District Funds	17,420	20,030	2,471	0	2,471
Local Fund	59,813	65,987	56,371	0	56,371
Private Donations	390	391	408	0	408
Special Purpose Revenue Funds	577	1,844	1,849	0	1,849
Office of the Chief Medical Examiner (FX0)	8,417	9,519	10,558	0	10,558
Intra-District Funds	25	0	57	0	57
Local Fund	8,392	9,519	10,501	0	10,501
Office of Unified Communications (UC0)	39,006	43,760	45,468	0	45,468
Intra-District Funds	1,213	278	299	0	299
Local Fund	28,042	28,250	28,197	0	28,197
Special Purpose Revenue Funds	9,750	15,231	16,971	0	16,971

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Office of Victim Services and Justice Grants (FO0)	0	0	27,111	2,202	29,313
Federal Grant Funds	0	0	7,871	0	7,871
Local Fund	0	0	17,547	2,202	19,749
Special Purpose Revenue Funds	0	0	1,693	0	1,693
Sentencing and Criminal Code Revision Commission (FZ0)	1,267	1,401	1,526	83	1,609
Local Fund	1,267	1,401	1,526	83	1,609
Uniform Law Commission (AL0)	44	50	50	0	50
Local Fund	44	50	50	0	50
TOTAL	1,284,473	1,339,738	1,393,084	408	1,393,492

B. FY 2016 AGENCY FULL-TIME EQUIVALENT TABLE

<i>FTE SUMMARY</i>				
<i>Agency/Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2016 Mayor's Proposed</i>	<i>FY 2016 Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
<i>Board of Elections (DL0)</i>	60	60	0	60
Local Fund	60	60	0	0
<i>Board of Ethics and Government Accountability (AG0)</i>	13	13	2	15
Local Fund	13	13	2	15
<i>Commission on Judicial Disabilities and Tenure (DQ0)</i>	2	2	0	2
Federal Payments	2	2	0	2
<i>Corrections Information Council (FI0)</i>	0	3	3	6
Local Fund	0	3	3	6
<i>Criminal Justice Coordinating Council (FJ0)</i>	17	17	0	17
Federal Payments	15.1	14.1	0	14.1
Intra-District Funds	0.6	0.6	0	0.6
Local Fund	1.3	2.3	0	2.3
<i>Department of Corrections (FL0)</i>	936	936	(4)	932
Intra-District Funds	0.8	0.8	0	0.8
Local Fund	915.2	910.2	(4)	906.2
Special Purpose Revenue Funds	20	25	0	25
<i>Department of Forensic Sciences (FR0)</i>	136.3	136	0	136
Federal Grant Funds	3	3	0	3
Intra-District Funds	5.1	2.8	0	2.8
Local Fund	128.2	130.2	0	130.2
<i>Department of Youth Rehabilitation Services (JZ0)</i>	554.5	557.5	(5)	552.5
Local Fund	554.5	557.5	(5)	552.5
<i>Deputy Mayor for Public Safety and Justice (FQ0)</i>	22	0	6	6
Federal Grant Funds	7.2	0	0	0
Intra-District Funds	1.8	0	0	0
Local Fund	13	0	6	6

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District of Columbia National Guard (FK0)	126.1	127	0	127
Federal Grant Funds	84.8	87.5	0	87.5
Local Fund	41.3	39.5	0	39.5
Fire and Emergency Medical Services Department (FB0)	2,097	2,072	(4)	2,068
Federal Grant Funds	30	0	0	0
Local Fund	2,067	2,072	(4)	2,068
Homeland Security and Emergency Management Agency (BN0)	79	92	0	92
Federal Grants	62.5	65.5	0	65.5
Local Fund	16.5	26.5	0	26.5
Judicial Nomination Commission (DV0)	2	2	0	2
Federal Payments	2	2	0	2
Mayor's Office of Legal Counsel (AH0)	0	11	0	11
Local Fund	0	11	0	11
Metropolitan Police Department (FA0)	4,568	4,624	(5)	4,619
Federal Grant Funds	15.2	13	0	13
Intra-District Funds	4	9	0	9
Local Fund	4,546.8	4,602	(5)	(4,597)
Special Purpose Revenue Funds	2	0	0	0
Office of Administrative Hearings (FS0)	77.6	77.2	6	83.2
Intra-District Funds	8	8	0	8
Local Fund	69.6	69.2	6	75.2
Office of Campaign Finance (CJ0)	31	30	0	30
Local Fund	31	30	0	30
Office of Human Rights (HM0)	33	35	3	38
Federal Grant Funds	2.4	2.4	0	2.4
Local Fund	30.6	32.6	3	35.6
Office of Police Complaints (FH0)	23.2	23.2	0	23.2
Local Fund	23.2	23.2	0	23.2
Office of the Attorney General (CB0)	783.3	587.4	0	587.4
Federal Grant Funds	144.6	155.6	0	155.6
Intra-District Funds	150.90	19.7	0	19.7

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Local Fund	478.7	402.9	0	402.9
Private Donations	6.5	6.5	0	6.5
Special Purpose Revenue Funds	2.6	2.7	0	2.7
<i>Office of the Chief Medical Examiner (FX0)</i>	70	73	0	73
Local Fund	70	73	0	73
<i>Office of Unified Communications (UC0)</i>	328.8	310.8	0	310.8
Intra-District Funds	6	6	0	6
Local Fund	322.8	304.8	0	304.8
<i>Office of Victim Services and Justice Grants (FO0)</i>	0	13	0	13
Local Fund	0	13	0	13
<i>Sentencing and Criminal Code Revision Commission (FZ0)</i>	10	10	1	11
Local Fund	10	10	1	11
<i>TOTAL</i>	9,961.5	9,806.3	3	9,809.3

C. FY 2016 AGENCY CAPITAL BUDGET SUMMARY TABLE (DOLLARS IN THOUSANDS)

Mayor's Proposed Fiscal Year 2016-2021 Capital Budget by Agency								
Agency Name	Code	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	6-Year
Department of Corrections	FL0	1,000	0	0	0	1,250	0	2,250
Fire and Emergency Medical Services	FB0	17,000	15,000	17,000	28,050	26,000	0	103,050
Metropolitan Police Department	FA0	7,000	6,500	0	13,000	13,000	0	39,500
Total		25,000	21,500	17,000	41,050	40,250	0	144,800

Committee's Proposed Fiscal Year 2016-2021 Capital Budget by Agency								
Agency Name	Code	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	6-Year
Department of Corrections	FL0	1,000	0	0	0	1,250	0	2,250
Fire and Emergency Medical Services	FB0	17,000	15,000	17,000	28,050	26,000	0	103,050
Metropolitan Police Department	FA0	7,000	6,500	0	13,000	13,000	0	39,500
Total		25,000	21,500	17,000	41,050	40,250	0	144,800

D. SUMMARY OF COMMITTEE BUDGET RECOMMENDATIONS

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Operating Budget Recommendations

1. *Increase FTEs by 2, and create new positions with the accompanying local funds as follows:*
 - a. *Attorney Advisor: increase CSG 11 (Regular Pay – Continuing Full Time) by \$74,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$14,710 in Program 1000 (Office of Open Government), Activity 1100 (Office of Open Government): total PS increase = \$88,710*
 - b. *Ethics Trainer: increase CSG 11 (Regular Pay – Continuing Full Time) by \$60,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$11,927 in Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics): total PS increase = \$71,927*
2. *Increase CSG 11 (Regular Pay – Continuing Full Time) by \$7,694 and CSG 14 (Fringe Benefits – Current Personnel) by \$1,529 for Position # 00083174 (IT Specialist): total PS increase = \$9,223*
3. *Increase CSG 40 (Regular Pay – Continuing Full Time) by \$25,000 to support the compensation for two new Board members.*
4. *Increase CSG 40 (Other Services and Charges) by \$15,000 to support the Office of Open Government's central portal*

CORRECTIONS INFORMATION COUNCIL

Operating Budget Recommendations

1. *Increase FTEs by 3, and create new positions in Program 1000 (Prisoner Well-Being), Activity 1010 (Comprehensive Inspections of District Prisoners) with the accompanying local funds as follows:*
 - a. *Executive Director: increase CSG 11 (Regular Pay – Continuing Full Time) by \$90,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$15,570: total PS increase = \$105,570*
 - b. *Program Analyst: increase CSG 11 (Regular Pay – Continuing Full Time) by \$62,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$10,726: total PS increase = \$72,726*
 - c. *Program Analyst: increase CSG 11 (Regular Pay – Continuing Full Time) by \$62,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$10,726: total PS increase = \$72,726*

CRIMINAL JUSTICE COORDINATING COUNCIL

Operating Budget Recommendations

1. *Increase CSG 41 (Contractual Services – Other), Program 3000 (Integrated Information System), Activity 3010 (JUSTIS) by \$478,000 for improvements to the agency's JUSTIS system.*
2. *Increase CSG 41 (Contractual Services – Other), Program 1000 (Research Analysis and Evaluation), Activity 1010 (Research and Analysis) by \$150,000 for a comprehensive study of the D.C. Jail.*

DEPARTMENT OF CORRECTIONS

Operating Budget Recommendations

1. *Reduce FTEs by 4, and eliminate the following positions:*
 - a. Position # 00033265 (Correctional Officer)
 - b. Position # 00083430 (Correctional Officer)
 - c. Position # 00042439 (Legal Instruments Examiner)
 - d. Position # 00025277 (Lead Legal Instruments Examiner)
2. *Reduce CSG 11 (Regular Pay – Continuing Full Time) by \$224,593 and reduce CSG 14 (Fringe Benefits – Current Personnel) by \$62,660: total PS reduction = \$287,253, and by program as follows:*
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce CSG 11 by \$49,525 and reduce CSG 14 by \$13,817: total PS reduction = \$63,342*
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce CSG 11 by \$64,794 and reduce CSG 14 by \$18,077: total PS reduction = \$82,871*
 - c. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce CSG 11 by \$57,961 and reduce CSG 14 by \$16,171: total PS reduction = \$73,862*
 - d. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce CSG 11 by \$52,313 and reduce CSG 14 by \$14,595: total PS reduction = \$66,908*

Capital Budget Recommendations

1. *Reduce the existing allotment for Project # CEV01C (Elevator Refurbishment) by \$800,000.*

DEPARTMENT OF FORENSIC SCIENCES

Operating Budget Recommendations

1. *Increase CSG 40 (Other Services and Charges), Program 1000 (Agency Management), Activity 1015 (Training) (Administrative and Support Services) by \$3,000 to support travel for the Science Advisory Board*
2. *Increase CSG 20 (Supplies and Materials) by \$29,405 for staff training and additional supplies*

DEPARTMENT OF YOUTH REHABILITATION SERVICES

Operating Budget Recommendations

1. *Reduce FTEs by 5, and eliminate the following positions:*
 - a. Position # 00017903 (Youth Development Representative)
 - b. Position # 00038599 (Youth Development Representative)
 - c. Position # 00083109 (Contract Services Specialist)
 - d. Position # 00040064 (Cook Leader)
 - e. Position # 00073553 (Program Support Specialist)
2. *Reduce CSG 11 (Regular Pay – Continuing Full Time) by \$296,930 and reduce CSG 14 (Fringe Benefits – Current Personnel) by \$82,545: total PS reduction = \$379,475, and by program as follows:*

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- a. In Program 9000 (Youth and Family Programs), Activity 9020 (Youth and Family Empowerment), *reduce* CSG 11 by \$78,893 and *reduce* CSG 14 by \$21,932: *total PS reduction = \$100,825*
 - b. In Program 9000 (Youth and Family Programs), Activity 9040 (Residential Programs and Services), *reduce* CSG 11 by \$106,632 and *reduce* CSG 14 by \$29,643: *total PS reduction = \$136,275*
 - c. In Program 9000 (Youth and Family Programs), Activity 9050 (Health and Wellness Services), *reduce* CSG 11 by \$50,774 and *reduce* CSG 14 by \$14,115: *total PS reduction = \$64,889*
 - d. In Program 8000 (Strategic Planning and Performance Management), Activity 8050 (Contract Monitoring and Compliance), *reduce* CSG 11 by \$60,631 and *reduce* CSG 14 by \$16,855: *total PS reduction = \$77,486*
3. *Reduce* CSG 41 (Contractual Services – Other) by \$100,000 in Program 1000 (Agency Management), Activity 1010 (Agency Management/Personnel) to *eliminate* the anticipated \$100,000 contract with external recruiters to provide recruiting services for executive level staffing

DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

Operating Budget Recommendations

1. *Accept* 6 FTEs from the Committee of the Whole (Office of the City Administrator) (AE0): Division 6000 (Deputy Mayor for Public Safety and Justice), Activity 6010 (Public Safety Oversight and Coordination): *total PS increase= \$846,000*

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

Operating Budget Recommendations

1. *Reduce* FTEs by 4, and *eliminate* the following positions:
 - a. Position # 00005726 (Firefighter EMT)
 - b. Position # 00006286 (Firefighter EMT)
 - c. Position # 00026065 (Firefighter EMT)
 - d. Position # 00033781 (Heavy Mobile Equipment Mechanic)
2. *Reduce* CSG 11 (Regular Pay – Continuing Full Time) by \$294,019 and *reduce* CSG 14 (Fringe Benefits – Current Personnel) by \$51,452: *total PS reduction = \$345,471*, and by program as follows:
 - a. In Program 3000 (Field Operations), Activity 032A (Fire Rescue Operations), *reduce* CSG 11 by \$72,345 and *reduce* CSG 14 by \$12,660: *total PS reduction = \$85,005*
 - b. In Program 3000 (Field Operations), Activity 032A (Fire Rescue Operations), *reduce* CSG 11 by \$76,251 and *reduce* CSG 14 by \$13,343: *total PS reduction = \$89,594*
 - c. In Program 3000 (Field Operations), Activity 032A (Fire Rescue Operations), *reduce* CSG 11 by \$74,789 and *reduce* CSG 14 by \$13,088: *total PS reduction = \$87,877*
 - d. In Program 5000 (Operation Support), Activity 052A (Field Infrastructure), *reduce* CSG 11 by \$70,634 and *reduce* CSG 14 by \$12,361: *total PS reduction = \$82,995*

Capital Budget Recommendations

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1. The Committee recommends adoption of the Fiscal Year 2016 capital budget for Fire and Emergency Medical Services, as proposed by the Mayor, but recommends that the Council identify funding for ELC-20630-Fire Apparatus in Fiscal Year 2017 and Fiscal Year 2018 to ensure that the agency is able to purchase apparatus on the appropriate replacement schedule.

METROPOLITAN POLICE DEPARTMENT

Operating Budget Recommendations

1. Reduce FTEs by 5, and *eliminate* the following positions:
 - a. Position # 00000938 (Administrative Officer)
 - b. Position # 00003284 (Human Resource Specialist)
 - c. Position # 00009663 (Compliance Monitor)
 - d. Position # 00012172 (Property Evidence Control)
 - e. Position # 00024350 (Secretary)
2. Reduce CSG 11 (Regular Pay – Continuing Full Time) by \$230,054 and reduce CSG 14 (Fringe Benefits – Current Personnel) by \$45,790: *total PS reduction = \$275,844*, and by program as follows:
 - a. In Program 5001 (Corporate Support Bureau), Activity 5520 (Employment Services Branch), reduce CSG 11 by \$37,095 and reduce CSG 14 by \$7,383: *total PS reduction = \$44,478*
 - b. In Program 5001 (Corporate Support Bureau), Activity 5520 (Employment Services Branch), reduce CSG 11 by \$59,811 and reduce CSG 14 by \$11,905: *total PS reduction = \$71,716*
 - c. In Program 9001 (Homeland Security Bureau), Activity 9220 (Traffic Safety & Specialized Enforcement), reduce CSG 11 by \$59,811 and reduce CSG 14 by \$11,905: *total PS reduction = \$71,716*
 - d. In Program 1001 (Patrol Services Bureau), Activity 1910 (Central Cell Block), reduce CSG 11 by \$40,121 and reduce CSG 14 by \$7,986: *total PS reduction = \$48,107*
 - e. In Program 2001 (Investigative Services Bureau), Activity 2910 (Youth Investigative Services Division), reduce CSG 11 by \$33,216 and reduce CSG 14 by \$6,611: *total PS reduction = \$39,827*
3. Reduce CSG 40 (Other Services and Charges), Division AMP1 (Agency Management), Activity 1040 (Information Technology), by \$3,133,682.

Capital Budget Recommendations

1. The Committee recommends that an environmental assessment be undertaken for the Henry Daly Building as soon as possible to identify all present health and safety issues.
2. The Committee urges the Council to identify funding to add \$4 million to the DGS Fiscal Year 2015 budget to implement the Henry Daly Building remediation plan in order to address pressing health and safety issues.

OFFICE OF ADMINISTRATIVE HEARINGS

Operating Budget Recommendations

1. *Increase FTEs by 6, and create new positions in Program 200A (Judicial), Activity 020A (Trials/Appeals and Justice Management), with the accompanying local funds as follows:*
 - a. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - b. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - c. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - d. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - e. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - f. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*

OFFICE OF CAMPAIGN FINANCE

Operating Budget Recommendations

1. *Increase CSG 40 (Other Services and Charges), Program 1000 (Agency Management), by \$27,454 to provide support for e-filing, fleet maintenance, and copying*

OFFICE OF HUMAN RIGHTS

Operating Budget Recommendations

1. *Increase FTEs by 3, and create new positions in Program 2000 (Equal Justice), with the accompanying local funds as follows:*
 - a. Mediator: Activity 2020 (Mediations): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$66,306 and CSG 14 (Fringe Benefits – Current Personnel) by \$19,891: total PS increase = \$86,197*
 - b. Equal Opportunity Specialist: Activity 2030 (Investigations): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$68,295 and CSG 14 (Fringe Benefits – Current Personnel) by \$15,161: total PS increase = \$83,456*
 - c. Equal Opportunity Specialist: Activity 2030 (Investigations): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$68,295 and CSG 14 (Fringe Benefits – Current Personnel) by \$15,161: total PS increase = \$83,456*
2. *Increase CSG 41 (Contractual Services – Other), Program 2000 (Equal Justice), Activity 2070 (Public Education) by \$40,000 for a public education campaign*

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

Operating Budget Recommendations

1. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants Administration), Activity 2010 (Grant Management), by \$902,342*

2. *Increase* CSG 50 (Subsidies and Transfers) in Program 3000 (Access to Justice), Activity 3010 (Access to Justice) by \$1,000,000 for Access to Justice grants
3. *Increase* CSG 50 (Subsidies and Transfers) in Program 4000 (Office of Victim Services), Activity 4010 (Victim Services Grants), by \$300,000.

SENTENCING AND CRIMINAL CODE REVISION COMMISSION

Operating Budget Recommendations

1. *Increase* FTEs by 1, and create a new position in Program 1000 (Agency Management), Activity 2010 (ACS Offense and Offender Database), with the accompanying local funds as follows:
 - a. Research Analyst: *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$68,500 and CSG 14 (Fringe Benefits – Current Personnel) by \$14,933: *total PS increase = \$83,433*

INTER-COMMITTEE TRANSFERS

Operating Budget Recommendations

1. The Committee transfers \$100,000 in local funds to the Committee on Education to increase the DC Public Library Collections budget: CSG 70 (Equipment and Equipment Rental), Division L300 (Library Services), Activity L380 (Collections).
2. The Committee transfers \$105,000 in local funds to the Committee on Business, Consumer, and Regulatory Affairs for the purpose of paying living wages to District Clean Teams.
3. The Committee transfers \$83,000 in local funds to the Committee on Transportation and the Environment to defer the cost of public space fees.
4. The Committee transfers \$150,000 in local funds to the Committee on Health and Human Services to enhance subsidies for services for abused children and adolescents: CSG 50 (Subsidies and Transfers), Division 3000 (Community Services), Activity 3087 (Child Protective Services – Investigations).
5. The Committee accepts 6 FTEs from the Committee of the Whole (Office of the City Administrator) (AE0) in the amount of \$846,000 to reconstitute the Office of the Deputy Mayor for Public Safety and Justice (FQ0): Division 6000 (Deputy Mayor for Public Safety and Justice), Activity 6010 (Public Safety Oversight and Coordination).

Capital Budget Recommendations

1. The Committee transfers \$800,000 in local capital funds to the Committee on Transportation and the Environment from the existing allotment for Department of Corrections Project # CEV01C (Elevator Refurbishment): create a new capital project to provide for streetscaping, a traffic study, and the design of improvements to pedestrian, bicycle, and bus access along New York Avenue, N.E.

II. AGENCY FY 2016 BUDGET RECOMMENDATIONS

A. INTRODUCTION

The Committee on the Judiciary is responsible for matters affecting the judiciary and judicial procedure that are within the authority of the Council; matters affecting decedents' estates and fiduciary affairs; matters affecting administrative law and procedure, including the Freedom of Information Act; matters affecting criminal law and procedure; returning citizen affairs; human rights; juvenile justice; elections; government ethics; campaign finance; matters arising from or pertaining to the police and fire regulations of the District of Columbia; and other matters related to police protection, correctional institutions (including youth corrections), fire prevention, emergency medical services, homeland security, criminal justice, and public safety.¹

The Committee additionally serves as the Council's liaison with federal partners in the justice system, including the D.C. Courts, the United States Attorney's Office for the District of Columbia, the Public Defender Service for the District of Columbia, the Court Services and Offender Supervision Agency, the Pretrial Services Agency, and the U.S. Parole Commission. The District agencies that come under the purview of the Committee are as follows:

- Access to Justice Initiative
- Board of Elections
- Board of Ethics and Government Accountability
- Child Support Guidelines Commission
- Commission on Fathers, Men, and Boys
- Commission on Judicial Disabilities and Tenure
- Commission on Selection and Tenure of Administrative Law Judges
- Corrections Information Council
- Criminal Justice Coordinating Council
- Department of Corrections
- Department of Forensic Sciences
- Department of Youth Rehabilitation Services
- Deputy Mayor for Public Safety and Justice
- District of Columbia National Guard
- District of Columbia Sentencing and Criminal Code Revision Commission
- Fire and Emergency Medical Services Department
- Homeland Security and Emergency Management Agency/Homeland Security Commission
- Judicial Nomination Commission
- Juvenile Abscondence Review Committee
- Juvenile Justice Advisory Group
- Mayor's Office of Legal Counsel
- Metropolitan Police Department
- Motor Vehicle Theft Prevention Commission
- Office of Administrative Hearings/Advisory Committee to the Office of Administrative Hearings
- Office of Campaign Finance
- Office of Human Rights/Commission on Human Rights
- Office of Returning Citizen Affairs/Commission on Re-Entry and Returning Citizen Affairs
- Office of the Attorney General
- Office of the Chief Medical Examiner
- Office of Unified Communications
- Office of Victim Services and Justice Grants
- Police Complaints Board/Office of Police Complaints
- Police Officer Standards and Training Board
- Uniform Law Commission²

¹ See Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 21, Rule 237(a).

² See Rules, *supra* note 1, at Rule 237(b).

The Committee is charged with oversight of the performance and annual operating and capital budgets of the agencies listed. In total, the Committee oversees more than 30 agencies, which, in the Mayor's proposed budget for FY 2016, comprise a total budget of more than \$1.39 billion in gross funds and approximately 9,800 full-time equivalents (FTEs).

Committee Chairperson Kenyan McDuffie began his tenure with the Committee in January 2015. He is joined by Councilmembers Anita Bonds, Mary Cheh, and Jack Evans.

The Committee held budget oversight hearings to solicit public input on the proposed budgets for the agencies under its purview on the following dates:

April 15, 2015	Sentencing and Criminal Code Revision Commission, Office of Police Complaints, Criminal Justice Coordinating Council
April 17, 2015	Commission on Fathers, Men, and Boys, Department of Youth Rehabilitation Services, Board of Elections, Office of Campaign Finance
April 27, 2015	Fire and Emergency Medical Services Department, Office of Unified Communications, Office of Human Rights, Department of Corrections, Office of Returning Citizen Affairs, Corrections Information Council
April 29, 2015	Judicial Nomination Commission, Commission on Judicial Disabilities and Tenure, Office of the Attorney General, Mayor's Office of Legal Counsel
April 30, 2015	Office of Administrative Hearings, Board of Ethics and Government Accountability, Office of Victim Services/Justice Grants Administration
May 4, 2015	District of Columbia National Guard, Metropolitan Police Department, Department of Forensic Sciences, Office of the Chief Medical Examiner, Homeland Security and Emergency Management Agency

The Committee received comments from members of the public during these budget oversight hearings. Copies of witness testimony are included in this report as *Attachments A, B, C, D, E, and F*. A video recording of the hearings can be obtained through the Office of Cable Television or at <http://dccouncil.us/videos/archive/>. The Committee continues to welcome public input on the agencies and activities within its purview.

B. BOARD OF ELECTIONS

BOARD OF ELECTIONS (DL0) - Operating Budget, by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
LOCAL FUND	7,239,921	7,736,736	7,390,253	0	7,390,253
FEDERAL PAYMENTS	0	3,436,270			
Grand Total	7,239,921	11,173,006	7,390,253	0	7,390,253

BOARD OF ELECTIONS (DL0) – FTEs, by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	60	60	0	60
Grand Total	60	60	0	60

BOARD OF ELECTIONS (DL0) - Operating Budget, by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	2,306,916	2,339,596	2,376,345	0	2,376,345
12-REGULAR PAY - OTHER	1,141,090	1,312,460	1,279,421	0	1,279,421
13-ADDITIONAL GROSS PAY	0	125,800	0	0	0
14-FRINGE BENEFITS - CURR PERSONNEL	689,757	737,272	756,744	0	756,744
15-OVERTIME PAY	400,000	459,000	500,000	0	500,000
20-SUPPLIES AND MATERIALS	376,267	490,285	226,267	0	226,267
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	2,000	2,000	10,000	0	10,000
40-OTHER SERVICES AND CHARGES	1,422,494	3,410,822	1,598,996	0	1,598,996
41-CONTRACTUAL SERVICES - OTHER	858,917	1,052,292	600,000	0	600,000
70-EQUIPMENT & EQUIPMENT RENTAL	42,480	1,243,480	42,480	0	42,840
Grand Total	7,239,921	11,173,006	7,390,253	0	7,390,253

BOARD OF ELECTIONS (DL0) - Operating Budget, by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
1000-AGENCY MANAGEMENT	2,281,820	5,718,090	2,320,300	0	2,320,300
3000-BOARD OF SUPERVISORS	56,499	56,499	51,500	0	51,500
4000-ELECTION OPERATIONS	4,901,602	5,398,417	5,018,453	0	5,018,453
Grand Total	7,239,921	11,173,006	7,390,253	0	7,390,253

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Board of Elections (BOE), a chartered independent agency, is comprised of a three-member Board along with staff that carries out the agency's mission. The mission of the Board is to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process as mandated by both federal and local laws. In addition to the activities related to the actual conduct of an election, BOE maintains the District's voter registration list, identifies polling places, trains poll workers, operates a website, maintains the District's voting equipment, and maps election district boundaries.

BOE's operations are divided into three major programs: the Agency Management Program, the Board of Supervisors, and the Election Operations Program. The Agency Management Program provides general administrative support for BOE, including legal counsel, personnel, information technology, and procurement. The Board of Supervisors manages all activities relating to BOE and holds monthly meetings. The Election Operations Program is responsible for the conduct of elections and has four activities: (1) Voter Registration provides voter registration and voter roll maintenance, including conducting the absentee voter program, determining the status of special ballots and petition signatures, recount operations, and biennial voter canvas; (2) Voter Services provides assistance to voters, candidates seeking to qualify for the ballot, administers initiatives, referenda, recall measures, and certifies election results; (3) Election Administration ensures that District election laws and regulations are followed; and (4) Election Operations provides planning and logistical support, including resource planning and financial management, to ensure that the District carries out open and transparent elections.

Last Council Period, BOE and its sister agency, the Office of Campaign Finance, came under the jurisdiction of the Committee on Government Operations, then chaired by Councilmember McDuffie. The Committee on the Judiciary will ensure a seamless transition in oversight.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's proposed FY 2016 gross fund budget for BOE is \$7,390,254, an increase of \$150,333 or a 2.1% increase from its FY 2015 approved budget of \$7,239,921. This funding supports 60.0 FTEs, the same as in FY 2015. The Mayor's proposed budget for BOE is comprised entirely of local funds.

Committee Analysis and Comments

2014 Audit: On September 25, 2014, Chairperson McDuffie, concerned over consistent issues in the electoral process, formally requested the Office of the District of Columbia Auditor (ODCA) to audit the November 2014 General Election conducted by BOE. Pursuant to his request, ODCA assessed the staffing, training, and retention of election workers, the polling places' compliance with the American with Disabilities Act, the election technology, and the reporting times and methodology used to tabulate election results in the November 2014 General Election. The report noted a number of issues with the voter accessibility and accommodations at polling places, staffing shortages at polling places, inadequate training of staff, and technical issues with equipment. Chairperson McDuffie called for BOE's response to the audit, and questioned the agency over the issues found in the report at the performance oversight hearing on February 12, 2015. BOE will make a formal response to the audit after the April Special Election.

Staffing Vacancies: BOE's Schedule A notes that three permanent positions are unfilled. These positions are the Warehouse Manager, the Election Specialist, and the Election Program Specialist. The BOE anticipates filling these vacancies before FY 2016.

Americans with Disabilities Act Compliance: After University Legal Services, the American Civil Liberties Union, and Chairperson McDuffie expressed concerns regarding voter accessibility and accommodations at several precincts during the 2014 General Election, BOE hired an Americans with Disabilities Act (ADA) Coordinator. The ADA Coordinator will oversee the accessibility of polling places with BOE in order to ensure equal access to the polls.

Election Equipment: Some BOE equipment is more than a decade old even though funds were provided in FY 2014 to assist in purchasing DRE machines and e-poll books. However, one issue inhibits the BOE's ability to improve election equipment: the Election Assistance Commission's (EAC) certification process for new election administration technology. EAC certified some new voting equipment, and BOE anticipates proposing the acquisition of a new voting system shortly after the April 2015 Special Election.

Meeting with DCPS Chancellor Henderson: Following the Office of the District of Columbia's Auditor's report relating to the conduct of the 2014 General Election, Chairperson McDuffie requested that BOE meet with DC Public Schools to discuss aligning teacher performance days with elections to avoid schools being in session during elections. This will prevent school disruption and mitigate safety concerns for students.

ID Requirements: BOE is looking into the continued issue of identification requirements at the Reeves Center and the Latin American Youth Center when those facilities are used as polling places. The Reeves Center, located at 14th and U Street, N.W., is staffed by the Protective Services Division (PSD) of the Department of General Services (DGS). BOE will broker a formal memorandum of understanding with PSD to relax their requirement for identification or alternatively to permit access to voters from the north end of the building. The Latin American Youth Center requires entrance through a security scan and the presentation of identification. BOE is relocating this precinct to the Columbia Heights Recreation Center, which also serves as an early voting center.

Special Election: On Tuesday, April 28, 2015, BOE held a Special Election to fill vacancies on the Council in Wards 4 and 8. The total cost of the election was \$495,815, of which \$145,815 was spent on Ward 8 and \$351,000 was spent on Ward 4. The Committee is actively monitoring vote counting following a narrow race in Ward 8.

Board Vacancy: BOE currently has one vacancy on its Board. The Committee urges the Mayor to nominate a replacement as soon as possible in order to prevent any delays in conducting BOE's business.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 operating budget for the Board of Elections as proposed by the Mayor.

b. Policy Recommendations

1. The Committee requests an immediate response to the findings of the D.C. Auditor.

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2. The Committee recommends that BOE review its polling places and address any outstanding accessibility issues or identification requirements in consultation with University Legal Services and the American Civil Liberties Union.
3. The Committee recommends that BOE fill all vacant positions to fully execute its mission.

C. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY (AG0) - Operating Budget, by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
LOCAL FUND	1,437,583	1,437,583	1,474,032	209,860	1,683,892
SPECIAL PURPOSE REVENUE FUNDS	60,000	90,000	90,000	0	90,000
Grand Total	1,497,583	1,527,583	1,564,032	209,860	1,773,892

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY (AG0) – FTEs, by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	13	13	2	15
Grand Total	13	13	2	15

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY (AG0) - Operating Budget, by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	1,018,936	1,018,936	1,170,445	141,694	1,312,139
12-REGULAR PAY - OTHER	112,308	112,308	0	0	0
14-FRINGE BENEFITS - CURR PERSONNEL	237,561	237,561	225,896	28,166	254,062
20-SUPPLIES AND MATERIALS	2,560	2,560	2,560	0	2,560
40-OTHER SERVICES AND CHARGES	123,073	153,073	161,986	40,000	201,986
70-EQUIPMENT & EQUIPMENT RENTAL	3,145	3,145	3,145	0	3,145
Grand Total	1,497,583	1,527,583	1,564,032	209,860	1,773,892

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY (AG0) - Operating Budget, by Program[*] (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
1000-OFFICE OF OPEN GOVERNMENT	299,744	299,744	328,740	112,933	441,673
2000-BOARD OF ETHICS	1,197,839	1,227,839	1,235,292	96,927	1,332,219
Grand Total	1,497,583	1,527,583	1,564,032	209,860	1,773,892

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Board of Ethics and Government Accountability is a relatively new agency and this is its third budget. BEGA houses two offices: the Office of Government Ethics (OGE) and the Office of Open Government (OOG). OGE administers and enforces the District of Columbia Code of Conduct. OGE issues advisory opinions relating to the Code of Conduct, provides ethics training to District government employees, receives and reviews public financial disclosure statements from officials and certification statements from Advisory Neighborhood Commissioners, and receives and audits lobbyist registration forms and activity reports.

The OGO, an independent office within the agency, enforces the Open Meetings Act (OMA), monitors the District's compliance with the Freedom of Information Act (FOIA), and resolves disputes between agencies and information requesters regarding access to government records. This program became operational in FY 2013.

The Committee is actively engaged with both OGE and OOG in reviewing updates to the District's Code of Conduct and FOIA, respectively, and looks forward to moving legislation during this Council Period, particularly relating to the creation of a Comprehensive Code of Conduct.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's proposed FY 2016 budget is \$1,564,032, an increase of \$66,449, or 4.4 percent, from the FY 2015 approved budget of \$1,497,583. This funding supports 13.0 full time equivalents (FTEs), representing no change from FY 2015.

Local Funds: The proposed local funds budget is \$1,474,000, an increase of \$36,000, or 2.5 percent, from the FY 2015 approved local funds budget of \$1,438,000. The proposed local funds support all 13 FTEs.

Special Purpose Revenue Funds: The proposed special purpose revenue funds budget is \$90,000, an increase of \$30,000, or 50%, over the FY 2015 approved budget of \$60,000. The special purpose revenue funds are collected from lobbyist registration fees and fines.

Committee Analysis and Comments

The Committee supports the Mayor's effort to expand BEGA's FY 2015 funding by approximately \$60,000. This funding increase supports cost of living adjustments, increases in fringe benefits, the reclassification of two positions from part- to full-time, a small increase in nonpersonal services, and an increase of \$30,000 in special purpose revenues.

During the Committee's Budget Oversight Hearing, the Director of the Office on Government Ethics testified that BEGA would benefit from hiring an additional ethics trainer, and the Office of Open Government requested an attorney advisor, a small increase for an IT specialist, and \$15,000 to support its open government portal.

In considering BEGA's requests, the Committee weighed carefully the fact that BEGA has grown steadily and has accomplished much in its brief existence. The Committee is encouraged by the activities

of both offices, and particularly the OOG in relation to FOIA and OMA matters. The Committee therefore approves BEGA's additional budget requests.

The Committee also approves funding for two additional Board members in the amount of \$25,000. BEGA currently operates with a three-member board (with one vacancy), and this small size creates logistical issues for reviewing the agency's work. In response to these challenges, Councilmember McDuffie introduced B21-0118, the "BEGA Board Size Amendment Act of 2015", on March 3, 2015. The bill was referred to the Committee and is now incorporated into the Committee's Budget Support Act recommendations.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends approval of the FY 2015 operating budget for the Board of Ethics and Government Accountability with the following modifications:

1. *Increase* FTEs by 2, and create new positions with the accompanying local funds as follows:
 - a. Attorney Advisor: *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$74,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$14,710 in Program 1000 (Office of Open Government), Activity 1100 (Office of Open Government): *total PS increase = \$88,710*
 - b. Ethics Trainer: *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$60,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$11,927 in Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics): *total PS increase = \$71,927*
2. *Increase* CSG 11 (Regular Pay – Continuing Full Time) by \$7,694 and CSG 14 (Fringe Benefits – Current Personnel) by \$1,529 for Position # 00083174 (IT Specialist): *total PS increase = \$9,223*
3. *Increase* CSG 40 (Regular Pay – Continuing Full Time) by \$25,000 to support the compensation for two new Board members
4. *Increase* CSG 40 (Other Services and Charges) by \$15,000 to support the Office of Open Government's central portal

b. Policy Recommendations

1. The Committee recommends that BEGA disseminate hard copies of its updated "District Ethics Manual" following the passage of the Comprehensive Code of Conduct to all Councilmembers and Council staff.
2. The Committee recommends that OOG continue to increase the percentage of Boards and Commissions trained on the Open Meetings Act.

D. COMMISSION ON FATHERS, MEN, AND BOYS

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Commission on Fathers, Men, and Boys (CFMB) was created last year through the Fiscal Year 2015 Budget Support Act of 2014. The purpose of the Commission is to advise the Mayor, the Council, and the public on the issues and needs of fathers, men, and boys in the District of Columbia. Recently, the CFMB was moved to the Office of the Deputy Mayor for Greater Economic Opportunity, a newly-created office.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 proposed budget for the CFMB is \$189,000, a decrease of \$6,000, or 3.07%, from the FY 2015 approved budget. This funding supports 2.0 FTEs, which is the same as the FY 2015 approved level.

Local Funds: The CFMB is funded entirely through local funds.

Committee Analysis and Comments

Men and boys of color in the District of Columbia face various challenges relating to education, economic opportunity, physical and emotional health, violence, and involvement in the criminal justice system. Much of the available empirical data suggests negative outcomes for boys of color who are without a supportive and involved male role model in their lives.

As noted above, for FY 2016, the Executive has proposed placing the Commission on Fathers, Men, and Boys under the purview of the Deputy Mayor for Greater Economic Opportunity. The Committee recommends that the Executive prioritize the appointment of board members for the CFMB and an Executive Director, particularly given the announcement of recent policy initiatives relating to boys and men of color by the current Administration.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 budget for the Commission on Fathers, Men, and Boys as proposed by the Mayor.

E. COMMISSION ON JUDICIAL DISABILITIES AND TENURE

COMMISSION ON JUDICIAL DISABILITIES & TENURE (DQ0) - Operating Budget, by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
FEDERAL PAYMENTS	295,000	322,385	295,000	0	295,000
Grand Total	295,000	322,385	295,000	0	295,000

COMMISSION ON JUDICIAL DISABILITIES & TENURE (DQ0) – FTEs, by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL PAYMENTS	2.00	2.00	0	2.00
Grand Total	2.00	2.00	0	2.00

COMMISSION ON JUDICIAL DISABILITIES & TENURE (DQ0) - Operating Budget, by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	200,160	200,160	207,165	0	207,165
13-ADDITIONAL GROSS PAY	0	5,000	873	0	873
14-FRINGE BENEFITS - CURR PERSONNEL	22,018	22,018	22,788	0	22,788
20-SUPPLIES AND MATERIALS	4,000	4,000	2,500	0	2,500
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	9,045	12,978	8,519	0	8,519
40-OTHER SERVICES AND CHARGES	27,712	35,013	23,160	0	23,160
41-CONTRACTUAL SERVICES - OTHER	28,000	31,550	28,000	0	28,000
70-EQUIPMENT & EQUIPMENT RENTAL	4,065	11,666	1,995	0	1,995
Grand Total	295,000	322,385	295,000	0	295,000

COMMITTEE ON THE JUDICIARY
Fiscal Year 2016 Budget Report

COMMISSION ON JUDICIAL DISABILITIES & TENURE (DQ0) - Operating Budget, by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
2000 –JUDICIAL DISABILITIES TENURE	295,000	322,385	295,000	0	295,000
Grand Total	295,000	322,385	295,000	0	295,000

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Commission on Judicial Disabilities and Tenure (CJDT) consists of seven members: two lay persons, four attorneys, and one federal judge. One is appointed by the President of the United States, two are appointed by the Board of Governors of the Bar, two are appointed by the Mayor, one is appointed by the Council of the District of Columbia, and one is appointed by the Chief Judge of the United States District Court for the District of Columbia. All terms are for six years, with the exception of the presidential appointee's term, which is a five-year term. The members do not receive a salary. An Executive Director and an Executive Assistant handle CJDT's operational and administrative needs.

CJDT has the authority to remove a judge for willful misconduct in office, for willful and persistent failure to perform judicial duties, and for conduct prejudicial to the administration of justice. CJDT also has the authority to retire a judge involuntarily if it determines that the judge suffers from a mental or physical disability which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of duties. CJDT may, under appropriate circumstances, publicly censure or reprimand a judge. Finally, CJDT conducts fitness and qualification reviews of retiring and senior judges as well as performance evaluations of associate judges eligible for reappointment.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

CJDT's FY 2016 budget request is unchanged from FY 2015. CJDT operates without local funding.

Federal Resources: The FY 2016 proposed CJDT budget is comprised of \$295,000 in federal funds. CJDT would operate with 2.0 FTEs in FY 2016. This year, the proposed budget decreases every Comptroller Source Group in non-personal services to increase the personal services by \$9,000 (from \$222,000 to \$231,000). The personal services budget increase supports projected salary step and fringe benefits costs.

Committee Analysis and Comments

The CJDT budget has not increased over the last five years. This concerns the Committee because while CJDT's budget remains the same, technology fees to the Office of the Chief Technology Officer (OCTO) and other vendors increase annually. For instance, CJDT recently upgraded to the Avaya phone system at a cost of \$3,933.03 – almost 2% of the small budget. In addition, OCTO will charge CJDT for space on the D.C. Server at a cost of \$3,550.00 annually. Furthermore, CJDT will pay \$3,750 for web maintenance, \$1,160 for the IT ServUS assessment, and \$8,518 for telephone/communication costs. Technology costs continue to rise and strain CJDT's ability to perform its function. The Committee will monitor this issue closely in FY 2016. In addition, in FY 2017, local funding may be required to cover increasing costs.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 operating budget for the Commission on Judicial Disabilities and Tenure as proposed by the Mayor.

b. Policy Recommendations

1. The Committee recommends that CDJT research whether it can combine NPS resources with the Judicial Nomination Commission.
2. The Committee recommends that CDJT request an increased federal budget in FY 2017.

F. CORRECTIONS INFORMATION COUNCIL

CORRECTIONS INFORMATION COUNCIL (FI0) – Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
LOCAL FUND	0	0	231,270	251,022	482,292
Grand Total	0	0	231,270	251,022	482,292

CORRECTIONS INFORMATION COUNCIL (FI0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	2	3	3	6
Grand Total	2	3	3	6

CORRECTIONS INFORMATION COUNCIL (FI0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	0	0	68,295	214,000	282,295
12-REGULAR PAY - OTHER	0	0	81,955	0	81,955
14-FRINGE BENEFITS - CURR PERSONNEL	0	0	33,055	37,022	70,077
20-SUPPLIES AND MATERIALS	0	0	5,120	0	5,120
40-OTHER SERVICES AND CHARGES	0	0	42,845	0	42,845
Grand Total	0	0	231,270	251,022	482,292

CORRECTIONS INFORMATION COUNCIL (FI0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-PRISONER WELL-BEING	0	0	231,270	251,022	482,292
Grand Total	0	0	231,270	251,022	482,292

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Corrections Information Council (CIC) is to conduct comprehensive inspections of Department of Corrections (DOC) facilities and those Federal Bureau of Prison facilities that house District inmates. Additionally, CIC monitors the care and treatment of District prisoners at the respective facilities and advocates for the inmates' interests and well-being. CIC consists of three board members – two appointed by the Mayor and one appointed by the Council.

CIC was formerly located within the Office of the Deputy Mayor for Public Safety and Justice. It is now a stand-alone agency.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for CIC is \$231,270, a decrease of \$19,730 from the current fiscal year. The proposed budget supports 3.0 FTEs, representing no change from the current fiscal year, and is comprised entirely of local funds.

Committee Analysis and Comments

Staffing: Since its inception, CIC has operated with a small budget and limited FTEs. Over time, it has become clear that designated FTEs are not in line with the volume of the agency's workload. The ultimate deliverable of any given inspection is a published report. Unfortunately, due to understaffing, there is currently a ten-month backlog of reports to be published. It is imperative that CIC secure the additional FTEs in order to reduce the backlog and issue timely reports in the future. To only make inspections with no tangible assessment and recommendations timely provided would be a disservice to the very population for which CIC seeks to advocate and monitor.

Legal Compliance: It is mandated that CIC shall have an Executive Director. Such a position was never created or filled, however, and the duties have thus far been shared between board members and staff. CIC could function more productively with a leader. It was recommended by the Commission on Re-Entry that a returning citizen be considered for the Executive Directorship, but CIC made clear that there would most likely be "access issues", particularly when inspecting federal prisons; should there be an Executive Director, it would be imperative that he or she have full access during all inspections.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 operating budget for CIC as proposed by the Mayor, with the following modifications:

1. *Increase* FTEs by 3, and create new positions in Program 1000 (Prisoner Well-Being), Activity 1010 (Comprehensive Inspections of District Prisoners) with the accompanying local funds as follows:
 - a. Executive Director: *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$90,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$15,570: *total PS increase = \$105,570*

- b. Program Analyst: *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$62,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$10,726: *total PS increase = \$72,726*
- c. Program Analyst: *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$62,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$10,726: *total PS increase = \$72,726*

b. Policy Recommendations

1. The Committee recommends that CIC continue to closely follow the progress of the Mayor in selecting the third board member and chair designee.
2. The Committee commends CIC for continuing its work despite being continually understaffed. The Committee recommends exploring new options for fellowship and bridge programs with law schools in order to secure alternative full-time employees.
3. The Committee recommends engaging a returning citizen in its inspection process. Such a person may lend a specific viewpoint that could complement CIC's mission.

G. CRIMINAL JUSTICE COORDINATING COUNCIL

CRIMINAL JUSTICE COORDINATING COUNCIL (FJ0) – Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
LOCAL FUND	526,108	526,108	539,347	628,000	1,167,347
FEDERAL PAYMENTS	1,900,000	3,089,012	1,900,002	0	1,900,002
INTRA-DISTRICT FUNDS	70,005	120,000	75,000	0	75,000
Grand Total	2,496,115	3,831,435	2,514,349	628,000	3,142,349

CRIMINAL JUSTICE COORDINATING COUNCIL (FJ0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL PAYMENTS	15.1	14.09	0	14.09
INTRA-DISTRICT FUNDS	0.6	0.64	0	0.64
LOCAL FUND	1.3	2.27	0	2.27
Grand Total	17	17	0	17

CRIMINAL JUSTICE COORDINATING COUNCIL (FJ0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	1,619,882	1,619,882	1,691,277	0	1,691,277
12-REGULAR PAY - OTHER	0	0	0	0	0
13-ADDITIONAL GROSS PAY	0	0	0	0	0
14-FRINGE BENEFITS - CURR PERSONNEL	254,064	256,059	262,149	0	262,149
20-SUPPLIES AND MATERIALS	32,046	106,929	63,000	0	63,000
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	0	0	0	0	0
40-OTHER SERVICES AND CHARGES	159,088	716,721	248,981	0	248,981
41-CONTRACTUAL SERVICES - OTHER	431,035	1,131,449	248,942	628,000	876,942
70-EQUIPMENT & EQUIPMENT RENTAL	0	395	0	0	0
Grand Total	2,496,115	3,831,435	2,514,349	628,000	3,142,349

CRIMINAL JUSTICE COORDINATING COUNCIL (FJ0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-RESEARCH ANALYSIS AND EVALUATION	316,880	381,875	433,640	150,000	583,640
2000-COLLABORATION & PLANNING ACROSS AGENCIES	800,716	1,432,732	913,108	0	913,108
3000-INTEGRATED INFORMATION SYSTEM	1,370,931	2,009,240	1,167,601	478,000	1,645,601
4000-ASMP	7,588	7,588	0	0	7,588
Grand Total	2,496,115	3,831,435	2,514,349	628,000	3,142,349

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Criminal Justice Coordinating Council (CJCC) is to serve as the forum for identifying issues and their solutions, proposing actions, and facilitating cooperation that will improve public safety and the criminal and juvenile justice system of the District of Columbia for its residents, visitors, victims, and offenders.

By statute, the CJCC's membership includes the:

- (1) Mayor, District of Columbia (Chair);
- (2) Chairperson, Council of the District of Columbia;
- (3) Chairperson, Judiciary Committee, Council of the District of Columbia;
- (4) Chief Judge, Superior Court of the District of Columbia;
- (5) Chief, Metropolitan Police Department;
- (6) Director, District of Columbia Department of Corrections;
- (7) Attorney General for the District of Columbia;
- (8) Director, Department of Youth Rehabilitation Services;
- (9) Director, Public Defender Service;
- (10) Director, Pretrial Services Agency;
- (11) Director, Court Services and Offender Supervision Agency;
- (12) United States Attorney for the District of Columbia;
- (13) Director, Federal Bureau of Prisons;
- (14) Chair, United States Parole Commission; and
- (15) The United States Marshal, Superior Court of the District of Columbia.³

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for CJCC is \$2,514,349, an increase of \$18,234, or 0.7%, from the FY 2015 approved budget of \$2,496,115. This funding supports 17.0 FTEs, which is the same as the FY 2015 approved level.

Local Funds: The Mayor's proposed budget is \$539,347, an increase of \$13,000, or 2.5 percent, over the FY 2015 approved budget. This funding supports 2.3 FTEs, representing an increase of 1.0, from the current fiscal year.

Federal Resources: The Mayor's proposed budget is \$1,900,000, which is the same as the FY 2015 approved funding level. This funding supports 14.1 FTEs, which is a decrease of 1.0 from the FY 2015 approved level.

Intra-District Funds: The Mayor's proposed budget is \$75,000, an increase of \$5,000, or 7.1%, from the FY 2015 approved budget. This funding supports 0.6 FTEs, which is the same as the FY 2015 approved level.

Committee Analysis and Comments

³ D.C. Official Code § 22-4233.

CJCC plays a vital role in the planning and coordination of resources and programmatic decisions among the various criminal justice entities in the District. The Justice Information System (JUSTIS) is the District's Integrated Justice Information System. It continues to be a critical one-stop resource for the exchange of time-sensitive information for members of law enforcement, including the Metropolitan Police Department (MPD), and in particular for officers in squad cars and detectives conducting investigations. Federal agencies also employ the system, including the District's correctional and supervision agencies, i.e. the Department of Corrections (DOC), the Court Services and Offender Supervision Agency (CSOSA), the Pretrial Services Agency (PSA), and the Department of Youth and Rehabilitation Services (DYRS).

JUSTIS serves as a one-stop shop for information that allows law enforcement and criminal justice users to simultaneously view criminal justice-related information from multiple sources. Furthermore, JUSTIS facilitates the near-real-time electronic exchange of criminal justice-related data necessary to enable various public safety agencies to execute their missions. JUSTIS serves as the District's mechanism to engage with other regional integrated justice information systems via the Mid-Atlantic Regional Information Sharing initiative (MARIS), an emerging justice information sharing effort to promote better public safety in the northeastern Mid-Atlantic region of the country, an important consideration given the density and mobility of the offender populations within these jurisdictions.

In 2010-2011, CJCC expanded JUSTIS from a system that displays information to a hub for system-to-system information exchange. The exchanges, known as data feeds, allow large amounts of data to be transferred between agencies in close to real time.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

1. *Increase* CSG 41 (Contractual Services – Other), Program 3000 (Integrated Information System), Activity 3010 (JUSTIS) by \$478,000 for improvements to the agency's JUSTIS system
2. *Increase* CSG 41 (Contractual Services – Other), Program 1000 (Research Analysis and Evaluation), Activity 1010 (Research and Analysis) by \$150,000 for a comprehensive study of the D.C. Jail

The Committee recommends increasing CSG 41 – Contractual Services – Other by \$478,000. In 2014, a JUSTIS IT Strategic Plan for 2016-2018 was developed. The plan set forth system technology improvements and enhancements, as well as JUSTIS-related operational and collaborative initiatives in support of partner agencies. An additional \$478,000 in funding is necessary to maintain JUSTIS' capabilities and enhance system redundancy in order to expand the reach of JUSTIS to address justice system information sharing needs within the District and beyond. The funding will support hardware and software requirements for JUSTIS' system-to-system exchanges and the information portal in FY 2016.

The Committee also recommends increasing CSG 41 – Contractual Services – Other by \$150,000. The Committee received testimony from the American Civil Liberties Union requesting that the CJCC conduct a study of the D.C. Jail's population. In 2006, CJCC engaged a consultant to conduct a study of the trends in the D.C. Jail population. The Committee recommends that this sorely-needed follow-up study be conducted, including a District-wide assessment to analyze the needs and issues associated with a new jail facility. It is anticipated that this study would cost at least \$150,000.

H. DEPARTMENT OF CORRECTIONS

DEPARTMENT OF CORRECTIONS (FL0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
INTRA-DISTRICT FUNDS	169,454	652,168	186,028	0	186,028
LOCAL FUND	123,149,409	122,339,417	123,462,784	(287,253)	123,175,531
SPECIAL PURPOSE REVENUE FUNDS	28,260,448	28,260,448	28,557,323	0	28,557,323
Grand Total	151,579,311	151,252,033	152,206,135	(287,253)	151,918,882

DEPARTMENT OF CORRECTIONS (FL0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
INTRA-DISTRICT FUNDS	0.8	0.8	0	0.8
LOCAL FUND	915.20	910.20	(4)	906.20
SPECIAL PURPOSE REVENUE FUNDS	20	25	0	25
Grand Total	936	936	(4)	932

COMMITTEE ON THE JUDICIARY
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DEPARTMENT OF CORRECTIONS (FL0) - Operating Budget by CSG (Gross Funds)					
CSG	FY 2015 Approved	FY 2015 Revised	FY 2016 Mayor's Proposed	Committee Variance	FY 2016 Committee Proposed
11-REGULAR PAY - CONT FULL TIME	55,066,524	54,781,893	56,765,622	(224,593)	56,541,029
12-REGULAR PAY - OTHER	526,359	724,659	1,218,633	0	1,218,633
13-ADDITIONAL GROSS PAY	3,801,424	3,801,424	4,300,000	0	4,300,000
14-FRINGE BENEFITS - CURR PERSONNEL	16,082,444	16,028,679	16,061,246	(62,660)	15,998,586
15-OVERTIME PAY	2,500,000	2,500,000	3,230,000	0	3,230,000
20-SUPPLIES AND MATERIALS	6,486,732	6,526,293	6,852,119	0	6,852,119
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	60,134	60,134	0	0	0
32-RENTALS - LAND AND STRUCTURES	2,792,500	2,792,500	2,792,500	0	2,792,500
40-OTHER SERVICES AND CHARGES	4,381,025	4,091,322	3,846,313	0	3,846,313
41-CONTRACTUAL SERVICES - OTHER	57,012,214	57,033,084	55,205,640	0	55,205,640
50-SUBSIDIES AND TRANSFERS	180,000	180,000	233,000	0	233,000
70-EQUIPMENT & EQUIPMENT RENTAL	2,689,955	2,731,955	1,701,062	0	1,701,062
Grand Total	151,579,311	151,252,033	152,206,135	(287,253)	151,918,882

DEPARTMENT OF CORRECTIONS (FL0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
100F-AGENCY FINANCIAL OPERATIONS	964,317	964,317	1,067,486	0	1,067,486
1100-AGENCY MANAGEMENT PROGRAMS	19,558,685	20,689,025	19,490,790	0	19,490,790
2500-INMATE SERVICES	46,247,344	45,449,920	46,713,494	0	46,713,494
3600-INMATE CUSTODY	84,432,939	83,772,745	84,517,058	(287,253)	84,229,805
4900-COMMUNITY AFFAIRS	376,026	376,026	417,307	0	417,307
Grand Total	151,579,311	151,252,033	152,206,135	(287,253)	151,918,882

Mayor's Proposed Fiscal Year 2016-2021 Capital Budget, DOC, by Project								
Project Name	Number	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	6-Year
General Renovations at DOC Facilities	CGN01C	1,000	0	0	0	1,250	0	2,250
Agency Total		1,000	0	0	0	1,250	0	2,250
Committee's Approved Fiscal Year 2016-2021 Capital Budget, DOC, by Project								
Project Name	Number	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	6-Year
General Renovations at DOC Facilities	CGN01C	1,000	0	0	0	1,250	0	2,250
Agency Total		1,000	0	0	0	1,250	0	2,250

(Dollars in Thousands)

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Department of Corrections (DOC) is to provide a safe, secure, orderly, and humane environment for the confinement of pretrial detainees and sentenced inmates, while affording those in custody meaningful rehabilitative opportunities that will assist them to constructively re-integrate into the community. DOC operates the Central Detention Facility (CDF) and houses inmates in the Correctional Treatment Facility (CTF) through a contract with the Corrections Corporation of America; both facilities are accredited by the American Correctional Association (ACA) and the National Commission on Correctional Healthcare. The agency has contracts with three private and independently operated halfway houses: Extended House, Inc., Fairview, and Hope Village. These houses are often used as alternatives to incarceration. Like other municipal jails, 75 to 85 percent of inmates in DOC's custody have one or more outstanding legal matters that require detention, and the median length of stay for inmates is 31 days or less. Ninety-three percent of DOC's inmates are male; at CTF, DOC also houses female inmates and a small number of juveniles charged as adults.

Each facility offers inmates a number of programs and services that endeavor to support successful community re-entry. These include: Residential Substance Abuse Treatment (RSAT); re-entry preparation (re-entry); institutional work details and community work squads; special education (through the District of Columbia Public Schools (DCPS)); adult education and General Educational development (GED) preparation provided by DOC; and comprehensive health and mental health services provided through a contract with Unity Health Care, Inc.. Inmate personal adjustment and support services, such as food services, laundry, visitation, law library, and an inmate grievance process, are also provided by the facilities.

Office of Returning Citizen Affairs: The mission of the Office of Returning Citizens Affairs (ORCA) is to provide constituent services and information to the returning citizen community through programmatic activities and outreach materials; serve as a liaison between the Mayor, the returning citizen community, and District government agencies; and brief the Mayor and District government agencies about the needs and interests of returning citizens of the District of Columbia. ORCA previously was budgetarily part of DOC's Community Affairs division; in the FY 2016 budget proposal, it is one of five divisions within the agency. ORCA remains an independent agency, however, though it is budgeted together with the Department of Corrections.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Department of Corrections is \$152,206,135, an increase of \$626,824, or 0.4%, from the current fiscal year. The proposed budget supports 936.0 FTEs, representing no change from the current fiscal year.

Local Funds: The Mayor's proposed budget is \$123,463,000, an increase of \$313,000, or 0.3%, over the FY 2015 approved budget of \$123,149,000. This funding supports 910.2 FTEs, a decrease of 5.0 FTEs, or -0.5%, from the FY 2015 approved level.

Special Purpose Revenue Funds: The Mayor's proposed budget is \$28,557,000, an increase of \$297,000, or 1.1%, from the FY 2015 approved budget of \$28,260,000. This funding supports 25 FTEs, which represents an increase of 5.0, or 25.0 %, over the FY 2015 approved level.

Intra-District Funds: The Mayor's proposed budget is \$186,000, an increase of \$17,000, or 9.8 percent, from the FY 2015 approved budget of \$169,000. The funding supports 0.8 FTEs, representing no change from the FY 2015 approved level.

Office of Returning Citizen Affairs: The Mayor's FY 2016 budget proposal for the Office of Returning Citizens Affairs is \$417,000, an increase of \$41,000, or 9%, from the current fiscal year. The proposed budget supports 4.0 FTEs, representing no change from the current fiscal year.

Local Funds: The Mayor's proposed budget for ORCA is \$417,000, an increase of \$41,000, or 9 %, over the FY 2015 approved budget of \$376,000. This funding supports 4 FTEs, representing no change from the current fiscal year.

Committee Analysis and Comments

Healthcare: The healthcare contract at DOC remains in flux. The Executive awarded a \$66 million contract to Corizon, Inc., the nation's largest correctional healthcare provider. However, the Council ultimately disapproved the awarding of this contract in April 2015. In order to avoid interruption in service, the Council approved, on an emergency basis, a three-month contract extension for the current healthcare provider, Unity Healthcare, Inc., from April 1 through June 30, 2015. This extension will operate under the same terms of the current contract to provide a continuum of healthcare, including medical, mental, pharmaceutical, and dental services. Unity has been granted a waiver of the 35% CBE subcontracting requirement since 2009 when its previous subcontractor went out of business. Should the organization be considered for another extension following June 30, Unity must secure a CBE subcontractor.

Ultimately, the Executive will need to rebid the healthcare contract. This could take up to one year. Another extension to Unity is likely as the procurement process continues. No matter the provider, the Committee will continue to monitor the community-oriented continuity of care model that best serves inmates and returning citizens.

Juvenile Unit: In FY 2013, the Council allocated \$10,000 for a third-party assessment of the Juvenile Unit. The Ridley Group was selected to perform the assessment, and the Committee received the Ridley Group's report as an attachment to the Department's performance oversight hearing responses. The report highlighted a number of problems with the Juvenile Unit and made recommendations on how the Department could improve conditions for the juveniles. Specifically, the report found that the juveniles are not being provided with sufficient outdoor recreation time, weekend programming, and procedures to file grievances. The report also noted that the Juvenile Unit is too small and that juveniles were being served breakfast at three o'clock in the morning. Since the report's release, the Department has made some improvements to the Juvenile Unit. Breakfast is now served at six o'clock in the morning, and juveniles are afforded additional time outside on weekends. The Department has also created a Scope of Work for soliciting vendors to provide additional programming to the juveniles.

There were also concerns regarding administrative segregation for juveniles. DOC maintains a policy of limiting such segregation to five days per incident. Juveniles who are assigned administrative segregation remain in their own cell, as opposed to adults, who are placed in a separate administrative segregation unit. The most recent disciplinary action resulting in segregation involved a juvenile who was caught fighting. As is common practice, the incident was reviewed by the agency's housing committee, both before and after the event, with the juvenile. The juvenile was assigned to one day of administrative segregation. The Committee will continue to monitor the extent to which administrative segregation is applied towards juveniles as well as its policies and practices.

Step Down Units: DOC has expressed its intent to create a step down unit at the D.C. Jail. A step down unit is intended to better house and treat inmates with severe mental illness. Over the years, there has been a national trend, manifested in sentencing, to use correctional facilities as mental health wards. Those who at one time may have been sentenced to a psychiatric ward are instead sentenced to jail. Correctional facilities, however, are not in any way equipped to treat and care for such inmates. In response, the agency plans on creating a step down unit for qualified inmates so that they may be in the best position possible to successfully return to the community. The Committee will track the implementation and progress of such units.

Suicides at the D.C. Jail: Between November 2012 and June 2013, there were four adult male suicides at the D.C. Jail. The Department, and specifically Director Faust, deserves praise for responding to these tragedies quickly by implementing a number of changes. First, the Department switched to double celling of inmates based on evidence that placing two inmates per cell decreases the opportunities for successful suicides. Second, the Department eliminated inmate access to razors. Barbers now visit the housing units twice each week to provide shaving services to inmates. Third, the frequency of security checks was increased from every 30 minutes to every 15 minutes in special housing blocks. Fourth, a booking supervisor was assigned to complete a review of inmates during intake and discharge. Fifth, the Department brought in a national expert to assess the Department's policies and established a suicide prevention task force, which conducted a facility cell inspection to evaluate how cells might be made more suicide resistant.

The Department also developed a four-hour suicide/mental health curriculum for pre-service, in-service, and basic correctional training classes. In addition to this 4-hour curriculum, uniformed staff now receives an additional four hours of scenario based training.

There was a suicide in February 2015 in the Central Cell Block (CCB). A 46-year-old female arrestee was brought in by MPD in the late afternoon. The next morning, she was found dead in her holding cell. The Committee was assured that this is a very rare incident, particularly for an arrestee still in custody at the CCB. There are suicide-resistant cells within CCB and, according to the agency, the demand does not outweigh the supply. The woman in this instance was not placed in such a cell as she was not determined to have any mental health needs requiring such placement. The Committee will continue to monitor the execution of mental health exams at CCB.

Office of Returning Citizen Affairs: ORCA does not yet provide the level of service that District residents expect. The Office should be a one-stop-shop of sorts; an entity that provides direct services in the areas of job placement, housing assistance, case management, counseling and mentoring services. One public witness stated during the agency's Budget Oversight Hearing:

"ORCA should be held to the task of carrying out a strategic and progressive plan for reentry. A coordinated approach should provide services both before and after inmates are released. ORCA should also implement data tracking mechanisms to track various data sets, and develop accountability systems. This data driven component is vital to track progress/outcomes and improve services."⁴

ORCA simply does not have the capacity or the resources, however, and it does not currently have the desired statutory authority or structure. ORCA's budget would likely have to double for this tension to be resolved. In reality, ORCA operates as a referral agency. It does offer computer classes through generous donations, but these are often one-time funds.

⁴ See Attachment C to this report.

There still seems to be a significant number of returning citizens who are unfamiliar with the agency. This is the responsibility of both ORCA and DOC. The agencies indicate doing their part in informing inmates but the Committee recommends significantly more outreach to target populations.

c. Mayor's Proposed Fiscal Year 2016 Capital Budget

Proposed Capital Budget Summary

General Renovations: The Department's capital budget for FY 2016 contains \$1,000,000 for general renovations, which includes renovations for security, HVAC, windows, roof, mechanical, electrical, elevator/escalator, and energy. DOC facilities operate 24 hours per day, 365 days per year. It is imperative that buildings are adequately maintained. The safety and well-being of the staff and the inmates must be the agency's top priority.

Committee Analysis and Comments

Sum of Available Allotments: It became increasingly apparent throughout the budget process that the agency was not aware of its own spend plan for available allotments totaling over \$12 million (allotted prior to FY 2016) spread over 13 projects. It is possible that with the Department of General Services as the implementing agency, DOC was not up to date on upcoming capital projects. Even through subsequent follow up, however, it remained difficult to secure a definitive spending plan from the agency. It seems the agency is unwittingly retaining significant funds with no knowledge of how or when such resources will be spent.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 operating budget for the Department of Corrections as proposed by the Mayor, with the following modifications:

1. *Reduce* FTEs by 4, and *eliminate* the following positions:
 - a. Position # 00033265 (Correctional Officer)
 - b. Position # 00083430 (Correctional Officer)
 - c. Position # 00042439 (Legal Instruments Examiner)
 - d. Position # 00025277 (Lead Legal Instruments Examiner)
2. *Reduce* CSG 11 (Regular Pay – Continuing Full Time) by \$224,593 and *reduce* CSG 14 (Fringe Benefits – Current Personnel) by \$62,660: *total PS reduction = \$287,253*, and by program as follows:
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce* CSG 11 by \$49,525 and *reduce* CSG 14 by \$13,817: *total PS reduction = \$63,342*
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce* CSG 11 by \$64,794 and *reduce* CSG 14 by \$18,077: *total PS reduction = \$82,871*
 - c. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce* CSG 11 by \$57,961 and *reduce* CSG 14 by \$16,171: *total PS reduction = \$73,862*
 - d. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce* CSG 11 by \$52,313 and *reduce* CSG 14 by \$14,595: *total PS reduction = \$66,908*

b. Fiscal Year 2016 Capital Budget Recommendations

The Committee recommends adoption of the FY 2016 capital budget for the DOC as proposed by the Mayor, with the following modification:

1. Reduce the existing allotment for Project # CEV01C (Elevator Refurbishment) by \$800,000.

c. Policy Recommendations

1. The Committee recommends that DOC continue to work with advocates to improve the juvenile unit at CTF, including services to those with limited English proficiency.
2. The Committee recommends touring the Federal Bureau of Prison's Butner facility located in North Carolina. It is a model of a successful step down unit with an approximately fifty-bed residential unit and cognitive therapy treatment.
3. The Committee recommends that DOC explore a population study and the idea of a new facility. This would certainly be a costly endeavor but it could save the District funds in the long-run. The D.C. Jail was not built to meet the needs of today's inmate population and should be right-sized.

Office of Returning Citizen Affairs:

1. The Committee recommends ORCA continue to engage in a strategic planning process to develop clear goals and a substantive plan for achieving those goals.
2. The Committee recommends that every effort be made by the agency to apply for federal grant funding.
3. The Committee recommends researching ways to better serve the older returning citizen population as well as those with college credentials. Though these represent smaller contingents of the community, they require assistance as well.

I. DEPARTMENT OF FORENSIC SCIENCES

DEPARTMENT OF FORENSIC SCIENCES (FR0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
FEDERAL GRANT FUNDS	759,042	784,967	459,874	0	459,874
INTRA- DISTRICT FUNDS	988,043	646,683	314,371	0	314,371
PRIVATE GRANT FUND	0	32,000	0	0	0
LOCAL FUND	14,471,513	14,414,979	14,614,021	32,405	14,646,426
Grand Total	16,218,598	15,878,629	15,388,266	32,405	15,420,671

DEPARTMENT OF FORENSIC SCIENCES (FR0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL GRANT FUNDS	3	3	0	3
INTRA- DISTRICT FUNDS	5.1	2.8	0	2.8
LOCAL FUND	128.2	130.2	0	130.2
Grand Total	136.3	136	0	136

DEPARTMENT OF FORENSIC SCIENCES (FR0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	10,648,552	10,140,117	10,368,167	0	10,368,167
12-REGULAR PAY - OTHER	425,988	366,486	527,135	0	527,135
13-ADDITIONAL GROSS PAY	253,152	253,152	222,404	0	222,404
14-FRINGE BENEFITS - CURR PERSONNEL	2,318,438	2,162,406	2,059,212	0	2,059,212
15-OVERTIME PAY	8,500	24,529	39,248	0	39,248
20-SUPPLIES AND MATERIALS	1,312,335	1,211,377	820,536	29,405	849,941
40-OTHER SERVICES AND CHARGES	752,972	1,138,372	1,070,245	3,000	1,073,245
41-CONTRACTUAL SERVICES - OTHER	410,000	192,771	89,900	0	89,900
70-EQUIPMENT & EQUIPMENT RENTAL	88,661	389,419	191,419	0	191,419
Grand Total	16,218,598	15,878,629	15,388,266	32,405	15,420,671

DEPARTMENT OF FORENSIC SCIENCES (FR0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
1000-AGENCY MANAGEMENT PROGRAM	2,583,204	3,596,166	3,356,271	29,405	3,385,676
1100-ADVISORY BOARD	0	0	0	3,000	3,000
2000-INVESTIGATIVE FORENSIC SERVICES	7,954,119	6,094,600	6,025,746	0	6,025,746
3000-PUBLIC HEALTH LABORATORY SERVICES	3,209,042	2,639,776	2,453,187	0	2,453,187
4000-CRIME SCENE SCIENCES	2,472,233	3,548,087	3,552,612	0	3,552,612
Grand Total	16,218,598	15,878,629	15,388,266	32,405	15,420,671

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Department of Forensic Sciences (DFS) is to produce high-quality, timely, accurate, and reliable forensic science with the use of the best available technology and practices, unbiased science, and transparency, with the overall goal of enhancing public health and safety.

DFS provides independent analysis of evidence found at crime scenes. The independent analysis of biological pathogens, chemical, radiological, firearms, fingerprinting, DNA, and trace evidence is provided by DFS to the Metropolitan Police Department and its federal neighbors. The Forensic Science Laboratory Division analyzes evidence submitted from criminal cases, including DNA, fingerprints, firearms, materials, and digital evidence. DFS also provides expert witness testimony in defense of its analytical reports in the District's courts. The Public Health Laboratory Division provides diagnostic and analytical testing for biological pathogens and chemical agents from clinical, environmental, or food sources, and provides emergency response testing. The Crime Scene Sciences Division provides the collection, analysis, processing, and preservation of evidence found at crime scenes. The DFS Directorate supports the work of the entire agency through strategic direction, training, quality assurance, research, recruitment, and hiring of personnel, information technology, data management, fleet management, procurement, and other administrative support services. The Advisory Board provides guidance, through peer review, in the development of DFS to ensure that strict, scientifically-valid protocols are followed and new technologies are incorporated in a timely manner.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for DFS is \$15,388,266, representing a decrease of \$830,332, or 5.1% below the current fiscal year. The proposed budget supports 136.0 FTEs, a decrease of 0.3 FTEs, or 0.2%, below the FY 2015 level.

Local Funds: The Mayor's proposed budget is \$14,614,021, an increase of \$142,508, or 1% above the FY 2015 approved budget. This funding level supports 130.2 FTEs, an increase of 2 FTEs, or 1.6%, from the FY 2015 level.

Federal Grant Funds: The Mayor's proposed budget is \$460,000, reflecting a decrease of \$299,000, or 39.4%, below the FY 2015 approved budget. These funds support 3 FTEs, the same number as in FY 2015.

Intra-District Funds: The Mayor's proposed budget is \$314,000, a decrease of \$674,000, or 68.2%, over the FY 2015 approved budget. This funding supports 2.8 FTEs, a decrease of 2.3 FTEs, or 45.9%, below the FY 2015 level.

Committee Analysis and Comments

DNA Casework Suspension: In May 2014, the United States Attorney's Office for the District of Columbia (USAO) requested the assistance of an expert forensic scientist to review the DNA analysis results of a case analyzed by DFS scientists. On October 7, 2014, based on the analysis by the expert, a USAO representative went to DFS with concerns on the standard operating procedure for interpreting DNA mixtures. In December 2014, USAO commissioned a panel to investigate all cases in which DFS submitted a DNA report. On April 22, 2015, USAO's panel released its final report on Mixture

Interpretation in Selected Casework of the DNA Section at the Forensic Laboratory. On April 24, 2015, the ANSI-ASQ National Accreditation Board of forensic science released its own independent audit of the agency, initiated at the request of the Executive. Both reports found a lack of quality control in DNA analysis casework, a lack of review of bias in DNA interpretation, inadequate staff training and education, a lack of technical and validation training and review, and inadequate competence assessments for forensic staff. On April 24, 2015, the ANAB suspended all DNA casework at the laboratory. The agency must make a response to the report within 30 days, with a plan to rectify all major action items listed in the report. On April 30, 2015, DFS Director Houck resigned from his post. Chief Medical Examiner Roger Mitchell, Jr., was appointed Interim Director. The Committee is deeply troubled by the two audits, not only for their implications about compliance with standard operating procedures and the availability of appropriate staff training, but also their broader implications on the administration of justice. The Committee will work closely with the agency and its stakeholders to address the remediation required by the audits.

LIMS: DFS will continue to work to build the Laboratory Information Management System (LIMS) for the Crime Scene Search Unit. When complete, LIMS will be the central workflow and data management system for DFS. The current data collection, management, and workflow processes are performed on various disparate systems or by paper processes in place at the donor agencies before the creation of DFS. LIMS will provide a single authoritative source for all DFS laboratory information and ensure accurate timely information is provided to DFS clients. DFS expects the system to be complete in September 2015.

Digital Evidence Unit: Because of the vast amount of data and evidence in digital formats, such as computers and smart phones, DFS is prioritizing the expansion of its Digital Evidence Unit in FY 2015. The demand by law enforcement and prosecutors for analysis of digital evidence has surpassed requests for analysis of biological material such as DNA. The proposed budget for this unit is \$709,000, an increase of \$205,000 from the current fiscal year. The proposed budget supports seven FTEs, or an increase of two FTEs from the current fiscal year.

Transition of Crime Scene Response: In FY 2014, the Crime Scene Sciences Unit began processing evidence for the first time. All twenty-two Crime Scene Sciences forensic scientists are active in casework as of January 2015. Crime Scene Response deployed independently to 104 crime scenes in January and February of 2015. The Department will continue to transition crime scene response and services from the Metropolitan Police Department (MPD) Crime Scene Investigation Division (CSID) to DFS's Crime Scene Sciences Division (CSS). DFS's Central Evidence Unit is now operational and is responsible for the intake and transfer of evidence. DFS is now processing evidence for fingerprints and DNA in the Crime Scene Sciences Division, including vehicles. Since January 2013, CSS has been recruiting and interviewing hundreds of applicants for Crime Scene Scientist positions and has twenty on board undergoing rigorous training. DFS is working closely with MPD on the transition plan for transferring responsibility for crime scene response in the District from sworn MPD officers to civilian DFS scientists.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 budget for the Department of Forensic Science as proposed by the Mayor, with the following modifications:

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1. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Agency Management), Activity 1015 (Training) (Administrative and Support Services) by \$3,000 to support travel for the Science Advisory Board
2. *Increase* CSG 20 (Supplies and Materials) by \$29,405 to restore cuts to staff training and additional supplies.

b. Policy Recommendations

1. The Committee recommends that DFS proactively communicate with the Committee during its remediation process for resolving issues raised by the audits. The Committee views the Stakeholder Council as another appropriate and statutorily-mandated vehicle for keeping interested parties involved. The Committee also recommends that the Science Advisory Board remain vocal and engaged with stakeholders.
2. The Committee recommends an extensive review of the agency's training and standard operating procedures.
3. The Committee commends the work DFS has done to reduce its backlogs and expects to see further decreases by the end of the next fiscal year.

J. DEPARTMENT OF YOUTH REHABILITATION SERVICES

DEPARTMENT OF YOUTH REHABILITATION SERVICES (JZ0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
INTRA-DISTRICT FUNDS	386,150	1,152,439	344,000	0	344,000
LOCAL FUND	105,898,579	105,553,466	106,018,938	(479,475)	105,539,463
Grand Total	106,284,729	106,685,905	106,362,938	(479,475)	105,883,463

DEPARTMENT OF YOUTH REHABILITATION SERVICES (JZ0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	554.5	557.5	(5)	552.5
Grand Total	554.5	557.5	(5)	552.5

DEPARTMENT OF YOUTH REHABILITATION SERVICES (JZ0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	28,469,140	28,522,753	31,413,188	(296,930)	31,116,258
12-REGULAR PAY - OTHER	4,637,127	4,617,326	3,672,262	0	3,672,262
13-ADDITIONAL GROSS PAY	2,331,225	2,331,225	2,331,225	0	2,331,225
14-FRINGE BENEFITS - CURR PERSONNEL	9,335,968	9,331,703	9,753,756	(82,545)	9,671,211
15-OVERTIME PAY	3,059,896	3,059,896	2,700,000	0	2,700,000
20-SUPPLIES AND MATERIALS	1,953,907	2,022,874	1,980,719	0	1,980,719
40-OTHER SERVICES AND CHARGES	3,814,648	3,817,399	2,993,960	0	2,993,960
41-CONTRACTUAL SERVICES - OTHER	2,718,157	3,390,554	2,769,844	(100,000)	2,669,844
50-SUBSIDIES AND TRANSFERS	49,385,836	48,985,836	48,177,564	0	48,177,564
70-EQUIPMENT & EQUIPMENT RENTAL	578,825	606,339	570,420	0	570,420
Grand Total	106,284,729	106,685,905	106,362,938	(479,475)	105,883,463

DEPARTMENT OF YOUTH REHABILITATION SERVICES (JZ0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
1000-AGENCY MANAGEMENT	8,724,545	9,186,918	7,502,008	(100,000)	7,402,008
100F-AGENCY FINANCIAL OPERATIONS	551,337	551,337	589,604	0	589,604
7000-OFFICE OF THE DIRECTOR	2,848,099	2,848,099	3,419,035	0	3,419,035
8000-STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT	3,737,969	3,757,222	4,374,824	(77,486)	4,297,338
9000-YOUTH AND FAMILY PROGRAMS	90,422,779	90,342,329	90,477,467	(301,989)	90,175,478
Grand Total	106,284,729	106,685,905	106,362,938	(479,475)	105,883,463

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Department of Youth Rehabilitation Services (DYRS) is to improve public safety and give court-involved youth the opportunity to become more productive citizens by building on the strengths of youth and their families in the least restrictive, most home-like environment consistent with public safety.

DYRS is the local juvenile justice agency responsible for providing safe and stable secure residential and community-based programs to court-involved youth. Programming targeting committed youth is designed to expand opportunities to youth so that they can become more productive citizens and to reduce delinquent behavior. In addition, DYRS provides secure detention and detention alternative programs to youth who are placed under the custody of the D.C. Superior Court's Division of Social Services.

The Department of Youth Rehabilitation Services operates through the following 5 divisions:

Office of the Director – provides executive leadership, direction, and administration of agency wide comprehensive services and programs, including development and deployment of resources for agency operations and service delivery; and direct reporting from internal integrity, general counsel, communications, and inter/intra-governmental affairs to align the District and agency's strategies and achieve DYRS' goals.

Strategic Planning and Performance Management – provides supervision and administrative support to risk management, contract compliance, information services, and quality assurance and research functions to assure DYRS' goals are met. This division collaborates with national and local officials to develop program strategy and policies, ensures adherence to federal reporting guidelines, and provides strategic leadership to the agency in developing comprehensive short and long-term program plans.

Youth and Family Programs – provides Community Services for court-ordered youth, including Supervised Independent Living Programs, Extended Family Homes, Residential Treatment Facilities, and Therapeutic Foster Care. Provides custodial care, supervision, services, support, and opportunities to youth committed to the care and custody of DYRS and care and custody of youth awaiting court processing who are placed in the secure detention facility (Youth Services Center) or shelter care by the D.C. Superior Court.

Agency Management – provides for administrative support and the required tools to achieve operational and programmatic results. This division is standard for all agencies using performance-based budgeting.

Agency Financial Operations – provides comprehensive and efficient financial management services to, and on behalf of, District agencies so that the financial integrity of the District of Columbia is maintained. This division is standard for all agencies using performance based budgeting.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Department of Youth Rehabilitation Services is \$106,362,938, an increase of \$78,209 or 0.1%, over the current fiscal year. The proposed budget supports 557.5 FTEs, an increase of 3 FTEs, or 0.5%, from the current fiscal year.

Local Funds: The Mayor's proposed budget is \$106,018,938, an increase of \$120,359 or 0.1%, over the FY 2015 approved budget of \$105,898,579. This funding supports 557.5 FTEs, an increase of 3 FTEs, or 0.5%, over the FY 2015 approved level.

Intra-District Funds: The Mayor's proposed budget is \$344,000, a decrease of \$42,150 or 10.9%, from the FY 2015 approved budget of \$386,150. The funding supports no FTEs, which is the same as FY 2015.

Committee Analysis and Comments

Agency Accomplishments: DYRS has been successful over the last year and is poised to build on that success under the leadership of its new Director Clinton Lacey. Of particular note is that DYRS has successfully obtained a partial settlement agreement in the *Jerry M., et al. v. District of Columbia* case, which sharply reduces court oversight of the agency. DYRS has also seen improved outcomes for the young people it serves. Between 2011 and 2014, only 29% of DYRS youth were re-arrested, and the most recent one-year recidivism rates are below 40%. Meanwhile, 457 young people were referred to the D.C. YouthLink service coalition in FY 2014. Service providers helped 32 young people receive a GED or high school diploma, 22 enroll in college, 92 receive employer-recognized certificates, and 35 attain paid employment. In addition, 143 young people received mentoring services and 156 young people received tutoring services. These numbers reflect great progress over previous years, but they also reflect a pressing need for further improvements.

Declining Population of Committed Youth: Due in part to the prior success of DYRS, there have been declines in recent years in the number of committed youth. Despite these declines, the overall budget for DYRS has remained relatively stable. This has resulted in increases in per-youth expenditures at DYRS over time. For example, in FY 2013, DYRS had a \$101,578,068 budget and served 902 committed youth, spending approximately \$112,614 per youth. In FY 2014, the agency served 675 committed youth with a budget of \$106,284,729, or about \$157,459 per youth served. The Mayor's proposed budget for FY 2016 stays relatively stable, at \$106,362,938. Much of the DYRS budget is inelastic due to the fixed costs related to running two 24-hour secure facilities. Nonetheless, the cost per youth served for the system cannot continue to increase. As the number of committed youth has declined, DYRS has shifted some of its budget to increase its focus on providing services to young people in the community, while reducing expenditures on un-needed residential facilities. Nonetheless, the administrative costs for the agency have remained largely static and are becoming unsustainable.

Screenings and Service Provision for Committed Youth: The Committee is particularly concerned that DYRS has not been uniformly successful at ensuring that young people receive the screenings and services they need from the point of intake until their commitment ends. For instance, in FY 2014, only 79.2% of committed youth received the required medical and health screening within four hours of admission to the Youth Services Center. Furthermore, only 75% of committed youth in FY 2014 underwent a complete case planning process and were in placements that were consistent with their Success Plan. The Mayor's proposed FY 2016 budget allows for changes in staffing and increased spending on community-based services to address these deficiencies. DYRS has committed to work diligently to ensure that every committed youth receives the screenings and services they need to be healthy and successful.

Training and Support for Staff: In recent years, DYRS has not always been successful in ensuring that its staff is in full compliance with training requirements. In FY 2014, only 70.7% of Youth Development Representatives was in full compliance with training requirements, and only 57.1% of its direct care staff was trained in Positive Youth Development, which is the evidence-based model that DYRS has adopted to help youth successfully transition to adulthood. It is of paramount importance that all staff members interacting with committed youth are promptly and adequately trained to ensure the highest level of service. The Mayor's proposed budget for FY 2016 a new Office of Professional Development activity to improve the quality and availability of training. Despite the creation of this office, the number of employees dedicated to staff training would decline in the Mayor's proposed budget. The Committee will continue to monitor the efficacy of the Office of Professional Development to determine if additional investment in staff training is necessary.

Improving Performance Tracking and Data Integrity: DYRS has suffered recently from key vacancies and staff turnover in their strategic planning and performance management program. As a result, DYRS has not issued the regular performance reports that they did in the past, and the quality of the agency's data has suffered. The agency has also identified a need for improved data collection and data sharing among DYRS, D.C. YouthLink, and sister agencies in order to accurately track the progress of committed youth. The Mayor's proposed budget makes key investments in information technology to assist with performance tracking. In addition, DYRS is in negotiations to share data with DCPS, PCSB, and OSSE regarding the educational status of committed youth. These improvements will be critical to ensuring that DYRS can report accurate and consistent data on the outcomes of its programs.

Reduced Need for Executive Level Recruiting Services: DYRS anticipates spending \$100,000 on a contract to provide recruiting services for executive level staffing. These services would help identify applicants for ten positions. This service was desirable in recent years due to a high vacancy rate and low employee morale. With the recent change in agency leadership, the Committee is confident that these issues are being addressed. In addition, DYRS is in the process of hiring a new Human Resources Director. As such, additional expenditures for executive level recruiting are inappropriate.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 budget for the Department of Youth Rehabilitation Services as proposed by the Mayor, with the following modifications:

1. *Reduce FTEs by 5, and eliminate the following positions:*

- a. Position # 00017903 (Youth Development Representative)
- b. Position # 00038599 (Youth Development Representative)
- c. Position # 00083109 (Contract Services Specialist)
- d. Position # 00040064 (Cook Leader)
- e. Position # 00073553 (Program Support Specialist)

2. *Reduce CSG 11 (Regular Pay – Continuing Full Time) by \$296,930 and reduce CSG 14 (Fringe Benefits – Current Personnel) by \$82,545: total PS reduction = \$379,475, and by program as follows:*

- a. In Program 9000 (Youth and Family Programs), Activity 9020 (Youth and Family Empowerment), *reduce CSG 11 by \$78,893 and reduce CSG 14 by \$21,932: total PS reduction = \$100,825*

- b. In Program 9000 (Youth and Family Programs), Activity 9040 (Residential Programs and Services), *reduce* CSG 11 by \$106,632 and *reduce* CSG 14 by \$29,643: *total PS reduction = \$136,275*
 - c. In Program 9000 (Youth and Family Programs), Activity 9050 (Health and Wellness Services), *reduce* CSG 11 by \$50,774 and *reduce* CSG 14 by \$14,115: *total PS reduction = \$64,889*
 - d. In Program 8000 (Strategic Planning and Performance Management), Activity 8050 (Contract Monitoring and Compliance), *reduce* CSG 11 by \$60,631 and *reduce* CSG 14 by \$16,855: *total PS reduction = \$77,486*
3. *Reduce* CSG 41 (Contractual Services – Other) by \$100,000 in Program 1000 (Agency Management), Activity 1010 (Agency Management/Personnel) to *eliminate* the anticipated \$100,000 contract with external recruiters to provide recruiting services for executive level staffing.

b. Policy Recommendations

1. DYRS has had some difficulty identifying the number of young people committed to its custody that are homeless. The Committee recommends that DYRS coordinate with the Department of Human Services and other agencies to provide appropriately targeted services or referrals to homeless young people and their families when they come into contact with DYRS.
2. The Committee has heard from numerous parents of committed youth about the importance of family engagement programs at DYRS. Parents report that retreats and other family events have improved their understanding of the DYRS system and have helped them provide the necessary support to their own children. Many of the underlying problems that lead young people to criminal behavior can only be revealed through open and honest conversations with their families about the challenges they face. By building on the strengths of families, DYRS can ensure that committed youth have a strong support network after their commitment ends. In addition, these programs have ripple effects in the community and can help ensure that younger siblings of committed youth and other young people in the community stay on the right path. The Committee commends DYRS for its efforts and recommends that the agency make a concerted effort to reach every family.

K. DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

DEPUTY MAYOR FOR PUBLIC SAFETY & JUSTICE (FQ0) - Operating Budget, by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
LOCAL FUND	20,472,356	20,992,335	0	846,000	846,000
FEDERAL GRANTS	8,179,373	10,815,019	0	0	0
PRIVATE DONATIONS	0	5,494	0	0	0
INTRA-DISTRICT FUNDS	200,393	442,194	0	0	0
Grand Total	30,258,122	33,661,042	0	846,000	846,000

DEPUTY MAYOR FOR PUBLIC SAFETY & JUSTICE (FQ0) – FTEs, by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	13	0	6	6
FEDERAL GRANTS	7.2	0	0	0
INTRA-DISTRICT FUNDS	1.8	0	0	0
Grand Total	22.0	0	6	6

DEPUTY MAYOR FOR PUBLIC SAFETY & JUSTICE (FQ0) - Operating Budget, by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	927,952	927,952	0	717,557	717,557
12-REGULAR PAY - OTHER	887,126	1,204,466	0	0	0
14-FRINGE BENEFITS - CURR PERSONNEL	319,407	380,336	0	128,442	128,442
20-SUPPLIES AND MATERIALS	46,017	46,017	0	0	0
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	9,870	9,870	0	0	0
40-OTHER SERVICES AND CHARGES	227,929	233,423	0	0	0
41-CONTRACTUAL SERVICES - OTHER	3,752,835	3,752,835	0	0	0
50-SUBSIDIES AND TRANSFERS	24,085,382	27,104,539	0	0	0
70-EQUIPMENT & EQUIPMENT RENTAL	1,604	1,604	0	0	0
Grand Total	30,258,122	33,661,042	0	846,000	846,000

DEPUTY FOR MAYOR PUBLIC SAFETY & JUSTICE (FQ0) - Operating Budget, by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
1000-AGENCY MANAGEMENT	501,880	501,880	0	846,000	846,000
2000-AGENCY OVERSIGHT	221,435	463,236	0	0	0
2200-ACCESS TO JUSTICE	4,277,835	4,277,835	0	0	0
3000-HOMELAND SECURITY/CONTINUITY OF OPS PLAN	18,144	18,144	0	0	0
4200-OFFICE OF VICTIM SERVICES	16,688,954	18,600,653	0	0	0
5300-JUSTICE GRANTS ADMINISTRATION	8,298,493	9,542,419	0	0	0
6000-CORRECTIONS INFORMATION COUNCIL	251,381	251,381	0	0	0
Grand Total	30,258,122	33,661,042	0	846,000	846,000

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Office of the Deputy Mayor for Public Safety and Justice (DMPSJ) is to provide direction, guidance, support, and coordination to the District's public safety agencies.⁵ The DMPSJ's role has also historically included oversight of and administrative support for the Access to Justice Initiative (ATJI); the Corrections Information Council (CIC), the Office of Justice Grants Administration (JGA); and the Office of Victim Services (OVS).⁶ The DMPSJ also provides oversight and support for citywide public safety and justice related policies, activities, and initiatives under its jurisdiction.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Office of the Deputy Mayor for Public Safety and Justice is \$846,000, however DMPSJ appears as a program within the Office of the City Administrator. The proposed budget supports 6.0 FTEs.

Committee Analysis and Comments

In the Mayor's proposed FY 2016 budget, the DMPSJ was folded into the Office of the City Administrator. ATJI is now housed within the Office of Victim Services and Justice Grants (OVSJG), CIC is an independent agency, and JGA and OVS have been combined into OVSJG. Although its sub-agencies have been divorced from the DMPSJ, the DMPSJ still fills a critical need for oversight and coordination of the public safety and justice cluster. Currently, the Deputy Mayor also serves as the Deputy City Administrator; this dual role is circumstantial and not statutory. Rather, the Council established the DMPSJ as a separate agency in the "Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011".⁷ Although the Committee confirmed the Deputy Mayor with the understanding that he would serve in both capacities, the long-term integrity of the DMPSJ necessitates its reconstitution. The Committee will maintain the sub-agencies as separate entities.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 budget for the Deputy Mayor for Public Safety and Justice as proposed by the Mayor with the following modifications:

1. *Accept 6 FTEs from the Committee of the Whole (Office of the City Administrator) (AE0): Division 6000 (Deputy Mayor for Public Safety and Justice), Activity 6010 (Public Safety Oversight and Coordination): total PS reduction = \$846,000*

⁵ D.C. Official Code § 1-301.191(c).

⁶ D.C. Official Code § 1-301.191(c)(5)(A).

⁷ D.C. Official Code § 1-301.191.

L. DISTRICT OF COLUMBIA NATIONAL GUARD

D.C. NATIONAL GUARD (FK0) - Operating Budget, by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
LOCAL FUND	5,065,884	5,065,885	5,026,265	0	5,026,265
FEDERAL PAYMENTS	435,000	727,326	435,000	0	435,000
FEDERAL GRANT FUNDS	7,203,528	8,194,823	7,855,384	0	7,855,384
Grand Total	12,704,412	13,988,034	13,316,649	0	13,316,649

D.C. NATIONAL GUARD (FK0) – FTEs, by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	41.30	39.50	0	39.50
FEDERAL GRANT FUNDS	84.80	87.51	0	87.51
Grand Total	126.10	127.01	0	127.01

D.C. NATIONAL GUARD (FK0) - Operating Budget, by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	3,608,734	3,749,527	4,440,461	0	4,440,461
12-REGULAR PAY - OTHER	2,718,842	2,914,406	2,213,375	0	2,213,375
13-ADDITIONAL GROSS PAY	83,093	97,530	140,561	0	140,561
14-FRINGE BENEFITS - CURR PERSONNEL	1,322,463	1,390,159	1,250,922	0	1,250,922
15-OVERTIME PAY	141,760	184,157	146,894	0	146,894
20-SUPPLIES AND MATERIALS	328,045	344,098	330,098	0	330,098
30-ENERGY, COMM. AND BLDG RENTALS	506,383	562,624	562,624	0	562,624
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	16,000	24,000	24,000	0	24,000
40-OTHER SERVICES AND CHARGES	2,636,569	2,977,381	2,927,199	0	2,927,199
41-CONTRACTUAL SERVICES - OTHER	616,000	763,900	616,000	0	616,000
50-SUBSIDIES AND TRANSFERS	549,462	841,788	549,462	0	549,462
70-EQUIPMENT & EQUIPMENT RENTAL	177,061	138,464	115,053	0	115,053
Grand Total	12,704,412	13,988,034	13,316,649	0	13,316,649

D.C. NATIONAL GUARD (FK0) - Operating Budget, by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
1000-AGENCY MANAGEMENT	4,226,360	4,574,927	2,365,937	0	2,365,937
4000-YOUTH PROGRAMS	4,663,754	5,266,915	4,890,674	0	4,890,674
6000-JOINT FORCE HEADQUARTERS D.C.	3,814,298	4,146,192	4,160,038	0	4,160,038
Grand Total	12,704,412	13,988,034	13,316,649	0	13,316,649

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The District of Columbia National Guard (DCNG) services both federal and District missions. Joint Force Headquarters – District of Columbia (JFHQ-DC) maintains and provides trained and ready DCNG units, personnel, and equipment. JFHQ-DC facilitates the integration of federal and state activities to provide expertise and situational awareness to the District of Columbia and the Department of Defense.

Federal Mission: Support the readiness of DCNG units to perform federally assigned missions, both at home and abroad. District of Columbia personnel provide direct support to key functional areas, including operations, training, and readiness, to ensure DCNG units can defend the Nation and the capital.

District Mission: Emergency Preparedness/Emergency Response; prepare for and respond to requests for National Guard – National Capital Region (JFHQ-NCR).

Community Mission: Maximize the use of available Department of Defense family and youth programs to support the citizens of the District of Columbia.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the DCNG is \$13,316,649, an increase of \$612,237, or 4.8%, over the current fiscal year. The proposed budget supports 127 FTEs, an increase of 0.8 FTEs from the current fiscal year.

Local Funds: The Mayor's proposed budget is \$5,026,265, a decrease of \$39,619, or 0.8%, over the FY 2015 approved budget of \$5,065,884. This funding supports 39.5 FTEs, a 4.2% decrease from the FY 2015 approved level of 41.3 FTEs.

Federal Resources: The Mayor's proposed budget is \$8,290,384, an increase of \$652,000, or 8.5%, over the FY 2015 approved budget of \$7,638,528. This funding supports 87.5 FTEs, an increase of 2.7 FTEs, or 3.3%, from the FY 2015 approved level.

Committee Analysis and Comments

DCNG Counterdrug Program: The DCNG Counterdrug Program provides full-time criminal analysis support to the Metropolitan Police Department, Interpol, the Drug Enforcement Agency, Immigration and Customs Enforcement, the Department of Homeland Security, and Customs and Border Protection. Support provided for the Counterdrug Program for FY 2014 resulted in the seizure of \$4.7 million dollars in drug-related currency and \$2.3 million dollars in drugs.

Capital Guardian Youth Challenge Program: The DCNG maintains its strong commitment to the Youth Challenge program. The community-based program, chartered by Congress, teaches and mentors at-risk 16- to 18-year-olds to become productive citizens. The program is a five and two weeks residential phase followed by a one-year, non-residential phase. The program is currently in its fourth cycle since opening in FY 2013.

Militia Code: The D.C. Militia Code, Title 49, is undergoing a modernization. The draft legislation is in the process of review by the Council. Revisions identified the parts that were obsolete for

the progressive functions of the DCNG. The Committee is currently looking to review the new militia Code in consultation with the Committee of the Whole.

About Face Program: The About Face program provides support to children at the Eliot-Hines Middle School and Eastern High School. The program has a permanent staff consisting of a Program Manager, Lead Instructor, and Operation Assistant. The team currently provides workforce skills to thirty-four children during the school year. During the summer, the program has established a relationship with the Department of Employment Services to receive interns from the Mayor's summer employment program. Funding is provided through a grant offered by the 21st Century Community Learning Center. The Grant was initially established for five years but is within its last year of existence. The Committee commends the DCNG for its acclaimed community and youth development programs.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 budget for the District of Columbia National Guard as proposed by the Mayor.

M. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT (FB0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
FEDERAL GRANT FUNDS	1,637,729	1,637,729	0	0	0
INTRA-DISTRICT FUNDS	0	1,170,201	0	0	0
LOCAL FUND	201,562,926	201,353,512	232,622,993	(345,471)	232,277,522
SPECIAL PURPOSE REVENUE FUNDS	1,520,000	1,520,000	1,520,000	0	1,520,000
Grand Total	204,720,655	205,681,442	234,142,993	(345,471)	233,797,522

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT (FB0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL GRANT FUNDS	30	0	0	0
LOCAL FUND	2,067	2,072	(4)	2,068
Grand Total	2,097	2,072	(4)	2,068

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT (FB0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	136,602,541	136,589,537	150,341,968	(294,019)	150,047,949
12-REGULAR PAY - OTHER	1,841,381	1,954,012	1,459,059	0	1,459,059
13-ADDITIONAL GROSS PAY	14,223,980	14,223,980	15,223,980	0	15,223,980
14-FRINGE BENEFITS - CURR PERSONNEL	3,094,686	3,469,592	15,471,660	(51,452)	15,420,208
15-OVERTIME PAY	3,094,686	3,469,592	15,471,660	0	15,471,660
20-SUPPLIES AND MATERIALS	4,697,176	4,697,860	4,124,507	0	4,124,507
40-OTHER SERVICES AND CHARGES	2,918,743	3,316,867	4,776,093	0	4,776,093
41-CONTRACTUAL SERVICES - OTHER	6,740,103	6,740,103	8,013,386	0	8,013,386
50-SUBSIDIES AND TRANSFERS	7,029,290	7,029,290	7,029,290	0	7,029,290
70-EQUIPMENT & EQUIPMENT RENTAL	1,221,220	1,221,220	962,868	0	962,868
Grand Total	204,720,655	205,681,442	234,142,993	(345,471)	233,797,522

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT (FB0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
1000- ADMINISTRATIVE SUPPORT	16,899,500	17,103,640	19,131,756	0	19,131,756
100F-AGENCY FINANCIAL OPERATIONS	1,371,356	1,371,356	1,484,268	0	1,484,268
2000-FIRE PREVENTION AND EDUCATION	6,338,155	6,338,155	6,763,598	0	6,763,598
3000-FIELD OPERATIONS	160,391,524	161,022,509	183,592,104	(262,476)	183,329,628
4000-EMPLOYEE PREPAREDNESS	9,351,737	9,477,399	12,064,555	0	12,064,555
5000-OPERATIONS SUPPORT	7,135,548	7,135,548	7,256,032	(82,995)	7,173,037
6000-POLICY AND PLANNING	2,930,738	2,930,738	3,209,342	0	3,209,342
7000-STATE SAFETY OVERSIGHT PROGRAM	302,097	302,097	641,338	0	641,338
Grand Total	204,720,655	205,681,442	234,142,993	(345,471)	233,797,522

COMMITTEE ON THE JUDICIARY
Fiscal Year 2016 Budget Report

Mayor's Proposed Fiscal Year 2016-2021 Capital Budget, FEMS, by Project								
Project Name	Number	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	6-Year
Fire Apparatus	20600C	7,000	15,000	17,000	2,800	0	0	41,800
Fire Apparatus	20630C	9,000	0	0	15,000	15,000	0	39,000
Engine Company 23 Renovation	LC537C	0	0	0	3,750	3,750	0	7,500
Relocation of Engine Company 26	LC837C	0	0	0	4,000	4,750	0	8,750
Engine 27 Major Renovation	LE737C	4,000	4,000	0	0	0	0	8,000
FEMS Scheduled Capital Improvements	LF239C	1,000	0	0	2,500	2,500	0	6,000
Agency Total		17,000	15,000	17,000	28,050	26,000	0	103,050

Committee's Proposed Fiscal Year 2016-2021 Capital Budget, FEMS, by Project								
Project Name	Number	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	6-Year
Fire Apparatus	20600C	7,000	15,000	17,000	2,800	0	0	41,800
Fire Apparatus	20630C	9,000	0	0	15,000	15,000	0	39,000
Engine Company 23 Renovation	LC537C	0	0	0	3,750	3,750	0	7,500
Relocation of Engine Company 26	LC837C	0	0	0	4,000	4,750	0	8,750
Engine 27 Major Renovation	LE737C	4,000	4,000	0	0	0	0	8,000
FEMS Scheduled Capital Improvements	LF239C	1,000	0	0	2,500	2,500	0	6,000
Agency Total		17,000	15,000	17,000	28,050	26,000	0	103,050

(Dollars in Thousands)

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Fire and Emergency Medical Service Department is led by a Chief, and the agency's Medical Director directs the emergency medical services program. Within the Department are several divisions, including Fire Prevention and Education, Field Operations, Employee Preparedness, Operations Support, Policy and Planning, State Safety Oversight, Administrative Support (Agency Management), and Agency Financial Operations.

The mission of FEMS is to "promote health and safety through excellent pre-hospital treatment and transportation, fire prevention, fire suppression and rescue activities and homeland security awareness".⁸ FEMS envisions itself "to be a performance based organization in which a well-trained, multi-disciplined skilled workforce utilizes state-of the art equipment, technology and apparatus to provide the highest quality of Fire and Emergency Medical Services."⁹

Additionally, FEMS provides fire and safety inspections, education, and intervention programs to District residents each year through community presentations, smoke alarm installations, health status/disease prevention screenings, car seat installations, and CPR instruction. FEMS also provides services for special events unique to the nation's capital, such as demonstrations and public gatherings. Additionally, the agency provides fire suppression and emergency medical protection for presidential motorcades and helicopter landings.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's proposed FY 2016 gross budget is \$234,142,993, which represents a \$29,422,338 (14.4%) increase over its FY 2015 approved gross budget of \$204,720,650. The budget eliminates 30.0 FTEs. Field Operations, which includes Fire Rescue Operations and Special Operations, increased by \$23,200,580. The increased budget would permit FEMS to hire additional nurses to support continuous quality improvements (\$214,380 and 2.0 FTEs).

Local Funds: The budget is comprised of \$232,622,993 in local funds. The budget requests a total of 2,072 FTEs, which decreases FTEs by 25 (1.2%). Specifically, in FY 2016, the Mayor proposes to reduce FTEs for Fire Rescue Operations and Special Operations (-51.0 and -10.0, respectively). Other programs have modest FTE increases, including Administrative Support (7.0 FTEs), Fire Prevention and Education (1.0 FTE), Employee Preparedness (20.0 FTEs), Operations Support (5.0 FTEs), Policy and Planning (1.0 FTEs), and State Safety Oversight (2.0 FTEs).

Special Purpose Revenue Funds: The Mayor's proposed budget is \$1,520,000, representing no change from the FY 2015 approved budget. This funding supports 0.0 FTEs.

Federal Funds: The Mayor's proposed budget includes no federal funds. In FY 2015, the approved budget included \$1,638,000 in federal funds, an increase of \$29,000 from the FY 2014 approved budget. The proposed FY 2016 budget would eliminate all federal funding. The decrease in

⁸ The District of Columbia Fire and Emergency Medical Services Department, <http://fems.dc.gov/page/about-fems> (last visited May 6, 2015).

⁹ *Id.*

federal funding decreases the total FTEs by 30.0. Funds for the *Staffing for Adequate Fire and Emergency Response* (SAFER) federal grant have expired and are not a part of the FY 2016 budget.

Committee Analysis and Comments

Emergency Medical Services Bureau: The District of Columbia currently has more than 650,000 residents. Calls for emergency medical service have dramatically increased.¹⁰ FEMS noted that it “made contact with 66,729 individual patients” during 2014.¹¹ Furthermore, FEMS transported patients 105,895 times during 2014.¹² As the Committee observed during FY 2014, the needs of the District have continued to shift further from fire suppression to emergency medical services (EMS), and the FEMS must reallocate its resources and attention accordingly.

EMS Taskforce on Mr. Medric “Cecil” Mills Jr.: The Deputy Mayor for Public Safety and Justice issued recommendations after the Medric Mills incident. To the Committee’s knowledge, FEMS has carried out each recommendation. Below is a brief synopsis of the recommendations implemented¹³:

1. Generate a memorandum regarding assisting the public wherever possible regardless of whether they were dispatched to the scene;
2. Generate a memorandum on speaker volume in the stations to remind members of the prohibition against turning off the PA system in the various rooms of the station prior to 2200 hours; and
3. Generate a memorandum on iMobile Monitoring to remind employees to properly monitor their iMobile devices constantly. This prevents members from overlooking changes in assignment (such as a corrected location) after the initial dispatch.

March 2015 Transport and Dispatch Issues: There were at least three publicized transport and dispatch incidents in March 2015.¹⁴ One included a stabbing victim who waited more than twenty minutes to be transported to an area hospital. The second incident occurred when a choking toddler did not receive care from the closest available unit. The final incident included an injured Metropolitan Police Department (MPD) officer who waited far too long to be transported to a hospital before arranging for a fellow MPD officer to transport him.

Deputy City Administrator/Deputy Mayor for Public Safety and Justice Kevin Donahue created a working group (FEMS, the Office of Unified Communications (OUC), the Office of the Chief Technology Officer, and the Homeland Security and Emergency Management Agency) to review emergency call dispatch systems and technology.¹⁵ FEMS and OUC are meeting twice weekly to identify any technical issues relating to Getac tablets.¹⁶ FEMS modified procedures so that personnel can re-verify their location with OUC dispatchers during emergency responses.¹⁷ FEMS and OUC have worked

¹⁰ See *Fire and Emergency Medical Services: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (Apr. 27, 2015) (oral testimony of Interim Chief Edward Mills III., Fire and Emergency Medical Services).

¹¹ *Id.*

¹² *Id.*

¹³ Office of the Deputy Mayor for Public Safety and Justice (Feb. 20, 2014) (on file with the Committee).

¹⁴ The National Fire Protection Association recommends that FEMS average a 12-minute transport time.

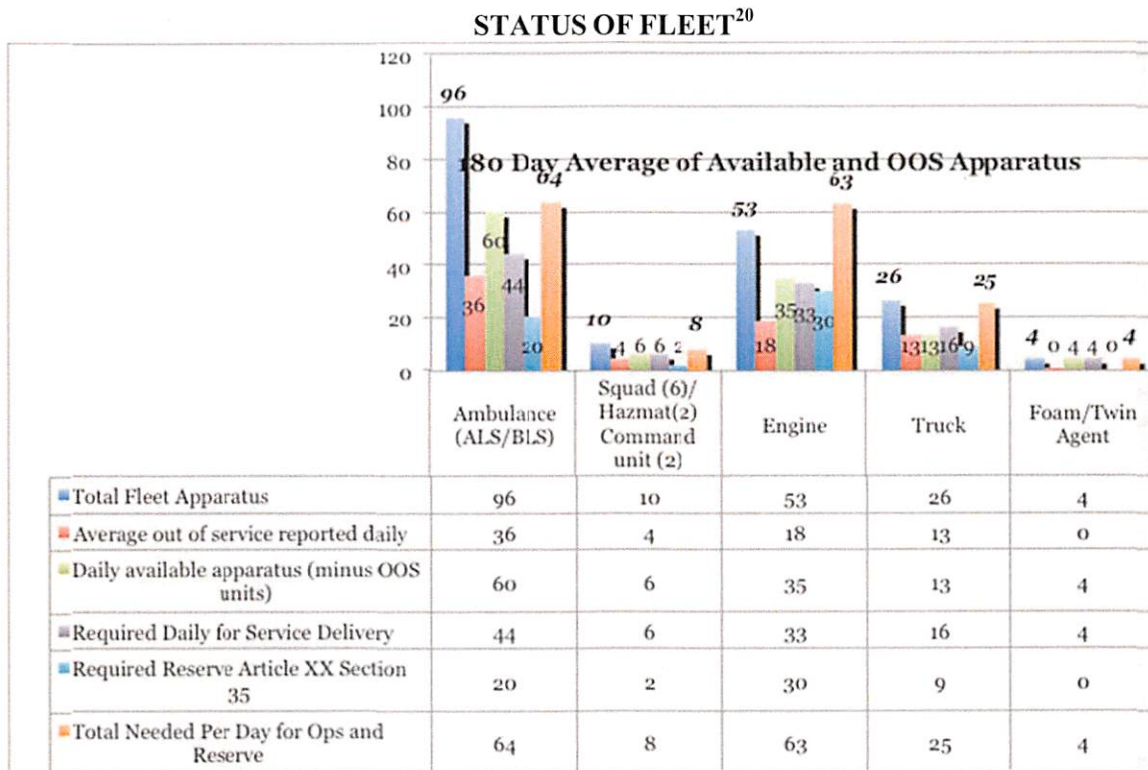
¹⁵ Memorandum from Kevin Donahue, Deputy City Administrator/Deputy Mayor for Public Safety and Justice to Kenyan R. McDuffie, Chair of the Comm. on the Judiciary (Apr. 1, 2015) (on file with the Committee). The Department added more ambulances to peak service hours. Additionally, the Council, through passive review, approved the Department to refurbish fifteen ambulances.

¹⁶ *Id.* Getac tablets are wireless devices that assist 911 dispatchers in locating emergency personnel.

¹⁷ *Id.*

with neighboring jurisdictions to revise the current mutual aid agreements.¹⁸ Additionally, FEMS and OUC are working to revise policies for dispatching transport units to respond to low-priority calls for service during periods of peak transport demand.¹⁹

Fleet/Certification: As the Committee observed in Fiscal Year 2015, the status of FEMS' fleet remains at the forefront of existing challenges for the Department. FEMS provided the Committee with the information below regarding the status of the fleet:



The FY 2016 capital improvement plan will greatly improve the status of the fleet. Furthermore, FEMS took steps to improve the status of the fleet in FY 2015. Below is a synopsis of the testing and replacement of FEMS apparatus:

Testing of aerial ladders revealed that many were poorly maintained and not in compliance with National Fire Protection Association (NFPA) standards. These trucks were removed from service, directly impacting fire suppression service capacity. To quickly repair or replace aerial ladder trucks, the Department implemented a short-term plan that included removing six aerial ladder modules from their truck bodies and shipping them to the original equipment manufacturer for repair. At the same time, the truck bodies were to be repaired locally. Currently, four aerial ladders are at the manufacturer undergoing repairs, with two expected back during April and two more expected back during June, 2015. The remaining aerial ladder modules will be shipped

¹⁸ *Supra* note 15.

¹⁹ This improvement on low-priority dispatching is a welcomed change. The Committee was informed that low-priority requests for service often unnecessarily clog FEMS resources.

²⁰ Memorandum from Fire and Emergency Medical Services Department to Kenyan R. McDuffie, Chair of the Comm. on the Judiciary (Apr. 1, 2015) (on file with the Committee).

to the manufacturer for repair during May. Also, a new aerial ladder truck was purchased by the Department during April, 2015, to supplement the remaining fleet. Additionally, the Department anticipates delivery of five new aerial ladder trucks during the months of June to August, 2015, along with three EMS Supervisor and three Battalion Chief vehicles. Other emergency apparatus deliveries during FY 2015 included 10 pumpers (October, 2014 to January, 2015) and 3 ambulances (October, 2014). To continue our investment in the emergency apparatus fleet, the Department's proposed capital budget for FY 2016 and beyond.²¹

During FEMS' Budget Oversight Hearing, the Committee also discussed certification of apparatus. Apparatus certification is integral to the replacement and refurbishment schedule because it highlights which units need work. The schedule should be contingent upon a matrix which includes the useful life of the unit, the frequency the unit is used, the area of the city the unit is stationed in, and the type of unit being replaced. Transport units should be the Department's top priority this fiscal year.

During the hearing, FEMS testified that "emergency apparatus fleet requires immediate and significant investment in repairs and new vehicle purchases."²² Investment includes not only purchasing apparatus but also certifying that each unit meets national standards.

On November 25, 2013, the Business Development Associates Global (BDA Global) published an audit of the Department's fleet entitled "An Audit and Assessment of the DC Fire and Emergency Medical Services Department's Fleet Inventory and Fleet Maintenance Operations to Further Improve Fleet Management". This audit makes recommendations to FEMS affecting fleet management and procurement. FEMS was not compliant with 60 of 120 NFPA standards as of October 24, 2014. FEMS was not compliant with 28 of BDA Global's 129 recommendations as of March 20, 2015. However, it is FEMS's goal to be fully compliant in the near future.

FEMS is using approximately \$350,000 in reoccurring dollars to certify apparatus in FY 2015. The Committee strongly believes that certification (along with preventative maintenance) are essential to keeping apparatus working and in good condition. The Committee is pleased with this investment and expects the Department to continue making certification a priority in FY 2016.

Vacancies and Staffing: FEMS has 110 vacancies. FEMS testified that "the Emergency Operations Division is understaffed."²³ FEMS attempted to address this issue in October 2014 by implementing a short-term hiring plan to reduce vacancies.²⁴ FEMS described the short-term hiring plan as follows:

The Department [hired] new Firefighter Paramedics and transitioning previously hired single role Paramedics to Firefighter Paramedics. As of February, 2015, 20 Paramedics have completed firefighter training and were assigned to the Emergency Operations Division. As of April, 2015, an additional 7 Paramedics started firefighter transition training. During January, 2015, 15 new Fire Cadets began recruit training to become Firefighter EMTs. During April, 2015, 17 Fire Cadets completed Firefighter EMT recruit training and were assigned to the Emergency Operations Division. To further reduce vacancies, the Department was authorized to hire 17 Firefighter Paramedics and 30

²¹ *Supra* note 10.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

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Firefighter EMTs during April, 2015. These new employees are required to have previous training and work experience with other departments.²⁵

The Committee remains concerned about the method FEMS used to hire personnel in April. These hires are a part of an accelerated program that only lasts ten weeks at the Department's Training Academy. The Department asserts that hiring now is imperative to prepare for the busy summer months. However, some witnesses alleged that this hiring cycle excluded many District residents because the hiring requirement included some classes that are not available to residents in the District.²⁶ The Committee requested statistics of District residents who had the requisite training and were hired, District residents who had the requisite training but were not hired, and District residents who did not have the requisite training. The Committee looks forward to evaluating the data provided.

FEMS will offer an entrance exam in June 2015. This is the first entrance exam offered since 2008. The Committee is hopeful that several qualified District residents will be selected. Training begins in October 2015.

State Safety Oversight Agency: During FEMS's hearing, the Interim Chief testified that funds in FY 2016 are sufficient to support a fully functioning State Safety Oversight Agency in FY 2016.²⁷

Overtime: Below is a chart including the line item for overtime budgeted from FY 2013-FY2016:

Comptroller Source Group	Actual FY 2013	Actual FY 2014	Approved FY 2015	Proposed FY 2016	Change from FY 2015	Percent Change
11 - Regular Pay - Continuing Full	137,618	149,903	136,603	150,342	13,739	10.1
12 - Regular Pay – Other	672	1,377	1,841	1,459	-382	-20.8
13 - Additional Gross Pay	7,281	7,918	14,224	15,224	1,000	7.0
14 - Fringe Benefits - Current	23,527	24,239	26,352	26,740	389	1.5
15 - Overtime Pay	9,335	12,755	3,095	15,472	12,377	399.9
Subtotal Personal Services (PS)	178,434	196,192	182,114	209,237	27,123	14.9

In January 2015, the Committee was informed that FEMS was unsuccessful in a District of Columbia Court of Appeals case challenging overtime policies.²⁸ Jointly with the Chairman of the Council, the Committee requested that FEMS amend its overtime policy to reflect the recent court decision.²⁹ On April 1, 2015, the Committee received a letter indicating that the "the Department is advised that members who work overtime on or after March 8, 2015 (i.e., the first full pay period in March) will begin receiving overtime compensation at time and 1/2."³⁰ However, this payment is being paid at the time-and-a-half rate for those hours worked *over 168 hours for a four-week cycle*. While this change is likely to mitigate *some* of the ongoing costs associated with arbitration and litigation, it still

²⁵Supra note 10.

²⁶ *Fire and Emergency Medical Services: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (Apr. 27, 2015) (oral testimony of President, Gary Wiggins, Progressive Fire Fighters).

²⁷ Supra note 10.

²⁸ Letter from Kenyan R. McDuffie, Chair of the Comm. on the Judiciary and Phil Mendelson, Chairman of the Council of the District of Columbia to Acting Chief Gregory Dean, Chief of the Fire and Emergency Medical Services Department (May. 5, 2015) (on file with the Committee).

²⁹ *Id.*

³⁰ Memorandum from Fire and Emergency Medical Services Department to Kenyan R. McDuffie, Chair of the Comm. on the Judiciary (Apr. 1, 2015) (on file with the Committee).

falls short of the time-and-a-half hourly rate outlined in the PERB order. Calculating hours worked in excess of 42 hours *per shift* is imperative. Using the current formula could prevent firefighters from being compensated for hours worked in excess of 42 hours during one week solely because the monthly hours do not exceed 168. Additionally, the PERB order, affirmed at every stage, required that overtime be paid for “all call back work, work on assigned days off, court appearance on off duty time resulting from the employee’s official duty, and continuation of duty”.³¹ The Chair of the Committee and the Chairman of the Council delivered a letter again requesting this issue be conclusively resolved. As the line item in the above chart suggests, overtime payments have skyrocketed. The current overtime policy exacerbates the constraints on FEMS’ budget.

c. Mayor’s Proposed Fiscal Year 2016-2021 Capital Budget

RELOCATION OF ENGINE COMPANY 26 (Ward 5) Full Funding Cost: \$9,007,000 (Actual Amount over 6-FYs: 8,750,000):

The scope of work for this project includes selecting and acquiring a suitable site, all legal work and regulatory approvals, site work and construction of modern 30,000 sq. ft. fire station meeting all current local and national standards and codes. This project will bring the building to LEED Silver standard when completed.³²

FIRE APPARATUS Full Funding Cost: \$71,301,000 (Actual Amount over 6-FYs: 41,800,000):

This project will purchase pumpers, ladder trucks, heavy rescue trucks, ambulances, and large support vehicles. Existing vehicles need to be replaced at the rate that meets NFPA standards and as they wear out and surpass their economic retention levels.³³

FIRE APPARATUS \$130,899,000 (Actual Amount over 6-FYs: 39,000,000)

This project will fund the purchase of pumpers, ladder trucks, heavy rescue trucks, ambulances, and large support vehicles. Existing vehicles need to be replaced at the rate that meets NFPA standards and as they wear out and surpass their economic retention levels. This project is unfunded during FY 2017 and FY 2018.³⁴

ENGINE COMPANY 23 RENOVATION (Ward 2) \$7,500,000 (Actual Amount over 6-FYs: \$7,500,000)

The renovation includes major improvements and upgrades to Engine 23 at 2119 G Street N.W., that will bring the facility into compliance with current basic standards such as ADA access, Life Safety Codes, NFPA, firefighting protective gear storage and energy efficient HVAC systems.³⁵

FEMS SCHEDULED CAPITAL IMPROVEMENTS \$22,389,000 (Actual Amount over 6-FYs: \$6,000,000)

³¹ PERB Case No. 13-I-01 at 22.

³² Office of the Chief Fin. Officer, FY 2016 - FY 2021 Capital Improvements Plan (2015).

³³ Office of the Chief Fin. Officer, FY 2016 - FY 2021 Capital Improvements Plan (2015). This Capital Budget project differs from the other entitled “Fire Apparatus” it because there they have different funding source (Master Equipment Lease/ Purchase Financing).

³⁴ *Id.*

³⁵ *Id.*

This project will fund scheduled capital improvements in various Department facilities to include repair and/or replacement of foundation, concrete, plaster wall, window, floor covering, the heating and cooling system, the electrical system, the lighting system, plumbing and sanitary drains....³⁶

According to FEMS, the Department's Capital Improvement Plan is consistent with the recommendations in the BDA Global report.

Committee Analysis and Comments

The Committee recommends adoption of the Fiscal Year 2016 capital budget for the Fire and Emergency Medical Services Department, as proposed by the Mayor.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

1. *Reduce* FTEs by 4, and *eliminate* the following positions:
 - a. Position # 00005726 (Firefighter EMT)
 - b. Position # 00006286 (Firefighter EMT)
 - c. Position # 00026065 (Firefighter EMT)
 - d. Position # 00033781 (Heavy Mobile Equipment Mechanic)
2. *Reduce* CSG 11 (Regular Pay – Continuing Full Time) by \$294,019 and *reduce* CSG 14 (Fringe Benefits – Current Personnel) by \$51,452: *total PS reduction = \$345,471*, and by program as follows:
 - a. In Program 3000 (Field Operations), Activity 032A (Fire Rescue Operations), *reduce* CSG 11 by \$72,345 and *reduce* CSG 14 by \$12,660: *total PS reduction = \$85,005*
 - b. In Program 3000 (Field Operations), Activity 032A (Fire Rescue Operations), *reduce* CSG 11 by \$76,251 and *reduce* CSG 14 by \$13,343: *total PS reduction = \$89,594*
 - c. In Program 3000 (Field Operations), Activity 032A (Fire Rescue Operations), *reduce* CSG 11 by \$74,789 and *reduce* CSG 14 by \$13,088: *total PS reduction = \$87,877*
 - d. In Program 5000 (Operation Support), Activity 052A (Field Infrastructure), *reduce* CSG 11 by \$70,634 and *reduce* CSG 14 by \$12,361: *total PS reduction = \$82,995*

b. Fiscal Year 2016 Capital Budget Recommendations

The Committee recommends the adoption of the Fiscal Year 2016 capital budget for the Fire and Emergency Medical Services Department as proposed by the Mayor.

c. Policy Recommendations

1. The Committee urges FEMS to take necessary steps to mitigate the District's liability associated with its overtime policy.

³⁶ *Supra* note 33.

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2. The Committee directs FEMS to fully staff the preventative maintenance program, including supplying staffers with the resources and tools to fix FEMS apparatus.
3. The Committee recommends that the FEMS focus on targeted recruitment and hiring more District residents.
4. The Committee urges FEMS to reestablish a Memorandum of Understanding with the Department of Employment Services to continue EMT training.

N. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (BN0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
FEDERAL GRANT FUNDS	107,467,357	110,884,146	128,192,069	0	128,192,069
LOCAL FUND	2,085,250	2,085,250	4,551,527	0	4,551,527
Grand Total	109,552,607	112,969,367	132,743,596	0	132,743,596

HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (BN0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL GRANT FUNDS	62.5	65.5	0	65.5
LOCAL FUND	16.5	26.5	0	26.5
Grand Total	79.0	92.0	0	92.0

HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (BN0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	4,930,262	6,875,520	6,842,484	0	6,842,484
12-REGULAR PAY - OTHER	1,867,381	2,968,026	1,116,259	0	1,116,259
13-ADDITIONAL GROSS PAY	189,911	240,354	193,351	0	193,351
14-FRINGE BENEFITS - CURR PERSONNEL	1,515,661	1,995,670	1,910,098	0	1,910,098
15-OVERTIME PAY	175,000	217,100	182,500	0	182,500
20-SUPPLIES AND MATERIALS	61,284	147,443	152,281	0	152,281
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	100,000	137,834	101,634	0	101,634
40-OTHER SERVICES AND CHARGES	2,161,364	3,146,958	3,618,537	0	3,618,537
41-CONTRACTUAL SERVICES - OTHER	4,008,094	3,213,903	2,888,088	0	2,888,088
50-SUBSIDIES AND TRANSFERS	93,989,690	93,245,088	114,690,233	0	114,690,233
70-EQUIPMENT & EQUIPMENT RENTAL	553,960	781,500	1,048,131	0	1,048,131
Grand Total	109,552,607	112,969,396	132,743,596	0	132,743,596

HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (BN0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-AGENCY MANAGEMENT	2,337,914	2,423,009	5,105,509	0	5,105,509
2000-PLANS AND PREPAREDNESS	1,723,283	2,102,608	2,722,340	0	2,722,340
3000-OPERATIONS	2,645,507	2,280,507	2,667,362	0	2,667,362
4000-HOMELAND SECURITY GRANTS	102,845,904	106,163,272	120,328,026	0	120,328,026
5000-FUSION CENTER	0	0	1,920,359	0	1,920,359
Grand Total	109,552,607	112,969,396	132,743,596	0	132,743,596

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the District of Columbia's Homeland Security and Emergency Management Agency (HSEMA) is to support and coordinate homeland security and emergency management efforts, ensuring that the District all-hazards emergency operations are prepared to protect against, plan for, respond to, and recover from natural and man-made hazards.

HSEMA coordinates all planning and preparedness efforts, training and exercises, and homeland security grants, and facilitates a common operating procedure during events to enable good decision-making and response. The agency is comprised of four major divisions: (1) the Plans and Preparedness Division, which facilitates the comprehensive planning that promotes resiliency in government agencies, our communities and critical infrastructure; (2) the Operations Division, which provides situational awareness, logistical and resource support, and field command operation to coordinate incident response, mitigation, and recovery, and to support District and federal agencies during special events; (3) the Homeland Security Grants Division, which is the State Administrative Agency (SAA) for the federal homeland security grant programs that are awarded to the District and to the National Capital Region (NCR) (encompassing Maryland and Virginia); and (4) the Agency Management/Office of the Director, which provides leadership to internal agency operations to perform its overall mission efficiently and effectively, leads the Mayor's Special Events Task Force, and supports a community engagement program and public information program to connect with and inform the public, as well as provides leadership as a member of the NCR homeland security policy advisory group.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Homeland Security and Emergency Management Agency is \$132,743,592, an increase of \$23,190,985, or a 21.2% increase from the current fiscal year. The proposed budget supports 92.0 FTEs, an increase of 13.0 FTEs, or 16.5%, over the current fiscal year.

Local Funds: The Mayor has proposed a budget of \$4,552,000, representing an increase of \$2,466,000 or 118.3%, from the FY 2015 approved budget. This funding supports 26.5 FTEs, an increase of 10.0 FTEs, or a 60.6% change from the FY 2015 budget.

Federal Resources: The Mayor has proposed a budget of \$128,192,000, representing an increase of \$20,725,000, or 19.3% change, from the FY 2015 approved budget. This funding supports 65.5 FTEs, an increase of 3.0 FTEs, or a 4.8% change over the FY 2015 approved level.

Committee Analysis and Comments

AlertDC system: The Joint All Hazards Operation Center provides information to District residents through the AlertDC system. AlertDC is a voluntary web-based program through which residents can sign up to receive up-to-date information during a major event, crisis, or emergency. Currently, there are over 154,000 subscribers to AlertDC, and in 2014, the system sent out 5,694 alerts. More than 14,400 residents have downloaded the mobile application for either Apple or Android devices since the application's development. For FY 2016, \$263,000 in funds was allocated in the budget for community outreach and media, an increase of \$263,000 from FY 2015.

Mayor's Special Event Task Group: The Mayor's Special Event Task Group is a body responsible for organizing the District's public safety planning efforts for events requiring interagency coordination. In FY 2014, 109 special events were processed by the group. Some of the special events supported in FY 2014 included the St. Patrick's Day Parade, Capital Pride Parade, Adams Morgan Day Festival, the Independence Day Celebration and the H Street Festival.

Homeland Security Grants (FT0): The proposed budget for FY 2016 for Homeland Security Grants is \$4,133,652, representing a decrease of \$1,208,268, or a 22.6% change from FY 2015.

Emergency Planning: In 2014, HSEMA held eight exercises to train on the Incident Command Structure: the HSEMA and Federal Emergency Management Agency Regional III Incident Management Assistance Team, the HSEMA Hurricane Exercise Series Tabletop Exercise, the Hurricane Exercise Series Functional Exercise, the Stadium and Arena Hurricane Virtual Tabletop Exercise, the HSEMA African Summit No-Notice Drill, the Command and Control Tabletop Exercise, the Command Control Full Scale Exercise, and the Virtual Tabletop Exercise on Pandemic Influenza. Over 400 participants from a number of District and federal agencies worked to make the exercises a true test of the District's response capabilities.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 operating budget for the Homeland Security and Emergency Management Agency, as proposed by the Mayor.

b. Policy Recommendations

1. The Committee is pleased with the efforts of HSEMA to organize and properly prepare the District for large-scale emergencies and wants the diverse, training exercises to continue into the future.
2. The Committee wants to improve transparency and timeliness in sub-agency grant transmission with the Homeland Security Grants.

O. JUDICIAL NOMINATION COMMISSION

JUDICIAL NOMINATION COMMISSION (DV0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
FEDERAL PAYMENTS	270,000	270,000	270,000	0	270,000
Grand Total	270,000	270,000	270,000	0	270,000

JUDICIAL NOMINATION COMMISSION (DV0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL PAYMENTS	2.0	2.0	0	2.0
Grand Total	2.0	2.0	0	2.0

JUDICIAL NOMINATION COMMISSION (DV0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	190,005	190,005	205,794	0	205,794
13-ADDITIONAL GROSS PAY	0	0	13,170	0	13,170
14-FRINGE BENEFITS - CURR PERSONNEL	24,000	24,000	19,837	0	19,837
20-SUPPLIES AND MATERIALS	11,000	11,000	6,400	0	6,400
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	6,985	6,985	6,610	0	6,610
40-OTHER SERVICES AND CHARGES	35,007	35,007	16,689	0	16,689
70-EQUIPMENT & EQUIPMENT RENTAL	3,003	3,003	1,500	0	1,500
Grand Total	270,000	270,000	270,000	0	270,000

JUDICIAL NOMINATION COMMISSION (DV0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
2000-JUDICIAL NOMINATION	270,000	270,000	270,000	0	270,000
Grand Total	270,000	270,000	270,000	0	270,000

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Judicial Nomination Commission (JNC) is comprised of seven members. They are appointed pursuant to DC Code § 1-204.34(b)(1). One member is appointed by the President of the United States, two members are appointed by the Board of Governors of the District of Columbia Bar, two members are appointed by the Mayor (one cannot be a lawyer), one member is appointed by the Council (cannot be a lawyer), and one member is a federal judge appointed by the Chief Judge of the United States District Court for the District of Columbia. All Commissioners are appointed for six-year terms, except the Commissioner appointed by the President of the United States (a five-year term). An Executive Director and an Executive Assistant handle JNC's operational and administrative needs.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Judicial Nomination Commission is \$270,000, representing no change from the current fiscal year. The proposed budget supports 2.0 FTEs, also representing no change from the current fiscal year.

Federal Resources: The Mayor has proposed a budget of \$270,000. This funding supports 2.0 FTEs, representing no change from the FY 2015 approved budget.

Committee Analysis and Comments

Online Application System: JNC updated the Committee on the progress of the Judicial Application System (JAS). During its testimony, JNC noted that "user testing has been completed [and] the next step is to procure contract services to 'host' the system, maintain it, and to evaluate whether further software enhancements are needed."³⁷ The JNC further testified that it has "only [generated] preliminary estimates of the cost of these services, and [they believe they] have sufficient carryover funding to procure these services."³⁸ However, JNC did caution that it could determine that it requires additional funding to procure maintenance services.³⁹ Thus, JNC may request supplemental funding.⁴⁰ The Committee will monitor this issue closely for the remainder of FY 2015 and during the first two quarters of FY 2016. Ultimately, in FY 2017, local funding may be required to cover increasing costs.

Judicial Vacancies: During the Committee's Budget Oversight Hearing on the JNC, the Chair of the JNC testified that there were six vacancies on the District of Columbia Courts. The Committee notes that these vacancies have an adverse impact on the administration of justice and negatively affects more than 650,000 District of Columbia residents.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

³⁷ *Judicial Nomination Commission: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (Apr. 29, 2015) (oral testimony of the Chair, The Honorable Emmet G. Sullivan).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

1. The Committee recommends that JNC research whether it can combine NPS resources with the Committee on Judicial Disabilities and Tenure.
2. The Committee recommends that the JNC request an increased federal budget in FY 2017.
3. The Committee recommends that JNC finalize the estimate for the JAS maintenance contract as soon as possible.

P. MAYOR'S OFFICE OF LEGAL COUNSEL

MAYOR'S OFFICE OF LEGAL COUNSEL (AH0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
LOCAL FUND	0	0	1,596,088	0	1,596,088
Grand Total	0	0	1,596,088	0	1,596,088

MAYOR'S OFFICE OF LEGAL COUNSEL (AH0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	0	11.0	0	11.0
Grand Total	0	11.0	0	11.0

MAYOR'S OFFICE OF LEGAL COUNSEL (AH0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	0	0	1,272,500	0	1,272,500
14-FRINGE BENEFITS - CURR PERSONNEL	0	0	273,588	0	273,588
20-SUPPLIES AND MATERIALS	0	0	50,000	0	50,000
Grand Total	0	0	1,596,088	0	1,596,088

MAYOR'S OFFICE OF LEGAL COUNSEL (AH0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-AGENCY MANAGEMENT	0	0	1,596,088	0	1,596,088
Grand Total	0	0	1,596,088	0	1,596,088

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Mayor's Office of Legal Counsel (MOLC) is to provide legal services to the Mayor and District of Columbia agencies in conjunction with those agencies' general counsels. The agency was established in 2013 by the passage of the "Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013". By statute, the MOLC's purposes include:

(A) Coordinating the hiring, compensation, training, and resolution of significant personnel-related issues for subordinate agency counsel in conjunction with agency directors;

(B) Providing legal and policy advice to the Mayor and executive branch;

(C) Resolving interagency legal issues for the Mayor;

(D) Overseeing the representation of agencies in investigative matters before the executive branch of the federal government, Congress, or the Council of the District of Columbia; and

(E) Supervising outside counsel in matters where the Office of the Attorney General is recused from a matter or otherwise not available.⁴¹

The MOLC consists of a small staff of attorneys, headed by a Director, and divided into five clusters: Health and Human Services, Education, Government Operations, Public Safety and Justice, and Planning and Economic Development. The office also includes a Chief of Staff, Staff Attorney, Law Fellow, and Special Assistant.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Mayor's Office of Legal Counsel is \$1,596,088, comprised entirely of local funds, and supporting 11 FTEs. This is the agency's first budget cycle, and as such, there is no historical budget data. The MOLC now operates on a budget of approximately \$1,044,588, funded through the Executive Office of the Mayor.

Committee Analysis and Comments

The Committee supports the MOLC, as the agency's very existence provides a healthy separation of powers between the branches. However, the MOLC – now in operation for five months – has had a rocky start. Its conception was controversial; a number of members of the Council -- including the former Chair of this Committee – did not support the transfer of agency counsels from the Office of the Attorney General to the Executive branch, to be coordinated there by the MOLC. They feared the politicization of the District's legal business based on the competing priorities of the Executive and the now-elected Attorney General. This Committee does not see such a conflict as inevitable, given the distinct roles played by the two offices. MOLC's organic act makes this clear: it is envisioned as a small office that

⁴¹ D.C. Official Code § 1-608.51a(b)(1).

“coordinat[es]”, “[train]s”, and provides advice.⁴² The Council intended the MOLC to serve as the vehicle for the Mayor to implement her policy agenda and to coordinate the work of the agency counsels. This role clearly includes the everyday review of proposed legislation for legality, but the Committee believes that the Executive should involve the Office of the Attorney General in that review – as has been the practice for some time.

However, recent events – including the submission of a controversial Budget Support Act subtitle – have forced this Committee to rehash much of the debate surrounding the passage of the 2013 law. On April 22, 2015, the Committee held a public roundtable to consider the subtitle along with a competing proposal introduced by the Attorney General (Bill 21-0139). The roundtable made clear that the MOLC is staffed by a cadre of high-caliber attorneys who do not carry out the “law business” of the District, and their work is restricted by the bounds of their statute. The Committee does not interpret the use of the word “include” in D.C. Code § 1-608.51a(b)(1) as expansively as the Executive has suggested.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 operating budget for the Mayor’s Office of Legal Counsel as proposed by the Mayor.

⁴² *Id.*

Q. METROPOLITAN POLICE DEPARTMENT

METROPOLITAN POLICE DEPARTMENT (FA0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee</i>
FEDERAL GRANT FUNDS	4,010,029	7,459,858	3,066,211	0	3,066,211
INTRA-DISTRICT FUNDS	24,757,851	32,632,608	24,695,312	0	24,695,312
LOCAL FUND	477,499,966	477,800,703	502,632,604	(3,409,526)	499,223,078
PRIVATE DONATIONS	0	149,152	0	0	0
SPECIAL PURPOSE REVENUE FUNDS	7,370,001	7,370,000	7,933,979	0	7,933,979
Grand Total	513,637,847	525,412,321	538,328,106	(3,409,526)	534,918,580

METROPOLITAN POLICE DEPARTMENT (FA0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL GRANT FUNDS	15.2	13	0	13
INTRA-DISTRICT FUNDS	4	9	0	9
LOCAL FUND	4,546.8	4,602	(5)	4,597
SPECIAL PURPOSE REVENUE FUNDS	2	0	0	0
Grand Total	4,568	4,624	(5)	4,619

METROPOLITAN POLICE DEPARTMENT (FA0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	322,917,237	326,219,846	342,352,952	(230,054)	342,122,898
12-REGULAR PAY - OTHER	3,990,063	5,184,874	3,980,578	0	3,980,578
13-ADDITIONAL GROSS PAY	25,242,496	25,341,360	28,748,621	0	28,748,621
14-FRINGE BENEFITS - CURR PERSONNEL	55,794,150	56,921,398	55,298,444	(45,790)	55,252,654
15-OVERTIME PAY	28,870,344	33,991,625	25,448,104	0	25,448,104
20-SUPPLIES AND MATERIALS	4,073,000	3,969,334	4,692,300	0	4,692,300
30-ENERGY, COMM. AND BLDG RENTALS	50,000	53,000	3,000	0	3,000
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	200,000	200,000	150,000	0	150,000
40-OTHER SERVICES AND CHARGES	10,191,414	10,561,147	21,019,660	(3,133,682)	17,885,978
41-CONTRACTUAL SERVICES - OTHER	57,895,636	58,204,351	50,712,655	0	50,712,655
50-SUBSIDIES AND TRANSFERS	300,639	300,639	257,539	0	257,539
70-EQUIPMENT & EQUIPMENT RENTAL	4,112,868	4,464,747	5,669,253	0	5,669,253
Grand Total	513,637,847	525,412,321	538,328,106	(3,409,526)	534,918,580

METROPOLITAN POLICE DEPARTMENT (FA0) – Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1001-PATROL SERVICES & SCHOOL SECURITY BUREAU	288,569,964	292,046,797	289,507,200	(48,107)	289,459,093
100C-EXECUTIVE OFFICE OF THE CHIEF OF POLICE	0	0	5,402,306	0	5,402,306
100F-AGENCY FINANCIAL OPERATIONS	3,719,610	3,719,610	3,882,415	0	3,882,415
2001-INVESTIGATIVE SERVICES BUREAU	56,160,965	56,144,047	74,397,059	(39,827)	74,357,232
3000-SPECIAL FIELD OPERATIONS	0	345,000	0	0	0
4001-STRATEGIC SERVICES BUREAU	5,275,510	5,275,510	29,469,751	0	29,469,751
5001-CORPORATE SUPPORT BUREAU	14,053,587	14,132,198	32,670,652	(116,194)	32,554,458
6001-PROFESSIONAL DEVELOPMENT BUREAU	41,448,715	42,009,236	0	0	0
7001-ASSISTANT CHIEF INTERNAL AFFAIRS BUREAU	8,702,618	8,702,618	10,245,045	0	19,245,045
9001-HOMELAND SECURITY BUREAU	67,752,067	72,706,592	55,504,417	(71,716)	55,432,701
AMP1-AGENCY MANAGEMENT PROGRAM	27,954,811	30,330,713	37,249,261	(3,133,682)	34,115,579
Grand Total	513,637,847	525,412,321	538,328,106	(3,409,526)	534,918,580

COMMITTEE ON THE JUDICIARY
Fiscal Year 2016 Budget Report

Mayor's Proposed Fiscal Year 2016-2021 Capital Budget, MPD, by Project								
Project Name	Number	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	6-Year
Specialized Vehicles - MPD	PEQ20C	5,000	6,500	0	10,000	10,000	0	31,500
Specialized Vehicles - MPD	PEQ22C	1,500	0	0	0	0	0	1,500
MPD Scheduled Capital Improvements	PL110C	500	0	0	3,000	3,000	0	6,500
Agency Total		7,000	6,500	0	13,000	13,000	0	39,500

Committee's Proposed Fiscal Year 2016-2021 Capital Budget, MPD, by Project								
Project Name	Number	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	6-Year
Specialized Vehicles - MPD	PEQ20C	5,000	6,500	0	10,000	10,000	0	31,500
Specialized Vehicles - MPD	PEQ22C	1,500	0	0	0	0	0	1,500
MPD Scheduled Capital Improvements	PL110C	500	0	0	3,000	3,000	0	6,500
Agency Total		7,000	6,500	0	13,000	13,000	0	39,500

(Dollars in Thousands)

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Metropolitan Police Department (MPD) is to safeguard the District of Columbia and protect its residents and visitors by providing the highest quality police service with integrity, compassion, and a commitment to innovation that integrates people, technology, and progressive business systems. MPD provides crime prevention and response services through patrols, investigations, and homeland security services. The Patrol Services division delivers community policing to the District's neighborhoods through 56 police service areas in seven police districts and oversees the provision of security services to the District of Columbia Public Schools. The Investigative Services division investigates violent, property, and narcotic crimes and provides forensic support for those cases. The Homeland Security division coordinates domestic security and intelligence operations, as well as traffic safety and special events. The Internal Affairs Bureau investigates use of force, potential equal employment opportunity violators, and other complaints against MPD officers and employees. The Strategic Services and Corporate Support Bureaus support the work of the entire department through strategic direction, legislative coordination, policy issuance, recruitment, hiring and training personnel, evidence control, records processing, fleet management, procurement, and other administrative support services.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the MPD is \$538,328,113, an increase of \$24,690,000, or 4.8%, above the current fiscal year. The proposed budget supports 4,624 FTEs, an increase of 56 FTEs, or 1.2%, from the current fiscal year.

Local Funds: The Mayor's proposed budget for FY 2016 is \$502,633,000, an increase of \$25,133,000, or 5.3%, above the FY 2015 approved budget. This funding supports 4,602 FTEs, an increase of 55.3 FTEs, or 1.2%, from the FY 2015 approved level.

Special Purpose Revenue Funds: The proposed budget for FY 2016 is \$7,934,000, an increase of \$564,000, or 7.7%, from the FY 2015 approved budget. This funding supports 0 FTEs, a decrease of 2.0 FTEs from the FY 2015 approved level.

Federal Resources: The proposed budget for FY 2016 is \$3,066,000, a decrease of \$944,000, or 23.5 %, from the FY 2015 approved budget. This funding supports 13.0 FTEs, a decrease of 2.2 FTEs, or 14.8%, from the FY 2015 approved level.

Intra-District Funds: The proposed budget is \$24,695,000, a decrease of \$63,000 or 0.3%, from the FY 2015 approved budget. This funding supports 9.0 FTEs, an increase of 5.0 FTEs, or 125%, from the FY 2015 approved level.

Committee Analysis and Comments

Overall budget: Approximately 89% of the MPD budget is for personal services (PS). The remaining 11% of the total budget – approximately \$57.1 million dollars – covers a variety of non-personal services (NPS), including specialized law enforcement purchases, such as uniforms, firearms, and ammunition; contracts of the Police and Fire Clinic; fleet; automated traffic enforcements; and

information technology.⁴³ Of the total budget, only \$4.6 million, or less than one percent, is not tied up in obligated spending, such as salaries, benefits, and contracts for goods and services.⁴⁴ The Mayor's proposed FY2016 budget includes a 5.3% increase in the local budget, the largest the MPD has received in the past seven budget cycles. However, over a nine-year period (FY 2008 through the proposed FY 2016 budget), MPD's local budget has only increased by 4%.⁴⁵ At a time where the District is experiencing significant residential growth, an uptick in calls for service, and booming economic development, the lack of corresponding growth in MPD's budget is a concern.

Staffing: Although the FY 2016 budget proposes an increase of 56.0 FTEs, MPD – and thus the District – is facing a staffing crisis with the looming retirement bubble. The rapid hiring of more than 1,500 officers between 1989 and 1991 created retirement eligibility for 21 percent of the sworn members of the force in 2015 and 30 percent by 2017.

The percentages are vastly greater among the higher ranks. By the end of 2015, more than one-third of lieutenants and detectives, and almost one-third of sergeants, will be eligible to retire. In addition, more than 60% of the sworn command staff, comprising the Assistant Chiefs, Commanders, and Inspectors, will be eligible to retire.⁴⁶

Exhibit 1: Cumulative Retirement Eligibility by End of Calendar Year

Rank (excluding recruits)	Current as of 12/31/13	Cumulative Retirement Eligibility by end of Calendar Year									
		2013	% of Current	2014	% of Current	2015	% of Current	2016	% of Current	2017	% of Current
A/Chief	6	1	17%	2	33%	3	50%	4	67%	4	67%
Commander	14	6	43%	6	43%	10	71%	11	79%	11	79%
Inspector	11	1	9%	3	27%	6	55%	7	64%	8	73%
Captain	41	10	24%	14	34%	24	59%	27	66%	31	76%
Lieutenant	123	18	15%	25	20%	44	36%	58	47%	73	59%
Sergeant	415	57	14%	81	20%	128	31%	146	35%	178	43%
Detective	342	39	11%	72	21%	117	34%	142	42%	174	51%
Officer	2842	127	4%	243	9%	451	16%	556	20%	654	23%
Total	3794	259	7%	446	12%	783	21%	951	25%	1133	30%
Command Staff (Inspector & above)	31	8	26%	11	35%	19	61%	22	71%	23	74%
Managers (Captain & Lieutenant)	164	28	17%	39	24%	68	41%	85	52%	104	63%
Front Line (Detective & Officer)	3184	166	5%	315	10%	568	18%	698	22%	828	26%

Source: The Metropolitan Police Department

⁴³ Metropolitan Police Department: Budget Oversight Hearing before the Committee on the Judiciary, (May 4, 2015) (written testimony of Cathy Lanier, Chief of Police, Metropolitan Police Department).

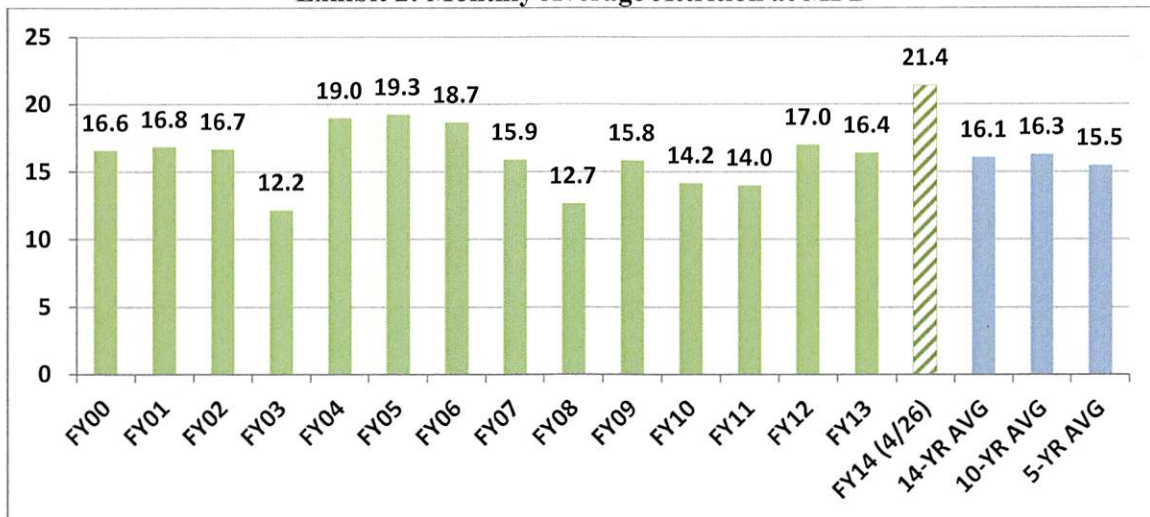
⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

As Chief Lanier noted during MPD's Performance Oversight Hearing, the retirement bubble is no longer a looming threat; it is upon us. In addition, Chief Lanier expects around 400 separations by the end of FY 2016 and stressed the necessity of hiring 300 officers a year for the foreseeable future simply to maintain the current number of sworn members (approximately 3,907). The Department currently has the capacity to hire 300 recruits per year without sacrificing quality control in its hiring; however, the Department is currently only authorized to hire at the attrition rate. The average monthly attrition rate has increased from 16.4 in FY 2013, to 25.8 in FY 2014, to 30.0 per month in the first seven months of FY 2015. Absent any interventions, the Department is projected to lose more sworn members this year and next than it can hire in a year while maintaining essential high standards.

Exhibit 2: Monthly Average Attrition at MPD



Note: Annual averages exclude the partial year data for FY 2014.

Source: The Metropolitan Police Department

Civilianization: Although MPD's civilian employees receive much less attention from community members, their hard work and dedication is essential to the daily operations and overall success of the Department. In critical support functions such as analyzing crime data, researching new police tools, writing policy, and keeping the fleet functioning, civilians improve the effectiveness and efficiency of the police department in countless ways. Moreover, hiring sworn police officers is a two-and-a-half year endeavor, from the start of recruiting to a patrol assignment. To meet the immediate hiring needs, the proposed FY 2016 budget includes \$2.9 million for the civilianization of 48 positions currently filled by sworn members. By replacing the sworn officers currently holding these positions with civilians, 48 sworn officers will be able to transition immediately to patrol services. Not only will this help ease the effects of the retirement bubble, it will also allow the police department to reach its calendar year goal of civilianizing 100 positions.

Exhibit 3: Cost to Hire Additional Sworn Officers

Addition al Hires	Total Add itional Cost	Salaries	Fringe	Equipment (Prog - 070D/ Obj - 0703)	Uniform/Su pplies (Prog - 5130/ Obj - 0207)	Recruiting (Prog - 6320/ Obj - 0408)	Police and Fire Clinic (Prog - 6340/ Obj - 0409)
10	796,384	572,605	100,778	15,000	56,000	30,000	22,000
15	1,147,370	818,767	144,103	22,500	84,000	45,000	33,000
20	1,498,356	1,064,929	187,427	30,000	112,000	60,000	44,000
25	1,802,136	1,270,949	223,687	37,500	140,000	75,000	55,000
30	2,035,107	1,416,758	249,349	45,000	168,000	90,000	66,000
35	2,279,880	1,572,602	276,778	52,500	196,000	105,000	77,000
50	2,636,549	1,719,004	302,545	75,000	280,000	150,000	110,000

Source: The Metropolitan Police Department

Police Officer Retention Program: In addition to civilianizing some positions, MPD also wants to encourage more members to stay with the Department. The Mayor's FY 2016 budget helps the Department do so by funding a \$2.5 million education-based incentive program. This program will target MPD's largest population groups –members at the beginning of their careers as well as those at the end – who are also the ones most likely to separate from the Department. For both groups, it would require an obligated service agreement to ensure continued service to the city. Officers are most likely to voluntarily resign from the Department within the first eight to ten years of their career.⁴⁷ This past year, almost three-quarters of all new hires had a bachelor's or master's degree.⁴⁸ Thus, the incentive for this group will be help to repay some of their college debt which may in turn encourage them to continue to invest their time with the District.

Not surprisingly, officers who become eligible to retire are the next largest group of departure. But anecdotally, many of the officers who are just reaching retirement age are leaving to pursue a second career. Therefore, the educational incentive for this group is career development opportunities. An investment in additional educational and career development opportunities for these officers may encourage them to stay with the Department to bring an additional degree to their next career while continuing to serve the District. As a result, MPD is looking at incentives that will support either a bachelor's or a graduate certificate for officers eligible to retire in the next few years. The Committee looks forward to the development of this program, as it will not only bolster officer retention, but will also increase member morale.

Divisional Changes: The proposed FY 2016 budget includes a new division: The Executive Office of the Chief of Police. This new division will provide management, oversight, and direction for the Department. In addition, the new division will contain the following three activities: 1) the Administrative Office, which will provide command, operational, and administrative support for the office, 2) the Executive Protection Unit, which will be responsible for the Mayor's security, and 3) the Office of

⁴⁷ *Supra* note 43.

⁴⁸ *Id.*

Research and Analytical Services, which will provide research and analytical services to support innovative policing operations and public safety practices. The Committee looks forward to the work that this new division will accomplish.

ATE Program: Declining revenues resulting from malfunctions with the District of Columbia's automated traffic enforcement cameras are contributing to the overall budget shortfall that we are now facing. Estimates place declining camera revenues at approximately \$40 million. While the purpose behind the program is to improve public safety, the resulting revenues are structurally incorporated into the District's budget formulations. Given the current decline in revenue, fines and forfeitures may end up more than \$70 million under projections if this trend continues. It is therefore critical that the cameras operate as intended, both for public safety reasons and to reduce budgetary volatility. Moreover, it also appears that revenue reduction coincides with MPD assuming control of the traffic enforcement cameras. The Committee is pleased that MPD is in the process of conducting an external audit of the ATE program and looks forward to the recommendations and policy changes that will occur as a result. In addition, the Committee urges MPD to make any recommended changes as quickly as possible to increase camera efficiency and ensure public safety.

Body cameras: Recently, incidents in Ferguson, Missouri, New York City, Tulsa, Oklahoma, North Charleston, South Carolina, Bastrop County, Texas, and Baltimore, Maryland, have heightened the public's awareness of police departments' use of force and the need for transparency in interactions with citizens. For police to be effective, they must have the trust of the community that they serve. The Committee applauds the Mayor for holding the #IWishUKnew Youth Engagement Forum on May 7, 2015, to bring together District youth to address their policing concerns and engage in a dialogue on the importance of fostering community-police relations.

Body-worn cameras, if deployed correctly, can be an effective tool to help foster community-police relations. Across the nation, there is widespread consensus that body-worn cameras are a valuable tool. In fact, in December of 2014, the *Washington Post* and ABC News conducted a poll which found that 87% of Americans support requiring police officers to be equipped with body-worn cameras.⁴⁹

The Mayor's FY 2016 budget proposes an enhancement of 5.1 million for the purpose of providing 2,800 sworn patrol officers with body cameras. This enhancement follows the completion of MPD's Six-Month Body-Worn Camera Pilot Program, which began on October 1, 2014. During that time period, MPD tested five models of cameras and had approximately 162 body cameras on the street. Footage from the cameras was not publicly accessible, and seven requests to obtain footage through the District's Freedom of Information Act were denied by the Department.

The Committee supports the use of body-worn cameras and believes that MPD should retain funding for the purchase of body cameras in FY 2016, but government testimony at the Committee's May 7, 2015, Public Oversight Roundtable on MPD's Body-Worn Camera Program made clear that the Department is not logistically prepared for a full rollout of 2,400 cameras in addition to the existing 400. Such an unprecedented program must be based on data – data which might have supported a larger rollout had it been collected during the Department's pilot program. The Committee must also ensure that such an endeavor must operate within clear regulatory boundaries developed with the formal input of stakeholders. Testimony at the roundtable demonstrated the broad variety of interested parties; the Committee believes that early May for such a public discussion is too late in the procurement process to support the program as proposed. Therefore, the Committee believes that the expansion of the body-worn

⁴⁹ See, <http://abcnews.go.com/blogs/politics/2014/12/policecommunity-controversies-vast-majorities-back-special-prosecutors-body-cams/> (accessed May 8, 2015).

camera program should begin with the purchase and roll out of 1,200 cameras at the cost of \$1,930,020. As noted by Lindsay Miller of the Police Executive Research Forum during the roundtable:

“Once a police agency goes down the road of deploying cameras—and once the public comes to expect the availability of the video records—it can be difficult to reconsider or slow down the process”.⁵⁰

Creating a comprehensive body-worn camera program entails a multitude of technical policy considerations. Questions such as what interactions should be recorded, how long to retain footage, and how to safely store footage are just a few of the issues that arise when creating a permanent body-worn camera program. The Committee believes that MPD should begin with a smaller number of cameras in order to work out many of the policy considerations that exist. The Committee is also recommending that the Budget Support Act establishes a mechanism for the Department to convene stakeholders for the purpose of drafting and submitting to the Council proposed regulations.

These regulations must focus on how best to provide the public with access to the recordings; along these lines, the Committee recommends striking the Executive’s proposed language exempting recordings from disclosure under the Freedom of Information Act. Existing FOIA exemptions will therefore apply, and requestors will be able to appeal any denials. The Committee favors public access that balances the serious privacy concerns raised by disclosure, and it will only support regulations that strike this balance.

In addition, the Department of Justice recently announced a \$20 million Body-Worn Camera (BWC) Pilot Partnership Program to respond to the immediate needs of local and tribal law enforcement organizations. The investment includes \$17 million in competitive grants for the purchase of body-worn cameras, \$2 million for training and technical assistance and \$1 million for the development of evaluation tools to study best practices. The Committee recommends that MPD take advantage of this assistance as it continues to expand its body-worn camera program.

c. Mayor’s Proposed Fiscal Year 2016 Capital Budget

Proposed Capital Budget Summary

The Mayor’s proposed capital budget for MPD is \$39,500,000 over six years. This plan includes funding to:

- Implement infrastructure upgrades and quality of life improvements to community police stations, the police academy, and other police facilities. The FY 2016 allotment is \$500,000; projected FY 2019 is \$3,000,000; and projected FY 2020 is \$3,000,000, for a six year total of \$6,500,000.
- Replace aging vehicles. Two existing projects (PEQ20 and PEQ 22); together include \$6,500,000 in FY 2016 and \$6,500,000 in FY 2017.

Committee Analysis and Comments

Fleet replacement: MPD’s goal has been to maintain the existing fleet of police vehicles according to an established replacement cycle, typically every 5 years. Due to previous budget cuts, MPD

⁵⁰ *Public Oversight Roundtable on MPD’s Body-Worn Camera Program before the Council of the District of Columbia Committee on the Judiciary* (May 7, 2015) (oral testimony of Lindsay Miller, Senior Research Associate, Police Executive Research Forum).

was well behind this standard replacement schedule for its patrol vehicles, which receive substantial wear and tear as they are in constant use. By the end of FY 2016, the fleet should be back on track with the preferred replacement schedule; in order to maintain this replacement schedule, the Department needs approximately \$8,000,000 annually. The Mayor's proposed 6-year capital plan includes \$6,500,000 in FY 2017 for replacement vehicles. The Committee is pleased that the FY 2017 budget includes 6.5 million for replacement vehicles.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

1. *Reduce FTEs by 5, and eliminate the following positions:*
 - a. Position # 00000938 (Administrative Officer)
 - b. Position # 00003284 (Human Resource Specialist)
 - c. Position # 00009663 (Compliance Monitor)
 - d. Position # 00012172 (Property Evidence Control)
 - e. Position # 00024350 (Secretary)
2. *Reduce CSG 11 (Regular Pay – Continuing Full Time) by \$230,054 and reduce CSG 14 (Fringe Benefits – Current Personnel) by \$45,790: total PS reduction = \$275,844, and by program as follows:*
 - a. In Program 5001 (Corporate Support Bureau), Activity 5520 (Employment Services Branch), *reduce CSG 11 by \$37,095 and reduce CSG 14 by \$7,383: total PS reduction = \$44,478*
 - b. In Program 5001 (Corporate Support Bureau), Activity 5520 (Employment Services Branch), *reduce CSG 11 by \$59,811 and reduce CSG 14 by \$11,905: total PS reduction = \$71,716*
 - c. In Program 9001 (Homeland Security Bureau), Activity 9220 (Traffic Safety & Specialized Enforcement), *reduce CSG 11 by \$59,811 and reduce CSG 14 by \$11,905: total PS reduction = \$71,716*
 - d. In Program 1001 (Patrol Services Bureau), Activity 1910 (Central Cell Block), *reduce CSG 11 by \$40,121 and reduce CSG 14 by \$7,986: total PS reduction = \$48,107*
 - e. In Program 2001 (Investigative Services Bureau), Activity 2910 (Youth Investigative Services Division), *reduce CSG 11 by \$33,216 and reduce CSG 14 by \$6,611: total PS reduction = \$39,827*
3. *Reduce CSG 40 (Other Services and Charges), Division AMP1 (Agency Management), Activity 1040 (Information Technology), by \$3,133,682.*

b. Fiscal Year 2016 Capital Budget Recommendations

1. The Committee recommends that an environmental assessment be undertaken for the Henry Daly Building as soon as possible to identify all present health and safety issues.
2. The Committee urges the Council to identify funding to add \$4 million to the DGS Fiscal Year 2016 budget to implement the Henry Daly Building suggested remediation plan in order to address pressing health and safety issues.

c. Policy Recommendations

1. The Committee is extremely concerned with the conditions of the Henry Daly building, located at 300 Indiana Avenue, NW. Not only does this building serve as the MPD headquarters, it also serves as a major service center for the Court Services and Offender Supervision Agency and the District Department of Motor Vehicles. The current conditions of the building have deteriorated to the point where operations of the tenants are disrupted several times a year. Reports of rodent infestations, flooding, power outages, mold, and air quality issues are common. The Committee is troubled by these reports and the impact such disruptions may have on public safety. Furthermore, the Daly building is one of the many Works Progress Administration contributions to the District and should be maintained and preserved in the District's inventory. To address these concerns, the Department of General Services (DGS) is in the process of completing a re-use study of the Daily building which should be finished in the summer of 2015. The Committee recommends that once the re-use study is completed, the Executive immediately develop a plan for the future of the Daly building and that the Council work closely with the Executive to determine next steps.

R. OFFICE OF ADMINISTRATIVE HEARINGS

OFFICE OF ADMINISTRATIVE HEARINGS (FS0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
FEDERAL MEDICAID PAYMENTS	60,000	60,000	60,000	0	60,000
INTRA- DISTRICT FUNDS	1,641,264	1,397,691	1,355,062	0	1,355,062
LOCAL FUND	8,703,037	8,703,037	8,643,786	356,100	8,999,886
Grand Total	10,404,301	10,160,728	10,058,848	356,100	10,414,948

OFFICE OF THE ADMINISTRATIVE HEARINGS (FS0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
INTRA- DISTRICT FUNDS	8	8	0	8
LOCAL FUND	69.6	69.25	6	75.25
Grand Total	77.6	77.25	6	83.25

OFFICE OF ADMINISTRATIVE HEARINGS (FS0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	7,493,071	7,519,661	7,849,663	300,000	8,149,663
12-REGULAR PAY - OTHER	57,902	57,902	9,451	0	9,451
13-ADDITIONAL GROSS PAY	54,038	54,038	54,038	0	54,038
14-FRINGE BENEFITS - CURR PERSONNEL	1,449,647	1,455,484	1,469,654	56,100	1,525,754
20-SUPPLIES AND MATERIALS	148,682	148,682	56,514	0	56,514
40-OTHER SERVICES AND CHARGES	714,304	438,304	237,762	0	237,762
41-CONTRACTUAL SERVICES - OTHER	360,657	360,657	338,118	0	338,118
70-EQUIPMENT & EQUIPMENT RENTAL	126,000	126,000	43,648	0	43,648
Grand Total	10,404,301	10,160,728	10,058,848	356,100	10,414,948

OFFICE OF ADMINISTRATIVE HEARINGS (FS0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
100A-AGENCY MANAGEMENT PROGRAM	401,585	401,585	356,808	0	356,808
100F-AGENCY FINANCIAL OPERATION	131,070	131,070	140,667	0	140,667
200A-JUDICIAL	5,917,678	5,950,105	5,987,956	356,100	6,344,056
300A-COURT COUNSEL	1,793,461	1,517,461	1,457,208	0	1,457,208
400A-CLERK OF COURT	1,463,314	1,463,314	1,559,891	0	1,559,891
500A-EXECUTIVE	697,193	697,193	556,318	0	556,318
Grand Total	10,404,301	10,160,728	10,058,848	356,100	10,414,948

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Office of Administrative Hearings (OAH) is an independent agency comprised of 34 Administrative Law Judges (ALJs) who decide contested cases involving more than 40 District of Columbia agencies, boards, and commissions including the: Department of Health, Department of Human Services, Board of Appeals and Review, Department of Motor Vehicles (public space), Department of Public Works, Department of Employment Services, D.C. Taxicab Commission, Department of Consumer and Regulatory Affairs, and Office of Tax and Revenue. Other cases within OAH's jurisdiction include certain cases brought by the Department of Transportation, Fire and Emergency Medical Services Department, Office of Planning, Department of Mental Health, Child and Family Services Agency, D.C. Office of Energy, and the Department of the Environment. A Chief Administrative Law Judge oversees the Office. By statute, the Chief Judge is appointed to a six-year term by the Mayor with confirmation by the Council. In addition to the Administrative Law Judges, there are presently 45 employees who provide critical support services, including customer service, data processing, case management, legal analysis and support and operational support.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The FY 2016 proposed budget would decrease OAH in both operating funding and FTEs. The Mayor's budget requests a \$345,000 reduction in operating dollars and -0.3 FTEs (Operating: FY 2015 \$10,404,300 to FY 2016: \$10,058,847 and FTEs: FY 2015 77.6 to FY 2016 77.2). The majority of reductions are for Non-Personal Services (NPS) and are reductions in both general funds and intra-District funds (-\$674,000). However, the Personal Service Comptroller Source Group (CSG) 11- *Regular Pay/Continuing Full-Time* increases by \$357,000. The majority of the funding comes from other CSGs and realigns personnel funding to the correct object class. This increase is funded by both general funds and intra-District funds. There is a reduction in FTEs within the following programs: Agency Management (-0.3), Judicial (-2.0), and Executive (-1.0). Court Counsel (1.0) and Clerk of Court (2.0) will increase in FTEs. The reduction in FY 2016 Non-Personal Services reflects that FY 2015's budget included funds to conduct eligibility determinations under the Affordable Care Act.⁵¹ In FY 2016, this amount is reduced because the original FY 2015 calculation/estimate was inaccurate.⁵²

Local Funds: The Mayor's proposed budget is \$8,644,000, a decrease of \$59,000, or 0.7 %, over the FY 2015 approved budget of \$8,703,000.

Federal Resources: The FY 2016 budget proposed budget is \$60,000, the same as the FY 2015 approved level.

Intra-District Funds: The Mayor's proposed budget is \$1,355,000, a decrease of \$286,000, or 17.4%, from the FY 2015 approved budget of \$1,641,000. The funding supports 8 FTEs, which is the same as the FY 2015 approved level.

⁵¹ This accounts for roughly \$300,000 for a Memorandum of Understanding (MOU) with the Healthcare Benefits Exchange (HBX).

⁵² In FY 2016, the MOU with HBX is \$50,000.

Committee Analysis and Comments

New Leadership: OAH has new leadership. Eugene Adams is the Acting Chief Administrative Law Judge of OAH. He joined the office on April 6, 2015, and was appointed as the Acting Chief Administrative Law Judge on April 29, 2015.⁵³

The Committee was informed that the next OAH Advisory Board Meeting is tentatively scheduled to take place on June 2, 2015. This meeting has not taken place since 2013. The Committee is hopeful that this Advisory Board will also help guide OAH's leadership on organization and programmatic matters.

Audit: Case Management and Expanded Caseload: Background: During the FY 2015 budget cycle, the Committee noticed that OAH had increased its caseload significantly. Through hearings and documents submitted to the Committee, it was clear that OAH was asked to adjudicate several new case types, including student discipline cases from DC Public Schools, special education vendor appeals from the Office of the State Superintendent of Education, securities violation cases from the Department of Insurance, Securities and Banking, and various housing cases from the Department of Housing and Community Development. Furthermore, OAH also began to hear Taxicab Commission cases that were formerly heard by the Bureau of Traffic Adjudication. Additionally, OAH began hearing appeals from eligibility determinations under the Affordable Care Act.

The Committee was concerned about OAH's ability to manage the ALJs' caseload. The Acting Chief Judge testified that OAH could not accurately measure or compare the performance of ALJs unless their workloads are comparable in quality and complexity.⁵⁴ Accordingly, during the FY 2014-FY 2015 Performance Oversight Hearing, the former-Acting Chief Administrative Law Judge testified that the agency's "examination of agency-wide data showed the need to implement a 'first in first out' OAH-wide case disposition strategy; assign cases and adjust ALJ caseloads based on each ALJ complement of cases; and ... expand the number of template orders used in relatively simple, straight forward cases."⁵⁵

As a start, the Acting Chief Judge spoke to the improvements to the agency's case management database during this year's FY 2016 budget hearing. He stated that "efforts of my colleagues and OCTO... [have] successfully increased the server capacity of for ECOURT, [the] electronic case management system."⁵⁶ Furthermore, the Acting Chief Judge, testified that,

As a result, OAH is now poised to upgrade its case management system which will provide improved calendaring options, more useful document management and, in later stages of the project, a public portal to allow access to case files, e-filing, and publishing of final orders to the website as part of the open government act.⁵⁷

⁵³ Vol. 62 No. 18. D.C. Reg. 005551 (May, 1, 2015).

⁵⁴ *Office of Administrative Hearings: Performance Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety*, 3 (March 12, 2014) (written testimony of Wanda Tucker, Interim Chief Judge, Office of Administrative Hearings).

⁵⁵ *Id.*

⁵⁶ *Office of Administrative Hearings: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 4 (April 29, 2015) (written testimony of Eugene Adams, Acting Chief Judge, Office of Administrative Hearings).

⁵⁷ *Office of Administrative Hearings: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 5 (April 29, 2015) (written testimony of Eugene Adams, Acting Chief Judge, Office of Administrative Hearings).

The Committee considers this upgrade a step in the right direction. Furthermore, the Committee will continue to support OAH in its effort to improve case management.

To that end, the Committee engaged in informal discussions with the Office of the District of Columbia Auditor regarding OAH's operations. During the FY 2016 Budget Oversight testimony before the Council's Committee of the Whole on April 17, 2015, the District of Columbia Auditor stated that "additional reprogramming will provide additional non-personal services funding that would permit us to comply with a recommendation from the Committee on the Judiciary to undertake a retrospective review of the implementation of the Office of Administrative Hearings Establishment Act of 2001 (B14-0219)".⁵⁸ Consequently, the Committee formally requested a review of OAH's operations that includes an examination of:

1. Compliance with statutory timelines;
2. Division of caseload among Administrative Law Judges;
3. Case management of backlogged cases and strategies for avoiding backlog;
4. Improvements to party notice and interaction;
5. Redundant or ineffective regulations that may contribute to unnecessary administrative hurdles;
6. Administrative Law Judge training; and
7. Database efficiency and utility.

The Committee is hopeful that the review will provide OAH with a roadmap to improving case management and general operation.

Legal Support: Additionally, the Committee also observed that OAH assessed how it can meet its "obligations to conduct hearings and issue orders timely."⁵⁹ Accordingly, the Committee has recommended adding additional FTEs to OAH. These FTEs will support the creation of a one-year post graduate Legal Fellowship program with area law schools such as the University of the District of Columbia, David A. Clarke School of Law. These law clerks should be organized to assist ALJs with legal work, including drafting decisions and orders. The ultimate goal is to assist ALJs to timely issue orders. The Committee envisions the legal fellowship program will operate similarly to the Superior Court of the District of Columbia's Magistrate Judge Clerkship program.

Training: During the Performance Oversight Hearing, the former-Acting Chief Law Judge testified that a dedicated budget should be identified to assist with OAH's ALJ training program.⁶⁰ The Committee agrees that the agency should focus efforts towards strengthening its training program. However, the funding to support this request was not identified. Furthermore, the Committee would like OAH to identify how much it will cost to fully implement a robust training program with a dedicated budget. Considering the changes in leadership and the programmatic direction of the agency, the Committee believes this is a budgetary request the Committee should consider in future fiscal years. The

⁵⁸*Office of the District of Columbia Auditor: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee of the Whole*, (Apr. 17, 2015) (oral testimony Auditor, Kathy Patterson, Office of the District of Columbia Auditor).

B14-0208, the "Office of Administrative Hearings Establishment Act of 2001", effective March 6, 2002 (D.C. Law 14-076 D.C. Official Code § 1-1501 *et seq.*).

⁵⁹*Supra* note 54.

⁶⁰*Office of Administrative Hearings: FY 2014-2015 Agency Performance Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 7 (Apr. 29, 2015) (written testimony Chair, former-Acting Chief Administrative Law Judge, Wanda Tucker, Office of Administrative Hearings).

Committee will closely monitor training in FY 2015-FY2016 and revisit the proposal in the FY 2017 budget cycle.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

1. *Increase FTEs by 6, and create new positions in Program 200A (Judicial), Activity 020A (Trials/Appeals and Justice Management), with the accompanying local funds as follows:*
 - a. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - b. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - c. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - d. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - e. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*
 - f. Law Clerk: *increase CSG 11 (Regular Pay – Continuing Full Time) by \$50,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,350: total PS increase = \$59,350*

S. OFFICE OF CAMPAIGN FINANCE

OFFICE OF CAMPAIGN FINANCE (CJ0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
LOCAL FUND	2,798,476	2,798,476	2,676,806	27,454	2,704,260
Grand Total	2,798,476	2,798,476	2,676,806	27,454	2,704,260

OFFICE OF CAMPAIGN FINANCE (CJ0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	31	30	0	30
Grand Total	31	30	0	30

OFFICE OF CAMPAIGN FINANCE (CJ0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	2,073,738	2,073,738	2,138,017	0	2,138,017
14-FRINGE BENEFITS - CURR PERSONNEL	661,522	661,522	468,227	0	468,227
20-SUPPLIES AND MATERIALS	15,600	15,600	10,000	0	10,000
40-OTHER SERVICES AND CHARGES	47,616	47,616	35,562	27,454	63,016
70-EQUIPMENT & EQUIPMENT RENTAL	0	0	25,000	0	25,000
Grand Total	2,798,476	2,798,476	2,676,806	27,454	2,704,260

OFFICE OF CAMPAIGN FINANCE (CJ0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-AGENCY MANAGEMENT	586,782	586,782	552,579	27,454	580,033
2000-OVERSIGHT SUPPORT SERVICES	2,211,694	2,211,694	2,124,227	0	2,124,227
Grand Total	2,798,476	2,798,476	2,676,806	27,454	2,704,260

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Office of Campaign Finance (OCF) is to regulate and provide public disclosure of the conduct, activities, and financial operations of candidates, political committees, and constituent service and statehood fund programs to ensure public trust in the integrity of the election process and government service.

The Office of Campaign Finance processes and facilitates the public disclosure of financial reports, which are required by law to be filed with the OCF; performs desk reviews and develops statistical reports and summaries of the financial reports; encourages voluntary compliance by providing information and guidance on the application of the District of Columbia Campaign Finance Act of 2011 (the Act), as amended, through educational seminars, interpretative opinions, and the OCF Web, and enforces the Act through the conduct of audits, investigations, and the informal hearing process.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's proposed FY 2016 gross fund budget for the Office of Campaign Finance (OCF) is \$2,676,805, a decrease of 4.3%. This funding supports 30.0 full time equivalents (FTEs), a decrease of 1 FTE or a 3.2% change from the FY 2015 approved level. This budget is composed entirely of local funds.

Committee Analysis and Comments

In FY 2014, OCF's actual operating budget was \$2,592,852. In FY 2015, the approved operating budget increased to \$2,798,476. For FY 2016, the Mayor has proposed an operating budget of \$2,676,805. In FY 2016, OCF lost 1 FTE, a paralegal specialist position in the Office of the General Counsel, and the sum of \$86,761 due to salary adjustments and fringe benefits savings. In non-personal services, the budget proposes the decrease of \$6,000 in supplies and materials, and \$12,000 in other services and charges.

Campaign Finance Reform and Transparency Amendment Act of 2013: The Campaign Finance Reform and Transparency Amendment Act of 2013, authored by Chairperson McDuffie, became effective on February 22, 2014, and became applicable on January 31, 2015. The Act represented a major reform to the District's campaign finance laws, including new disclosure and certification requirements for candidates, committees, and business contributors. The Act also established the mandatory online filing of all financial reports. Further, the OCF must publish all financial reports only within 24 hours of filing and to make the database available via bulk download from the portal website.

Following the January 31, 2015, applicability date of the 2013 Act, the agency conducted three entrance conferences for 52 representatives of new committees. The Agency also conducted two mandatory training sessions for new candidates and treasurers.

Website Improvements: To fully implement the legislative changes, OCF enhanced the electronic filing system and introduced and developed it at the website in March of 2015. During FY 2016, the agency will also execute a memorandum of understanding with the Office of the Chief Technology Officer for annual managed support services for OCF's website and applications and systems on the servers and database hosted by OCTO, at a cost of \$17, 253.

Audits to date: The Audit Division to date has conducted 782 desk reviews of the financial reports of candidates, campaign finance committees, and the constituent service and statehood fund programs. The division has resolved 124 requests for additional information issued during the review process, initiated 21 periodic random audits of campaigns active during the 2014 election cycle and 2015 Special Election, and issued 14 audit reports.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends approval of the FY 2016 operating budget for the Office of Campaign Finance, as proposed by the Mayor, with the following modification:

1. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Agency Management), by \$27,454 to provide support for e-filing, fleet maintenance, and copying.

b. Policy Recommendations

1. The Committee recommends that OCF continue to improve its use of social media leading up to and including campaign season and surrounding filing deadlines.
2. The Committee recommends that OCF ensure that candidates and political committees understand and comply with the new campaign finance legislation.

T. OFFICE OF HUMAN RIGHTS

OFFICE OF HUMAN RIGHTS (HM0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
FEDERAL GRANT FUNDS	267,000	397,998	267,000	0	267,000
LOCAL FUND	3,137,912	3,133,898	3,450,523	293,109	3,743,632
INTRA-DISTRICT FUNDS	0	293,980	0	0	0
Grand Total	3,404,912	3,825,876	3,717,523	293,109	4,010,632

OFFICE OF HUMAN RIGHTS (HM0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL GRANT FUNDS	2.4	2.4	0	2.4
LOCAL FUND	30.7	32.6	3	35.6
Grand Total	33.1	35	3	38

OFFICE OF HUMAN RIGHTS (HM0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	1,831,655	2,069,689	2,120,385	202,896	2,323,281
12-REGULAR PAY - OTHER	741,911	739,701	709,409	0	709,409
14-FRinge BENEFITS - CURR PERSONNEL	589,986	647,697	632,166	50,213	682,379
20-SUPPLIES AND MATERIALS	10,000	15,886	10,886	0	10,886
40-OTHER SERVICES AND CHARGES	66,160	154,063	98,294	0	98,294
41-CONTRACTUAL SERVICES - OTHER	165,200	188,198	137,979	40,000	177,979
70-EQUIPMENT & EQUIPMENT RENTAL	0	10,642	8,404	0	8,404
Grand Total	3,404,912	3,825,876	3,717,523	293,109	4,010,632

OFFICE OF HUMAN RIGHTS (HM0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-OFFICE OF HUMAN RIGHTS	410,439	704,419	790,592	0	790,592
2000-EQUAL JUSTICE PROGRAM	2,642,174	2,769,158	2,563,819	293,109	2,856,928
3000-COMMISSION ON HUMAN RIGHTS	352,299	352,299	363,112	0	363,112
Grand Total	3,404,912	3,825,876	3,717,523	293,109	4,010,632

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Office of Human Rights (OHR) is to eradicate discrimination, increase equal opportunity, and protect human rights in the District. OHR investigates and resolves complaints relating to discrimination in employment, housing, places of public accommodation, and educational institutions, pursuant to the D.C. Human Rights Act of 1977 (HRA) and other local and federal laws. Under the HRA, there are nineteen protected categories in the District: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, victim of an intra-family offense, family responsibilities, familial status, disability, genetic information, political affiliation, matriculation, source of income, and place of residence/business.

OHR also prevents discrimination by providing training and educating District government employees, private employers, workers, and the community at-large of their rights and responsibilities under the law. OHR also monitors compliance with the Language Access Act of 2004 and investigates allegations of non-compliance with this Act by District government agencies. The agency also investigates complaints and conditions causing community tension and conflict that can lead to breaches of the peace. The Commission on Human Rights is the adjudicatory body that decides private sector cases after OHR has found probable cause of discrimination.

OHR operates through the following three programs: (1) Equal Justice, (2) Commission on Human Rights, and (3) Agency Management. The first, Equal Justice, provides education and awareness, and investigates, adjudicates, and provides compliance services to people who live, work, or conduct business in the District so that they are informed of, and may have timely resolution of, discrimination complaints. The Commission on Human Rights provides adjudication services through an administrative hearing conducted before an Administrative Law Judge or a panel of commissioners. The Commission can issue injunctive relief and award damages for individuals who live, work, or conduct business in the District. Finally, the Agency Management program provides administrative support.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Office of Human Rights is \$3,717,523, an increase of \$312,614 or 9.2 percent, over the current fiscal year approved budget of \$3,404,909. The proposed budget supports 35 FTEs, an increase of 2.0 FTEs over the FY 2015 level.

Local Funds: The Mayor's proposed budget is \$3,450,523, an increase of \$312,611, or 9.2%, over the FY 2015 approved budget of \$3,137,912. This funding supports 32.6 FTEs, an increase of 2.0 FTEs or 6.4%, over the FY 2015 level.

Federal Resources: The Mayor's proposed budget is \$267,000, which is the same as the FY 2015 approved budget. The funding supports 2.4 FTEs, which is the same as the FY 2015 level.

Committee Analysis and Comments

Gender Neutral Restroom Signage: In FY 2014, OHR launched an educational campaign, "Safe Bathrooms DC", to promote awareness of restroom accessibility regardless of gender. The campaign's purpose was to rapidly increase the number of compliant gender-neutral, single-occupancy bathrooms at businesses around the District using social media. This campaign has been successful in increasing the

number of complaints, to 181 notifications. As a result, 75 businesses changed their signage, and 71 are either within their 30-day period to change the signage or their investigation is pending. OHR will continue this campaign in FY 2016. The Committee urges continued expansion of the use of social media to continue to increase the number of businesses in compliance. The Committee also recommends continued collaboration with the Department of Consumer and Regulatory Affairs to ensure all new businesses are compliant before they open.

Fair Criminal Record Screening: In 2014, OHR began expending resources in investigations, outreach, and campaigns such as “Ban the Box” to enforce the “Fair Criminal Record Screening Amendment Act of 2014”. The Act aims to prevent unlawful screening of a job applicant based on past interactions with the criminal justice system. OHR has experienced an increase in its caseload as a result of the legislation. The number of inquiries increased by 160 and docketed cases increased by 91. OHR expects to continue to see this trend continue. The current staff is able to handle the increases because in FY 2015, OHR received additional staffing to prepare for the potential increase. The Committee urges OHR to continue to track these complaints and recommends that the resulting data be used to ensure that resources available are sufficient to continue effective enforcement of the Act. In the interim, the Committee recommends a mediator to defray the overall increased case volume.

New Initiatives: In an effort to recognize the 25th anniversary of the Americans with Disabilities Act (ADA), OHR would like to expand their educational campaigns by tailoring a campaign specifically around D.C. residents with disabilities, aimed at assisting residents in learning about their civil rights. The Committee would also like to see OHR create an educational campaign relating to sex- and gender-based discrimination. OHR has expressed a desire to expand, via partnership with other agencies, to address new Acts, including the “Protecting Pregnant Workers Fairness Act of 2014”. The Committee supports OHR’s efforts and recommends \$40,000 for that purpose.

Unemployed Anti-Discrimination Act of 2012: The Committee is pleased to have identified funding for L19-0132, the “Unemployed Anti-Discrimination Act of 2012”. The Committee will fund two equal opportunity specialists (investigators) for this purpose. The Council introduced B19-0486, the “Unemployed Anti-Discrimination Act of 2012” to prohibit discrimination in employment on the basis of an individual’s status or history of unemployment. The legislation makes it unlawful for employers to advertise a job vacancy which states that an individual is disqualified due to their employment status. In addition, it prohibits employers from retaliating against an employee or potential employee for filing a claim related to discriminatory practices.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the fiscal year 2016 budget for the Office of Human Rights, with the following modifications:

1. *Increase FTEs by 3, and create new positions in Program 2000 (Equal Justice), with the accompanying local funds as follows:*
 - a. Mediator: Activity 2020 (Mediations): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$66,306 and CSG 14 (Fringe Benefits – Current Personnel) by \$19,891: total PS increase = \$86,197*
 - b. Equal Opportunity Specialist: Activity 2030 (Investigations): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$68,295 and CSG 14 (Fringe Benefits – Current Personnel) by \$15,161: total PS increase = \$83,456*

- c. Equal Opportunity Specialist: Activity 2030 (Investigations): *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$68,295 and CSG 14 (Fringe Benefits – Current Personnel) by \$15,161: *total PS increase = \$83,456*
2. *Increase* CSG 41 (Contractual Services – Other), Program 2000 (Equal Justice), Activity 2070 (Public Education) by \$40,000 for a public education campaign

b. Policy Recommendations

1. The Committee recommends that OHR conduct outreach to direct service providers who serve homeless individuals to educate them about the HRA's existing protections for this specific population.

U. OFFICE OF POLICE COMPLAINTS

OFFICE OF POLICE COMPLAINTS (FH0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
LOCAL FUND	2,241,298	2,241,298	2,291,634	0	2,291,634
PRIVATE DONATIONS	0	641	0	0	0
Grand Total	2,241,298	2,241,939	2,291,634	0	2,291,634

OFFICE OF POLICE COMPLAINTS (FH0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	23.4	23.25	0	23.25
Grand Total	23.4	23.25	0	23.25

OFFICE OF POLICE COMPLAINTS (FH0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	1,470,129	1,470,129	1,529,861	0	2,112,624
12-REGULAR PAY - OTHER	260,586	260,586	234,586	0	234,586
13-ADDITIONAL GROSS PAY	5,000	5,000	3,000	0	3,000
14-FRINGE BENEFITS - CURR PERSONNEL	333,108	333,108	344,067	0	344,067
15-OVERTIME PAY	0	0	1,110	0	1,110
20-SUPPLIES AND MATERIALS	10,240	10,240	20,000	0	20,000
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	3,000	3,000	0	0	0
40-OTHER SERVICES AND CHARGES	44,326	44,967	42,430	0	42,430
41-CONTRACTUAL SERVICES - OTHER	104,110	104,110	104,481	0	104,481
70-EQUIPMENT & EQUIPMENT RENTAL	10,799	10,799	12,099	0	12,099
Grand Total	2,241,298	2,241,939	2,291,634	0	2,291,634

OFFICE OF POLICE COMPLAINTS (FH0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-AGENCY MANAGEMENT PROGRAM	668,882	669,523	657,582	0	657,582
2000-COMPLAINT RESOLUTION	1,322,826	1,322,826	1,369,020	0	1,369,020
3000-PUBLIC RELATIONS	87,999	87,999	94,486	0	94,486
4000-POLICY RECOMMENDATION	161,591	161,591	170,546	0	170,546
Grand Total	2,241,299	2,241,299	2,291,634	0	2,291,634

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Office of Police Complaints (OPC) is to increase public confidence in the police and promote positive community-police interactions. OPC receives, investigates, adjudicates, and mediates police misconduct complaints filed by the public against the Metropolitan Police Department (MPD) and the D.C. Housing Authority Police Department (DCHAPD) police officers. In addition to these responsibilities, the agency issues policy recommendations to the Mayor, the Council, and the Chiefs of Police of MPD and DCHAPD, proposing reforms that will promote greater police accountability by reducing the level of police misconduct or improving the citizen complaint process.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Office of Police Complaints is \$2,291,634, an increase of \$50,336, or 2.2%, over the current fiscal year. The proposed budget supports 23.2 FTEs, representing no change from the current fiscal year.

Local Funds: The Mayor has proposed a budget of \$2,291,634, an increase of \$50,336, or 2.2%, over the current fiscal year. The proposed budget supports 23.2 FTEs, representing no change from the current fiscal year.

Committee Analysis and Comments

Delays in Completing Investigations: OPC, on average, investigates approximately 65 percent of the cases it receives, and completes approximately 30 investigations per year per budgeted investigator. In FY 2014, 41% of investigations that were resolved through OPC's investigative process were completed within six months of receipt; for the first half of FY 2015, that figure is 38% due to the agency's efforts to resolve a backlog of older cases. OPC currently has ten investigator positions and 226 open cases, resulting in an average caseload of 22.6, with the ideal caseload being a maximum of 15 cases per investigator. Additionally, OPC has experienced a 12% increase in complaints due to national coverage of officer-involved shootings.

High caseloads inevitably lead to delays in completing investigations, which in turn impacts the public's confidence in the independent police review mechanism. It may also sap the morale of officers who have to contend with unresolved complaints pending against them. However, 258 complaints were closed at the mid-year mark, an increase of over 34% when compared to the 192 complaints closed last fiscal year at the same point.

OPC is diligently working to streamline the investigative process and decrease the number of pending complaints. However, should there be any further increase in complaints received this year, staffing levels may need to be reviewed to avoid investigative delays, maintain recent reductions in the number of open cases, and maintain the agency's overall performance.

Policy Recommendations: In 2014, OPD published two reports: (1) *Enhancing Police Accountability through an Effective On-Body Camera Program for MPD Officers* (May 8), and (2) *OPC Monitoring of the National Action Network's "Justice for All" March December 13, 2014* (December 19). The first report focused on the benefits and policy considerations of a body-worn camera program as well as cost projections for implementation. The second report addressed the National Action Network's

“Justice for All” March held on December 13, 2014, and OPC’s monitoring of MPD’s interactions with protesters throughout that day. In that report, OPC concluded that MPD performed in a professional and commendable manner and effectively balanced the interests of public safety with the right to free expression.

Since the beginning of 2015, OPC has published one report: *Ensuring the Accuracy of Address Information in Warrants Executed by MPD Officers* (April 10). This report examined the issue of incorrect address information for a wanted subject and recommended that MPD, upon verifying that the wanted individual does not reside at the complainants’ address, make the appropriate notation on the PD Form 26 and remove the complainants’ information from its files.

Enforcement of OPC determinations: the Committee will continue to monitor enforcement decisions to determine whether legislative action is needed.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 operating budget for Office of Police Complaints, as proposed by the Mayor.

V. OFFICE OF THE ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL (CB0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
FEDERAL GRANT FUNDS	21,202,249	21,202,249	22,177,380	0	22,177,380
INTRA-DISTRICT FUNDS	20,029,771	12,845,401	2,471,239	0	2,471,239
LOCAL FUND	65,986,613	65,815,013	56,371,482	0	56,371,482
PRIVATE DONATIONS	390,905	390,905	407,570	0	407,570
SPECIAL PURPOSE REVENUE FUNDS	1,844,201	1,844,201	1,848,733	0	1,848,733
Grand Total	109,453,739	102,097,769	83,276,404	0	83,276,404

OFFICE OF THE ATTORNEY GENERAL (CB0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
FEDERAL GRANT FUNDS	144.6	155.63	0	155.63
INTRA-DISTRICT FUNDS	150.9	19.68	0	19.68
LOCAL FUND	478.7	402.85	0	402.85
PRIVATE DONATIONS	6.5	6.5	0	6.5
SPECIAL PURPOSE REVENUE FUNDS	2.6	2.72	0	2.72
Grand Total	783.30	587.38	0	587.38

OFFICE OF THE ATTORNEY GENERAL (CB0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	60,215,226	56,943,750	45,313,617	0	45,313,617
12-REGULAR PAY - OTHER	11,418,172	9,121,525	7,489,688	0	7,489,688
13-ADDITIONAL GROSS PAY	160,941	160,941	604,478	0	604,478
14-FRINGE BENEFITS - CURR PERSONNEL	16,620,095	15,295,064	10,458,242	0	10,458,242
15-OVERTIME PAY	0	0	0	0	0
20-SUPPLIES AND MATERIALS	414,700	406,700	446,124	0	446,124
30-ENERGY, COMM. AND BLDG RENTALS	784,290	784,290	646,196	0	646,196
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	381,294	381,294	359,166	0	359,166
33-JANITORIAL SERVICES	24,353	24,353	24,353	0	24,353
34-SECURITY SERVICES	385,524	385,524	359,862	0	359,862
35-OCCUPANCY FIXED COSTS	1,403,869	1,403,869	835,104	0	835,104
40-OTHER SERVICES AND CHARGES	3,688,644	3,636,928	3,401,486	0	3,401,486
41-CONTRACTUAL SERVICES - OTHER	11,592,855	11,511,495	11,321,482	0	11,321,482
50-SUBSIDIES & TRANSFERS	1,474,978	1,474,978	1,474,978	0	1,474,978
70-EQUIPMENT & EQUIPMENT RENTAL	888,798	567,058	541,628	0	541,628
Grand Total	109,453,739	102,097,769	83,276,404	0	83,276,404

OFFICE OF THE ATTORNEY GENERAL (CB0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-AGENCY MANAGEMENT	6,141,827	6,134,891	5,570,602	0	5,570,602
100F-AGENCY FINANCIAL OPERATIONS	1,036,752	1,036,752	1,082,590	0	1,082,590
1200-PERSONNEL LABOR & EMPLOYMENT	3,298,777	2,981,612	2,087,336	0	2,087,336
2100-COMMERCIAL	11,945,435	10,341,634	5,269,430	0	5,269,430
3100-LEGAL COUNSEL	2,864,224	2,701,177	2,094,238	0	2,094,238
4000-CHILD SUPPORT SERVICES	31,280,462	31,236,151	32,526,357	0	32,526,357
5100-CIVIL LITIGATION	11,309,217	10,759,927	7,089,848	0	7,089,848
5200-PUBLIC INTEREST	14,837,807	11,760,371	6,399,624	0	6,399,624
6100-PUBLIC SAFETY	11,240,165	9,688,576	7,734,211	0	7,734,211
7000-SOLICITOR GENERAL	2,150,354	2,148,470	2,504,038	0	2,504,038
8100-FAMILY SERVICES	6,090,014	6,069,782	6,694,699	0	6,694,699
9200-SUPPORT SERVICES	2,458,346	2,438,855	2,436,589	0	2,436,589
9300-OFFICE OF THE ATTORNEY GENERAL	4,800,359	4,799,571	1,786,842	0	1,786,842
Grand Total	109,453,739	102,097,769	83,276,404	0	83,276,404

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Office of the Attorney General (OAG) is to enforce the laws of the District of Columbia and to provide legal services to the District government. OAG is charged with conducting the District's legal business. To discharge these duties, OAG is divided into ten operating divisions.⁶¹

OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District's behalf, and represents the District in a variety of administrative hearings and other proceedings. In addition, OAG is responsible for advising the Executive Office of the Mayor, the Council, the D.C. Courts, and various Boards and Commissions; for reviewing legislation and regulations; and for supervising lawyers working in the Executive agencies. In all, the Attorney General supervises the legal work of approximately 272 attorneys and an additional 315 administrative/professional staff.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Office of the Attorney General is \$83,276,406, a decrease of \$26,177,324, or 23.9%, over the current fiscal year. The proposed budget supports 587.4 FTEs, a decrease of 195.8 FTEs, or 25%, from the current fiscal year. The proposed budget reflects the submission by the former Attorney General.

Local Funds: The Mayor's proposed budget is \$56,371,482, a decrease of \$9,615,131 or 14.6% percent, over the fiscal year 2014 approved budget of \$65,986,613. This funding supports 402.85 FTEs, a decrease of 75.85 FTEs, or 15.8 percent, from the fiscal year 2014 approved level.

Special Purpose Revenue Funds: The Mayor's proposed budget is \$1,848,733, an increase of \$4,532, or 0.25%, over the FY 2015 approved budget of \$1,844,201. The funding supports 2.7 FTEs, which represents a 4.62% increase over the FY 2015 level of 2.6 FTEs.

Federal Grant Funds: The Mayor's proposed budget is \$22,177,000, a decrease of \$975,000, or 4.6%, from the FY 2015 approved budget of \$21,202,000. The funding supports 155.6 FTEs, an increase of 11 FTEs, or 7.6%, from the FY 2015 approved level.

Private Donations: The Mayor's proposed budget is \$408,000, an increase of \$17,000, or 4.3%, from the FY 2015 approved budget of \$391,000. The funding supports 6.5 FTEs, representing no change from FY 2015.

Intra-District Funds: The Mayor's proposed budget is \$2,471,000, a decrease of \$17,559,000, or 87.7%, from the FY 2015 approved budget of \$20,030,000. The funding supports 19.7 FTEs, a decrease of 131 FTEs, or 86.9%, from the FY 2015 approved level.

⁶¹ The agency's operating divisions are: (1) Solicitor General; (2) Child Support Services; (3) Civil Litigation; (4) Commercial; (5) Family Services; (6) Public Safety; (7) Legal Counsel; (8) Public Interest; (9) Personnel, Labor and Employment; and (10) Support Services.

Committee Analysis and Comments

An Elected Attorney General: OAG has undergone significant structural changes in the past five months, with the District's first elected Attorney General at its helm. The agency lost a significant number of its FTEs to the transition of agency counsels to the Executive branch, but it maintains a significant staff.

The new Attorney General has identified four main areas on which he will focus in his term:⁶²

1. Consumer protection and community outreach;
2. Affordable housing protection and enforcement;
3. Public safety and criminal justice, protecting children and families, and juvenile rehabilitation; and
4. Protecting taxpayers, workers, and enforcing honest government.

In his short tenure, the Attorney General has already partnered with the Committee Chairperson on a variety of juvenile justice and youth initiatives, including ending the shackling of youth in the D.C. Superior Court and support boys and young men of color in educational institutions.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 budget for the Office of the Attorney General, as proposed by the Mayor.

b. Policy Recommendations

1. The Committee commends OAG for its commitment to juvenile justice reforms, particularly with the hiring of a dedicated Special Counsel. OAG should continue to partner with community organizations and government agencies to explore ways to divert youth from entering the system.

⁶² See *Keys to Justice: Unlocking Fairness in Our City*, Office of the Attorney General of the District of Columbia (on file with the Committee).

W. OFFICE OF THE CHIEF MEDICAL EXAMINER

OFFICE OF THE CHIEF MEDICAL EXAMINER (FX0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
INTRA-DISTRICT FUNDS	0	467,055	56,515	0	56,515
LOCAL FUND	9,518,949	9,535,071	10,501,492	0	10,501,492
Grand Total	9,518,949	10,002,126	10,558,007	0	10,558,007

OFFICE OF THE CHIEF MEDICAL EXAMINER (FX0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	70.0	73.0	0	73.0
Grand Total	70.0	73.0	0	73.0

OFFICE OF THE CHIEF MEDICAL EXAMINER (FX0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	6,129,880	6,052,449	6,583,433	0-	6,583,433
12-REGULAR PAY - OTHER	0	31,258	378,186	0	378,186
13-ADDITIONAL GROSS PAY	641,386	641,386	258,447	0	258,447
14-FRINGE BENEFITS - CURR PERSONNEL	1,286,039	1,273,803	1,461,939	0	1,461,939
15-OVERTIME PAY	225,000	202,780	149,351	0	149,351
20-SUPPLIES AND MATERIALS	264,600	441,133	549,350	0	549,350
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	10,000	11,356	9,772	0	9,772
40-OTHER SERVICES AND CHARGES	638,942	767,242	763,446	0	763,446
41-CONTRACTUAL SERVICES - OTHER	308,102	283,219	374,083	0	374,083
70-EQUIPMENT & EQUIPMENT RENTAL	15,000	297,500	30,000	0	30,000
91-EXPENSE NOT BUDGETED OTHER	0	0	0	0	0
Grand Total	9,518,949	10,002,126	10,558,007	0	10,558,007

OFFICE OF THE CHIEF MEDICAL EXAMINER (FX0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-ADMINISTRATIVE MANAGEMENT PROGRAM	2,141,359	2,614,596	2,252,014	0	2,252,014
100F-AGENCY FINANCIAL OPERATIONS	113,901	113,901	156,807	0	156,807
2000-DEATH INVESTIGATIONS/ CERTIFICATIONS	5,452,523	5,287,274	6,076,669	0	6,076,669
3000-FATALITY REVIEW COMMITTEES	420,516	420,516	477,204	0	477,204
4000-FORENSIC TOXICOLOGY	1,390,650	1,565,839	1,595,310	0	1,595,310
Grand Total	9,518,949	10,002,126	10,558,007	0	10,558,007

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Office of the Chief Medical Examiner (OCME) is to ensure that justice is served and that the health and safety of the public is improved by conducting quality death investigations and certification and providing forensic services for government agencies, health care entities, and grieving families.

OCME provides forensic services to local and federal government agencies, health care providers, institutions of higher learning, and citizens of the District and the metropolitan area. Forensic services include: forensic investigation of certain deaths, those occurring as a result of violence (injury), as well as those that occur unexpectedly, without medical attention, in custody, or pose a threat to public health; review of deaths of specific populations; grief counseling; performance of a full range of toxicological examinations; cremation approvals; and public disposition of unclaimed remains.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Office of the Chief Medical Examiner is \$10,558,007, an increase of \$1,039,058, or 10.9%, over the current fiscal year. The proposed budget supports 73.0 FTEs, representing a 4.3% increase for FY 2016.

Local Funds: The Mayor has proposed a budget of \$10,501,492, representing an increase of \$982,543, or 10.3%, over the current fiscal year. The proposed budget supports 73.0 FTEs, representing a 4.3% increase from the FY 2015 approved level.

Intra-District Funds: The Mayor has proposed a budget of \$56,515, an increase of \$56,515 over the current fiscal year.

Committee Analysis and Comments

NAME Accreditation: OCME's goal is to achieve accreditation by the National Association of Medical Examiners. OCME has revamped its standard operating procedures and expects to achieve full NAME Accreditation before the end of FY 2015. The Committee looks forward to OCME's accreditation.

Death Investigations: In FY 2014, OCME investigated 5,500 cases, including 2,400 cremation requests, 1,800 declined cases, and 1,120 accepted cases. OCME also performed 740 full autopsy examinations. OCME's budget proposal includes an increase of \$547,739 across multiple programs. The increase consists of \$267,091 for body pickup and disposition, \$189,860 to purchase medical surgical supplies, \$75,789 for equipment maintenance, and \$15,000 for a computer replacement plan.

Anthropology/ID Unit: During this past performance period, OCME established the Anthropology and Identification Unit. The agency has a full-time Forensic Anthropologist who leads forensic identification and skeletal trauma analysis for OCME. Since the arrival of the Forensic Anthropologist, OCME has performed 27 Radiographic Identifications, 21 Trauma Analysis, five Human vs. Non-Human evaluations, one Historic Grave response, and one Cold Case Skeletal Review. There has also been an introduction of a family liaison/customer service representative who is tasked to interface with families.

Autopsy Report Completion: OCME is seeking to increase the timely issuance of autopsy reports, putting the percentage of cases completed from 49% in January 2014 to 72% in January of 2015. Further, OCME cleared 200 cases in its backlog, dating back to 2012, and ending FY 2014 without any autopsy reporting backlog. OCME is required to complete 90% of all reports within 90 days in order to obtain full accreditation by the National Association of Medical Examiners. OCME is on track to reach that goal by July 2015. The Committee looks forward to OCME meeting the requirement of 90% timely completion of autopsy reports.

Fatality Management Unit: OCME established a Fatality Management Unit in FY 2015. The unit is led by a new Fatality Management/Continuity of Operations Coordinator. The unit revamped the Mass Fatality and Continuity of Operations Plans for the agency as well as overseeing fleet operations, safety, and special operations training and education. As part of this effort, OCME has been awarded \$300,000 in grant money from the Homeland Security Emergency Management Grant Funds. OCME has hired a Supervisory Fatality Review Program Manager to improve the statistical analysis and recommendations contained within the annual reports. The Committee hopes to review the materials produced by this unit.

Forensic Toxicology Lab: OCME's Toxicology Laboratory is currently accredited by the American Board of Forensic Toxicology and has applied for ASCLD-LAB accreditation for the Breath program. The Lab sets forth the guidelines for the District's Breath Program and has trained 136 Metropolitan Police Department (MPD) officers in the use of breath testing instruments. In FY 2014, over 1193 breath tests were analyzed by OCME, and the agency provided over 273 litigation and discovery responses for all testing performed on instruments. The Committee is very interested to see OCME's Breath program's accreditation.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 budget for the Office of the Chief Medical Examiner as proposed by the Mayor.

b. Policy Recommendations

1. The Committee encourages OCME to meet its NAME Accreditation Goal by FY 2016.
2. The Committee encourages OCME to continue to expand its Death Investigations program.

X. OFFICE OF UNIFIED COMMUNICATIONS

OFFICE OF UNIFIED COMMUNICATIONS (UC0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
INTRA-DISTRICT FUNDS	278,177	310,863	299,344	0	299,344
LOCAL FUND	28,250,104	27,954,386	28,196,891	0	28,196,891
SPECIAL PURPOSE REVENUE FUNDS	15,231,328	15,231,328	16,971,384	0	16,971,384
Grand Total	43,759,609	43,496,577	45,467,619	0	45,467,619

OFFICE OF THE UNIFIED COMMUNICATIONS - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
INTRA-DISTRICT FUNDS	6.0	6.0	0	6.0
LOCAL FUND	322.80	304.80	0	304.80
Grand Total	328.80	310.80	0	310.80

OFFICE OF UNIFIED COMMUNICATIONS (UC0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	20,151,659	20,060,029	19,776,204	0	19,776,204
12-REGULAR PAY - OTHER	289,038	277,619	445,276	0	445,276
13-ADDITIONAL GROSS PAY	2,079,416	1,952,108	1,641,143	0	1,641,143
14-FRINGE BENEFITS - CURR PERSONNEL	5,174,088	5,108,727	5,823,612	0	5,823,612
15-OVERTIME PAY	810,000	810,000	810,000	0	810,000
20-SUPPLIES AND MATERIALS	104,250	104,250	84,250	0	84,250
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	1,128,425	1,128,425	1,929,030	0	1,929,030
40-OTHER SERVICES AND CHARGES	10,519,733	10,552,419	11,566,104	0	11,566,104
41-CONTRACTUAL SERVICES – OTHER	1,453,000	1,453,000	1,392,000	0	1,392,000
70-EQUIPMENT & EQUIPMENT RENTAL	2,050,000	2,050,000	2,000,000	0	2,000,000
Grand Total	43,759,609	43,469,577	45,467,619	0	45,467,619

OFFICE OF UNIFIED COMMUNICATIONS (UC0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-AGENCY MANAGEMENT PROGRAM	4,961,540	5,118,383	5,489,897	0	5,489,897
100F-AGENCY FINANCIAL OPERATIONS	204,730	204,730	171,735	0	171,735
2000-EMERGENCY OPERATIONS (911) DIVISION	19,306,939	18,854,378	19,588,969	0	19,588,969
3000-NON-EMERGENCY OPERATIONS (311) DIVISION	4,713,011	4,744,511	4,787,100	0	4,787,100
4000-TECHNOLOGY OPERATIONS DIVISION	14,157,610	14,158,796	15,004,582	0	15,004,582
5000-TRANSCRIPTION & QUALITY DIVISION	415,779	415,779	425,336	0	425,336
Grand Total	43,759,609	43,496,577	45,467,619	0	45,467,619

1. **COMMITTEE ANALYSIS AND COMMENTS**

a. **Agency Mission and Overview**

The mission of the Office of Unified Communications (OUC) is to provide a fast, professional, and cost-effective response to emergency (911) and non-emergency (311) calls in the District. OUC also provides centralized, District-wide coordination and management of public safety voice radio technology and other public safety wireless and data communication systems and resources.

OUC's executive officers include a Deputy Director, Public Information Officer, General Counsel and Financial Officer. Additionally, OUC is comprised of 311 Call Center Team Leaders (5 FTEs), 311 Call Service Specialists (5 FTEs), 311 Customer Service Representatives (58.3 FTEs, 2.5 Vacant), Assistant Watch Commanders (14 FTEs; 2 Vacant), Universal Call Takers (75 FTEs; 8 Vacant), and Dispatchers (105 FTEs, 6 Vacant).

b. **Mayor's Proposed Fiscal Year 2016 Operating Budget**

Proposed Operating Budget Summary

Local Funds: The Mayor's proposed budget is \$28,196,891, a reduction of \$53,213, or 0.2 percent, from the current fiscal year. This proposed budget supports 310.8 FTEs, which represents a reduction of 18 FTEs from the current fiscal year. OUC's proposed FY 2016 gross budget is \$45,467,618, which represents a \$1,708,011 increase (3.9%) over its FY 2015 approved gross budget of \$43,759,609. The budget is comprised of \$28,196,891 in Local funds, \$16,971,384 in Special Purpose Revenue funds (E911 and E311), and \$299,344 in Intra-District funds. The proposed budget for FY 2016 requests 310.8 FTEs. This reduces FTEs by 18.0. This includes a reduction of 7.0 FTEs within the Emergency Operations Program – 911 dispatching. Reductions in FTEs for the Emergency Dispatching and Call-Taking programs can exacerbate issues relating to 12-hour shifts. Over the past fiscal year, OUC experienced a significant increase in call volume. This FTE reduction should be examined. The Language Access program is reduced by 8.0 FTEs, Technology Operations is reduced by 1.0 FTE and Transcription and Quality is reduced by 0.5 FTEs. Finally, Non-Emergency Operations—311 Call Taking is reduced by 2.5 FTEs.

Special Purpose Revenue Funds: The Mayor's proposed budget is \$ 16,971,384, an increase of \$1,740,000, or 11.4%, from the current fiscal year. The proposed budget supports 0.0 FTEs, representing no change from the current fiscal year.

Intra-District Funds: The Mayor's proposed budget is \$299,344, representing an increase of \$21,000, or 6.0%, from the current fiscal year. This proposed budget supports 6.0 FTEs, representing no change from the current fiscal year.

Committee Analysis and Comments

Dispatch: During the Committee's Budget Oversight Hearing, dispatch times were highlighted as a persistent issue. One witness noted that the "it takes OUC almost three minutes to dispatch a 911 call for fire and EMS. That's about double the 90 seconds many look at as the national standard for call handling."⁶³ This statistic was particularly alarming to the Committee.

⁶³ *Office of Unified Communications: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 2 (Apr. 27, 2015) (written testimony Dave Statter, STATter911).

COMMITTEE ON THE JUDICIARY
Fiscal Year 2016 Budget Report

FY14 911 Stats	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Average Answer Time	:04	:04	:03	:01	:01	:01	:03	:04	:02	:03	:02	:02
Average Call to Dispatch	2:42	2:36	2:38	2:33	2:36	2:38	2:35	2:43	2:49	2:43	2:39	2:39

FY15 911 Stats	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Average Answer Time	:02	:01	:01	:01								
Average Call to Dispatch	2:40	2:40	2:54	2:47								

It is important that OUC, moving forward, provides dispatchers with the proper training and resources to meet the Key Performance Indicators (KPI). As one witness noted, this may also include enabling dispatchers to “do more than just read a computer screen [and] arm [dispatchers] with good critical thinking skills to properly help those calling 911 and those responding to the emergency.”⁶⁴ The Committee will monitor this issue closely to ensure that the dispatch averages improve. The Committee looks forward to receiving information about how the agency will improve the average as well.

Vacancies/Adequate Staffing: As of May 7, 2015, OUC had 18 total vacancies. The number is considerably higher than the six vacancies that OUC had in April 2013 but lower than the 27 it had as of April 1, 2014.

Sufficient Training: OUC recently reorganized the agency to include resident “Public Safety Communications Training Officers” (CTO) that train personnel to respond to requests for emergency medical, fire and police requests for service. OUC also recently selected and trained these CTOs.⁶⁵ As a witness highlighted during testimony, “911 call takers and dispatchers need proper training to fully understand how fire, EMS and police operate. This requires a collaborative effort between OUC, the DC Fire & EMS Department and the Metropolitan Police Department. Such cooperation has been missing for a very long time.”⁶⁶ Furthermore, “an excellent working knowledge of local geography, including major roads and landmarks” is also imperative.⁶⁷ Finally, the Committee would like all “OUC workers [to] be well versed in their knowledge of basic EMS and fire safety to properly help callers who have witnessed a cardiac arrest or are trapped in a burning building.”⁶⁸ This kind of training and internal expectations will undoubtedly improve the agency’s operations.

Medric “Cecil” Mills: The Deputy Mayor for Public Safety and Justice published a report that included recommendations following the Mills incident. The recommendations are dated February 20, 2014, and are as follows⁶⁹:

⁶⁴ *Supra* note 63.

⁶⁵ *Office of Unified Communications: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (Apr. 27, 2015) (oral testimony Jennifer Greene, Director, Office of Unified Communications).

⁶⁶ *Supra* note 65.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Office of the Deputy Mayor for Public Safety and Justice (Feb. 20, 2014) (on file with the Committee).

1. **Dispatching protocol** – Currently, when a call is dispatched to a unit through the Fire Station Alerting System, it is done through a computerized automated standard voice. The call is audible over the station alerting system and heard throughout the fire house. A scroll bar reader board publishes the call so that it is visible as well as audible. At the same time, an electronic message is sent to the iMobile lap top computer that is in every FEMS apparatus. Any updates to assignments in iMobile are accompanied by an audible alert as well as a color change reflecting the updated information. The unit hears the dispatch and signals “En route” via the iMobile system within the vehicle.

Improvement: In addition to the above notifications the dispatcher will now verify the address with the unit over the radio. Also, the unit will be required to repeat the destination address back to the dispatcher to ensure that the unit has the correct address.

2. **In service refresher training** – Additional training will be provided to all call takers and dispatchers at OUC. The training will focus on targeting update buttons and adding notes and comments to the event slips. This will help ensure that information is properly communicated to the assigned units from the dispatcher.
3. **Technology updates** – OUC will work with its vendor to see what changes can be made to the iMobile system so that updates are more noticeable to the individuals in the vehicle.
4. **Status updates** –Currently, once a call has been dispatched, the dispatchers do not check on the status of the unit to see if the unit has left the station or arrived on scene. This information is provided electronically by GPS.
5. **Improvement** - Dispatchers are now responsible for orally checking on the status of any unit taking more than two minutes to leave the station and eight minutes to arrive on scene.
6. **Review of entire dispatch process** - A taskforce chaired by the Deputy Mayor for Public Safety and Justice has been created with key stakeholders from FEMS, OUC and outside subject matter experts to analyze the current dispatch process. This taskforce will look at the dispatch process in its entirety and produce recommendations for a more seamless and effective dispatch process.

Recommendations 1 and 4 have been implemented as recommended.⁷⁰ OUC did implement variations of recommendations 2, 3, and 5. Specifically, OUC implemented a 40 hour in-service training session, upgraded the mobile dispatch application to the next available version, and implemented enhancements and procedures that were derived from recommendations of the taskforce on dispatching.⁷¹

Standard Operating Procedures: During the Budget Oversight Hearing, the Committee heard testimony pointing to the agency’s lack of Standard Operating Procedures (SOPs). A witness noted that SOPs,

“[W]ould provide the workforce with the much-needed clarity of the agency's expectations. At the present, employees may receive a memo and worse a verbal notification of a change to specific job responsibility or performance standard. This leads

⁷⁰ Email from Kelly Brown, Office of Unified Communications (May 8, 2015).

⁷¹ *Id.*

[to] inconsistency in the application of policies and procedures, which leads to performance errors. Overall this negatively impacts the level of service provided to the Districts citizens and visitors.⁷²

OUC testified that SOPs were available to personnel; however, the Committee would like to ensure there is no miscommunication on SOPs and other protocols. This issue should be resolved as rapidly as possible. The agency should ensure that all employees are aware of the expectations and there should be no misunderstanding on this matter.

Technology

Pro-QA

The Committee heard testimony that the implementation of the Pro-QA system brought about “an abundance of glitches to the Computer Aided Dispatch system. [These glitches] have in turn increased the number of performance errors.”⁷³ The witness provided the following example:

“[O]ne major concern is the FEMS dispatchers have to refresh or reboot their computer system every few minutes when they are working a live fire or medical emergency. This is because the system routinely freezes enabling the dispatcher from accessing and receiving critical updates to the call for service that they are working on. As you are aware OUC serves as an intermediate for the Metropolitan Police Department and DC Fire and EMS Department. The agency is responsible for providing radio and wireless communication support to both entities to enable them to provide emergency services to the Districts residents and visitors. There have been several breakdowns with merging and upgrading of the computers mainframes as well which ultimately impacts not the OUC but MPD and FEMS from delivering efficient emergency services.”⁷⁴

OUC testified that the “Emergency Operations division handles approximately 1.4 million calls and nearly 850,000 Computer-Aided Dispatch (CAD) events.”⁷⁵ Each of those CAD events represents a resident or visitor in distress. With such a high number of CAD events and emergency calls, the agency cannot afford to have insufficient software or chronic malfunctions. The Committee will monitor this issue closely and expects to observe a vast improvement for the remainder of FY 2015 and beyond.

FirstNet First Responder Network Authority Board

The Committee sent FEMS additional questions following the FY 2014 – FY 2015 Performance Oversight Hearing. One of the questions included requests for more information on the “FirstNet Initial Consultation with the District of Columbia” at the Washington Convention Center. In responses to the Committee’s inquiry, FEMS indicated that it participated in the “First Responder Network Authority, who briefed the DC government officials on numerous topics regarding the planned build out of the National Public Safety Broadband Network.”⁷⁶ FEMS indicated that OUC will lead the effort for all mobile

⁷² *Office of Unified Communications: FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 2 (Apr. 27, 2015) (written testimony President, Jacqueline White, NAGE Local R3-07).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Supra* note 67.

⁷⁶ Memorandum from Kevin Donahue, Deputy City Administrator/Deputy Mayor for Public Safety and Justice to Kenyan R. McDuffie, Chair of the Comm. on the Judiciary (Apr. 1, 2015) (on file with the Committee).

communications expenses and implementation including whether additional funding to support this project is necessary.⁷⁷ The Committee remains interested in the progress of FirstNet and looks forward to more updates in the near future.

March 2015 Dispatch Issues/Getac Tablets

There were at least three publicized transport and dispatch incidents in March 2015. One included a stabbing victim that waited more than twenty minutes to be transported to an area hospital. The second incident occurred when a choking toddler did not receive care from the closest available unit. The final incident included an injured Metropolitan Police Department (MPD) officer who waited more than twenty minutes for a transport unit before arranging for a fellow MPD officer to transport him.

Deputy City Administrator and Deputy Mayor for Public Safety and Justice Kevin Donahue created a working group (FEMS, OUC, Office of the Chief Technology Officer, and the Homeland Security and Emergency Management Agency) to review emergency call dispatch systems and technology.⁷⁸ FEMS and OUC are meeting twice weekly to identify any technical issues relating to Getac tablets.⁷⁹ FEMS modified procedures so that personnel can re-verify their location with OUC dispatchers during emergency responses.⁸⁰ FEMS and OUC have worked with neighboring jurisdictions to revise the current mutual aid agreements.⁸¹ Additionally, FEMS and OUC are working to revise policies for dispatching transport units to respond to low-priority calls for service during periods of peak transport demand.

Radio Maintenance

The Committee continues to monitor radio operability after radios were inoperable during the smoke incident at L'Enfant Plaza on January 12, 2015. The Committee held a roundtable on February 5, 2015, to discuss first responders' responses to the smoke incident. Response, as it relates to OUC, includes emergency call taking, dispatch, and radio operation. According to the National Transportation Safety Board's (NTSB) preliminary report dated January 16, 2015, at approximately 3:15 p.m. on January 12, a six-car Yellow Line train filled with heavy smoke in a tunnel between L'Enfant Plaza Station and the Potomac River Bridge.⁸² Tragically, the incident claimed the life of Carol Glover.

Reportedly, Metro personnel and passengers called 911 for assistance and OUC dispatched Fire and Emergency Medical Services (FEMS) personnel to rescue the trapped passengers.⁸³ Although OUC was informed at 3:22 that heavy smoke filled the L'Enfant Metro upper level, units were not dispatched until 3:28 PM.⁸⁴ This time exceeds the OUC's KPI of 90 seconds. FEMS Rescue Squad 1 opened the back of the train doors and began evacuating passengers.⁸⁵ The first responders successfully evacuated more than 200 passengers and transported 86 passengers to area hospitals.

⁷⁷ *Supra* note 76..

⁷⁸ *Id.*

⁷⁹ Getac tablets are wireless devices that assist 911 dispatchers locate emergency personnel. *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Preliminary Report, National Transportation Safety Board: WMATA Smoke and Electrical Arcing Accident in Washington, DC (Jan. 16, 2015) (on file with the Committee).

⁸³ Initial Report, Homeland Security and Emergency Management Agency, Preliminary Report: WMATA Smoke and Electrical Arcing Accident in Washington, DC (Jan. 16, 2015) (on file with the Committee).

⁸⁴ *Id.*

⁸⁵ *Id.*

Per FEMS, there were approximately 58 failures from January 13, 2015 through March 20, 2015 within Metro tunnels.⁸⁶ The Committee is closely watching monitoring radio operations in tunnels and throughout the District in conjunction with the Washington Metropolitan Council of Governments (COG).

Mobile Phone Application

OUC intends to implement a mobile application that relates to citizen first responder assistance. This smartphone application can alert and summons citizens trained in CPR that an individual in their area needs CPR assistance. If a trained citizen arrives at the scene before FEMS arrives, they can start resuscitation efforts. The Committee is interested in the progress of this innovative technology and looks forward to implementation.

Special Purpose Revenue Funding: For every line that a phone company connects to service, there is a small fee that is charged for 911 and 311 services. These fees are collected by third-party vendors, and self-reported to OUC. During its FY 2015 budget hearing, OUC's assistant fiscal officer testified that OUC has no authority to audit the third-party vendors, and therefore has no way to confirm that OUC is receiving the correct amount of money from the third-party vendors.⁸⁷ It is worth noting that the Office of the Inspector General contracts with a third party to conduct an audit of the fund. The audit annually reviews the funds' assets and liabilities. While this is a very useful tool, it fails to audit whether vendors are paying all that is owed to the District according to the Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000.⁸⁸ In the proposed FY 2016 budget, the agency is projected to receive \$16,971,000 from this special purpose revenue fund. This revenue is paramount to funding OUC's operations. The Committee remains interested in working with OUC to determine what measures are necessary to audit third-party vendors.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

The Committee recommends adoption of the FY 2016 operating budget for the Office of Unified Communications as proposed by the Mayor.

b. Policy Recommendations

1. The Committee encourages OUC's leadership to ensure SOPs are published and easily identified by the personnel.
2. The Committee directs OUC to fill existing vacancies as quickly as possible.
3. The Committee recommends that OUC increase in-person training programs to better prepare employees to handle the emotional, physical, and tactical demands of the job.
4. The Committee directs OUC to average 90 seconds from call to dispatch as the KPI recommends.

⁸⁶ Memorandum from Fire and Emergency Medical Services Department to Kenyan R. McDuffie, Chair of the Comm. on the Judiciary (Apr. 1, 2015) (on file with the Committee).

⁸⁷ *Supra* note 67.

⁸⁸ The audit is of the OUC fund transactions that are noted in the District's accounting system. Email from Stephanie Lane, Audit Director, Bert Smith & Co. to Barbara Mack, Legislative Counsel, the Council of the District of Columbia's Committee on the Judiciary (May 8, 2015).

5. The Committee directs OUC to improve Getac tablets for dispatch and improve radio operability in Metro tunnels.

Y. OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS (FO0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
LOCAL FUND	0	0	17,546,842	2,202,342	19,749,184
SPECIAL PURPOSE REVENUE FUNDS	0	0	1,693,000	0	1,693,000
FEDERAL GRANT FUNDS	0	0	7,871,001	0	7,871,001
Grand Total	0	0	27,110,843	2,202,342	29,313,185

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS (FO0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	0	13	0	13
Grand Total	0	13	0	13

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS (FO0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	0	0	804,507	0	804,507
12-REGULAR PAY - OTHER	0	0	356,328	0	356,328
14-FRINGE BENEFITS - CURR PERSONNEL	0	0	121,209	0	121,209
20-SUPPLIES AND MATERIALS	0	0	12,064	0	12,064
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	0	0	6,580	0	6,580
40-OTHER SERVICES AND CHARGES	0	0	116,712	0	116,712
50-SUBSIDIES AND TRANSFERS	0	0	25,693,442	2,202,342	27,895,784
Grand Total	0	0	27,110,842	2,202,342	29,313,184

OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS (FO0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
2000-JUSTICE GRANTS ADMINISTRATION	0	0	5,823,603	902,342	6,725,945
3000-ACCESS TO JUSTICE	0	0	4,277,835	1,000,000	5,277,835
4000-OFFICE OF VICTIM SERVICES	0	0	17,009,405	300,000	17,309,405
Grand Total	0	0	27,110,842	2,202,342	29,313,185

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Office of Victim Services and Justice Grants (OVSJG) is a newly established free-standing agency. In prior fiscal years, the Office of Victim Services and the Justice Grants Administration had itemized budgets within the budget of the Deputy Mayor for Public Safety and Justice. The mission of the newly-created agency is to advise the Mayor on policies and practices in order to improve both the administration of justice in the District and the provision of services and support for victims of crime. The agency is also responsible for overseeing the programmatic strategies and coordinating grant-making efforts of the Office of Victim Services (OVS), Justice Grants Administration (JGA), and Access to Justice Initiative in order to ensure the coordinated programmatic and grant-making efforts of those offices.

Access to Justice: The Access to Justice Initiative is comprised of two activities: (1) Access to Justice (ATJ), which provides financial assistance to organizations and individuals who provide direct civil legal services to low-income and underserved District residents; and (2) the Poverty Lawyer Loan Repayment Assistance Program (LRAP), which provides educational loan repayment assistance to lawyers who live and work in the District and are employed in areas of legal practice that serve low-income residents.

The ATJ funds are granted by the District to the D.C. Bar Foundation, which developed and administers the Access to Justice Grants Program. The Program was established to increase representation in housing-related cases and expand services to underserved communities. Notably, funds through the program have doubled the number of attorneys working east of the Anacostia River. In FY 2015, the D.C. Bar Foundation awarded 24 grants to organizations such as the Children's Law Center, Ayuda, the D.C. Volunteer Lawyers Project, Bread for the City, Whitman-Walker Health, the Asian Pacific American Legal Resource Center, and Legal Counsel for the Elderly.

Office of Victim Services: OVS provides federal grants, administers the District Crime Victims Assistance Fund, and uses local funds to support victims of domestic violence, sexual assault, homicide, child abuse, assault, and neglect. OVS also provides safe temporary transitional housing for victims of domestic violence, coordinates with area hospitals to improve their rape-trauma services and counseling, maintains outreach programs to area teens and residents regarding dynamics and impact of victimization from violent crime, and provides direction to the Executive Office of the Mayor on law and policies that enhance victims' rights to justice, care, and safety in the aftermath of a crime.

Justice Grants Administration: The mission of the Justice Grant Administration (JGA) is to administer federal and other funding streams to government agencies and community-based organizations to improve the programs, policies, and coordination of the District's juvenile and criminal justice systems. As the District's State-Administering Agency for U.S. Department of Justice (US DOJ) funding related to juvenile and criminal justice, JGA manages federal and local grants, sub grants, and pass through funds in compliance with federal and local grant guidelines. JGA also gathers stakeholder input to identify cross-cutting funding priorities each year, identifies sub-grantees that are well-positioned to advance the funding priorities, and provides financial, administrative, and programmatic oversight, training, and technical assistance to ensure program outcomes are achieved.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

The Mayor's FY 2016 budget proposal for the Office of Victim Services and Justice Grants is \$27,110,842. The proposed budget supports 14.0 FTEs.

Local Funds: The Mayor has proposed a budget of \$17,547,000. This funding supports 7.73 FTEs.

Special Purpose Revenue Funds: The Mayor has proposed a budget of \$1,693,000, which supports 3.27 FTEs.

Federal Resources: The Mayor has proposed a budget of \$7,871,000, which supports 3 FTEs.

Proposed Operating Budget –Programmatic Level

Access to Justice: The Mayor has proposed a budget of \$4,278,000 representing no change from the approved FY 2015.

Office of Victim Services: The Mayor has proposed a budget of \$17,009,000. This funding supports 9.9 FTEs.

Justice Grants Administration: The Mayor has proposed a budget of \$5,824,000, which supports 4.1 FTEs.

Committee Analysis and Comments

Access to Justice Initiative: The Committee is committed to expanding legal services for underserved communities. With that in mind, the Committee recommends an additional \$1,000,000 to be added to the Access to Justice program for grants.

Office of Victim Services: OVS supports some of the most vulnerable members of the District, including victims of domestic violence, sexual assault, homicide, child abuse, and assault. Through its funding, local service providers work to provide safe temporary transitional housing for victims of domestic violence, improve rape trauma services and counseling, and maintain outreach programs to area teens and residents.

The Committee appreciates the work of OVS and its many service providers who work every day to improve the lives of District residents. However, the Committee is concerned about the direction and management of the Domestic Violence Hotline. The Hotline was established by the “Domestic Violence Hotline Establishment Act of 2013”. This Act specifically requires OVS to “establish the Domestic Violence Hotline to provide assistance for victims and potential victims of domestic violence beginning October 1, 2014”. It further requires the Hotline to be operated by a domestic violence program funded and supported by the Office of Victim Services. Since its inception, the call volume for the Hotline has been overwhelmingly low. In addition, publicity for the Hotline has not reached its maximum capacity. These two issues are concerning, as OVS has recently put out a Request for Applications for a “Victim Services Hotline” which will expand the scope of the current Domestic Violence Hotline and allow other victims of crime to seek assistance through the current hotline number. While the Committee appreciates OVS’s determination to develop an expanded hotline, the Committee is concerned with expanding the scope while the Hotline is in its fledgling stage. The Committee will continue to follow the progress of RFA as the bidding process begins and directs OVS to communicate with the Committee as the expansion process begins.

Despite concerns with the Hotline, the Committee is pleased with the work OVS has accomplished to improve crisis services in the District of Columbia. The launch of the national interpreter bank as well as the ASKDC and UASKDC website are initiatives that truly speak to the innovation of the

Office and its continued progress in improving victim services. The Committee looks forward to the work OVS has planned for this upcoming fiscal year and believes that increased funding will allow OVS to continue its success.

Justice Grants Administration: JGA testified that the *Show Up, Stand Out* program was very successful in FY 2014 and FY 2015. JGA testified that:

[I]n FY 2014, the second year of the program, Show Up, Stand Out funded eleven community based organizations to provide wrap around services to students at 45 DC Public Schools, which included 27 elementary schools, 10 education campuses, seven middle schools, and one special education school. Of the 3195 (2,430 families and 765 youth) referrals in FY 2014, evaluation data has shown that 91% of students referred in FY 2014, have not been re-referred to the program as of March of this year.⁸⁹

Furthermore, JGA noted that “schools participating in the Show Up, Stand Out program had an average 89% decrease in truancy rate, a 73% greater decrease than schools that did not participate.”⁹⁰ Additionally, in FY 2014, JGA focused on tracking the successes and failures of the program. Reporting and analysis of data is critical to the success of the program. JGA testified that the official *Show Up, Stand Out* website (www.ShowUPStandOut.Org) and outreach campaign was launched.⁹¹ This website has an “Efforts-to-Outcomes” (ETO) performance management database.⁹² During oversight, this database was very helpful to the Committee. More specifically, the Committee could directly monitor the program’s successes through data.

JGA also presented to the Committee the FY 2015 statistics of the program. JGA stated that in FY 2015, the Show Up, Stand Out funded 12 CBOs and is serving K through 8 students with 5-9 unexcused absences in 58 schools, an increase of 41 schools since Year 1 (FY 2013). In all, Show Up, Stand Out is currently providing services to 32 elementary schools, 13 education campuses, 12 middle schools, and one special education school. This year, Show Up, Stand Out launched programming for DC Charter Schools and is currently establishing partnerships with eight schools individually implementing the referral protocol for both the family engagement and the youth engagement models. As of last month, 3,035 students have been referred to the program.⁹³

Unfortunately, in FY 2016, the program will decrease in funding by at least \$2 million. Within JGA’s criminal justice efforts is a grant for the Paul Coverdell Forensic Science Improvement Grant that would improve the “quality and timeliness of forensic science and medical examiner services (including training or employing personnel for the elimination of forensic analysis backlogs).”⁹⁴ Additionally, JGA’s Attachment II – Intra-District Funds spreadsheet indicates that the amount to be transferred to the Department of Forensic Sciences (DFS) is “TBD”. Furthermore, the “Federal Grants Funding Available” spreadsheet indicates that \$61,932 is available for the grant. With DFS currently transitioning in leadership and modifying the standard operating procedures (SOP), it is important to ensure that DFS is fully funded to carry out its mission.

2. COMMITTEE RECOMMENDATIONS

⁸⁹ *FY 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary* (April 30, 2015) (oral testimony, Edward Smith, Director, Office of Victim Services and Justice Grants).

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

a. Fiscal Year 2016 Operating Budget Recommendations

Office of Victim Services:

1. *Increase* CSG 50 (Subsidies and Transfers) in Program 4000 (Office of Victim Services), Activity 4010 (Victim Services Grants), by \$300,000.

The Committee recognizes the crucial financial support that OVS provides to support victim services agencies in the District of Columbia. In addition, the Committee recognizes that the service provider community continues to need increased funding to support the work that they do. As noted by Indira Henard, Director of Policy and Advocacy at the D.C. Rape Crisis Center:

“As the Council continues to move forward in reviewing the budget for FY 2016, please know that the funding that the Office of Victim Services provides for survivors of sexual assault is matchless and essential. All of us have waiting lists. There continues to be high demand for our services.”⁹⁵

Consequently, the Committee proposes increasing Victim Services Grants by \$300,000. This funding will not only restore the proposed \$133,069 decrease in funding to the District’s city-wide Domestic Violence Hotline, but will also afford OVS the opportunity to provide additional funding to the service provider community. The Committee additionally recommends that OVS prioritize the restoration of funding for Children’s National Child and Adolescent Protection Center (CAPC).

Justice Grants Administration:

2. *Increase* CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants Administration), Activity 2010 (Grant Management), by \$902,342.

The Committee recognizes that funding for the Show Up, Stand Out program is nowhere near sufficient as proposed in the Mayor’s FY 2016 budget. As mentioned above, the Show Up, Stand Out program has decreased in funding by at least \$2 million dollars. Though there is not enough funding to fully restore this program to its FY 2015 funding level, the Committee proposes an additional \$700,000 be given to support the Show Up, Stand Out program in FY 2016. Moreover, the Committee recommends that JGA closely examine the program in FY 2016 and report, to the Committee, any substantial or fundamental decreases in effectiveness and outreach.

Finally, the Committee recommends JGA finalize, as quickly as possible, the Paul Coverdell Forensic Science Improvement Grant it intends to award to DFS. As it indicates above, full funding of DFS is imperative to encourage an effortless transition in leadership and SOP.

Access to Justice Initiative

3. *Increase* CSG 50 (Subsidies and Transfers) in Program 3000 (Access to Justice), Activity 3010 (Access to Justice) by \$1,000,000 for Access to Justice grants.

⁹⁵ *Office of Victim Services Budget Oversight Hearing before the Committee on the Judiciary*, (April 29, 2015) (written testimony of Indira Henard, Director of Public Policy and Advocacy, D.C. Rape Crisis Center).

Z. DISTRICT OF COLUMBIA SENTENCING AND CRIMINAL CODE REVISION COMMISSION

SENTENCING AND CRIMINAL CODE REVISION COMMISSION (FZ0) - Operating Budget by Fund Type					
<i>Fund Type</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
LOCAL FUND	1,401,316	1,454,316	1,526,339	83,433	1,609,772
Grand Total	1,401,316	1,454,316	1,526,339	83,433	1,609,772

SENTENCING AND CRIMINAL CODE REVISION COMMISSION (FZ0) - FTEs by Fund Type				
<i>Fund Type</i>	<i>FY 2015 Approved FTEs</i>	<i>FY 2016 Mayor's Proposed FTEs</i>	<i>Committee Variance</i>	<i>FY 2016 Committee FTEs</i>
LOCAL FUND	10	10	1	11
Grand Total	10	10	1	11

SENTENCING AND CRIMINAL CODE REVISION COMMISSION (FZ0) - Operating Budget by CSG (Gross Funds)					
<i>CSG</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
11-REGULAR PAY - CONT FULL TIME	837,197	837,197	894,813	68,500	963,313
13-ADDITIONAL GROSS PAY	16,159	16,159	9,700	0	9,700
14-FRINGE BENEFITS - CURR PERSONNEL	174,975	174,975	195,070	14,933	210,003
20-SUPPLIES AND MATERIALS	25,721	25,721	23,450	0	23,450
40-OTHER SERVICES AND CHARGES	101,406	101,406	95,780	0	95,780
41-CONTRACTUAL SERVICES-OTHER	233,358	286,358	291,026	0	291,026
70-EQUIPMENT AND EQUIPMENT RENTAL	12,500	12,500	16,500	0	16,500
Grand Total	1,401,316	1,454,316	1,526,339	83,433	1,609,772

SENTENCING AND CRIMINAL CODE REVISION COMMISSION (FZ0) - Operating Budget by Program (Gross Funds)					
<i>Program</i>	<i>FY 2015 Approved</i>	<i>FY 2015 Revised</i>	<i>FY 2016 Mayor's Proposed</i>	<i>Committee Variance</i>	<i>FY 2016 Committee Proposed</i>
1000-AGENCY MANAGEMENT	729,893	729,893	736,101	83,433	819,534
2000-DATA COLLECTION (AIP)	671,423	724,423	790,238	0	790,238
Grand Total	1,401,316	1,454,316	1,526,339	83,433	1,609,772

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the District of Columbia Sentencing and Criminal Code Revision Commission (SCCRC) is to implement, monitor, and support the District's voluntary sentencing guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research. The sentencing guidelines provide recommended sentences that enhance fairness so that offenders, victims, the community, and all parties will understand the sentence, and sentences will be both more predictable and consistent.

The SCCRC provides analysis of sentencing trends and guideline compliance to the public and its representatives to assist in identifying sentencing patterns of felony convictions. Additionally, the SCCRC has been charged with preparing comprehensive recommendations for revising the language of criminal statutes, organizing them in logical order, and re-classifying statutes as necessary. This includes an analysis of current criminal statutes and the development of recommendations that reorganize and reformulate the District's Criminal Code. The SCCRC also advises the District on matters related to criminal law, sentencing, and corrections policy.

The SCCRC is composed of 20 members, with 15 voting members and five non-voting members. The membership includes judges, attorneys, criminal justice professionals, and citizens, many of whom have substantial day-to-day experience and expertise with the Code. The 15 voting members include one seat appointed by the Mayor of the District of Columbia, one seat appointed by the Council of the District of Columbia, and one seat appointed by the Chief Judge of the District of Columbia Superior Court. Among the SCCRC's institutional members are the Attorney General for the District of Columbia, the United States Attorney for the District of Columbia, the Public Defender Service of the District of Columbia, and judges of the Superior Court.

b. Mayor's Proposed Fiscal Year 2016 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2016 budget proposal for the Sentencing & Criminal Code Revision Commission is \$1,526,338, an increase of \$125,023, or 8.9%, from the current fiscal year level. The proposed budget supports 10 FTEs, which represents no change from the FY 2015 level. The budget is comprised entirely of local funds.

Committee Analysis and Comments

Criminal Code Revision: In 2006, the Council directed the SCCRC to review and develop recommendations for revisions to the District's criminal laws. The project is scheduled to be completed in September 2016. In the past year, the Commission developed a comprehensive Project Management Plan that outlined priorities, established milestones, and set a timeline for the remainder of the project. However, towards the end of last year, it became clear that there was disagreement among criminal justice agencies regarding the scope and direction of the project. As a result, the SCCRC modified its Project Management Plan in March 2015 to help its members reach a consensus on the statutory mandates related to the Code Revision Project. The modified plan prioritizes the development of draft recommendations for the adoption of a revised Title 22 as an enacted Title of the District of Columbia Official Code. In addition, the revised Project Plan includes identification of offenses that are unconstitutional, exist only in common law, or are obsolete and additional agency reviews. To offset the time necessary to complete

these additional activities, the Project intends to focus on the revision of offenses other than weapon and inchoate offenses and crimes against government operations included in the original Project Management Plan. The project is still scheduled to be completed in September 2016.

The Committee has concerns about whether Commissioners will be able to resolve disagreements regarding the activities in the modified Project Plan, but it is pleased that the Commission is carefully adapting the Project Plan to keep the project on task for completion. The Committee expects that the SCCRC will keep the Council informed of any obstacles it encounters as the project progresses.

Sentencing Guidelines Evaluation Study: The SCCRC recently completed its research design for the Sentencing Guidelines Evaluation Study. Its Research Committee held five meetings over the past year to discuss the scope and identify an appropriate research design for the multiyear project. The two-year evaluation project will examine sentencing practices under the Guidelines over a five-year period from 2010 through 2014 with three goals: 1) examine the statutory goals of the guidelines, 2) provide a comparative analysis of current sentencing data with sentencing data collected during the initial sentencing research project in 1999, and 3) provide recommendations on possible modifications to the Guidelines. The Evaluation Study will be completed over the course of 24 months, with a final report completed by September 30, 2016. The Committee looks forward to the SCCRC's conclusions on whether or not the Sentencing Guidelines are achieving their expected impact on felony sentencing in the District.

Sentencing Data and Analysis: In December 2013, the SCCRC's new data system GRID went live. The new system enables the Commission to improve and expand both the quality and quantity of information it uses to analyze sentences and to calculate compliance with the Guidelines. In FY 2015, the SCCRC developed and implemented a major enhancement to the GRID system, called the Grid Score System (GSS) module. GSS creates a bi-directional XML interface between the SCCRC and CSOSA, which enables the direct electronic transfer of an offender's criminal history score into the GRID system, where judicial compliance is automatically computed. The GSS system was fully deployed on March 1, 2015. The Committee is impressed with the new system's capabilities and its potential to inform policy decisions with District-specific empirical data.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2016 Operating Budget Recommendations

1. *Increase FTEs by 1, and create a new position in Program 1000 (Agency Management), Activity 2010 (ACS Offense and Offender Database), with the accompanying local funds as follows:*
 - a. *Research Analyst: increase CSG 11 (Regular Pay – Continuing Full Time) by \$68,500 and CSG 14 (Fringe Benefits – Current Personnel) by \$14,933: total PS increase = \$83,433*

During FY 2014 and FY 2015, the SCCRC spent a significant amount of time and effort to develop and implement the GRID and GSS systems. In 2013, it had six data requests. In FY 2014, the number of data requests increased to 32, with an average of 7.4 hours to complete an individual data request. In the first four weeks of FY 2015, the agency had already received eight data requests.

As mentioned above, the SCCRC is in the process of beginning a Five-Year Evaluation study, which requires extensive quantitative and qualitative data analysis. Currently, the Commission only has one Statistician on staff that is responsible for doing all of the above-mentioned research and analysis. As a result, the Committee recommends, pursuant to an enhancement request by the Commission, that a new

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Research Analyst II FTE position be considered in the proposed FY 2016 budget. The total cost for this request is \$83,433.

III. FY 2016 BUDGET REQUEST ACT RECOMMENDATIONS

On Thursday, April 02, 2015, Chairman Mendelson introduced, on behalf of the Mayor, the “FY 2016 Budget Request Act of 2015” (Bill 21-0157). The Committee does not make any recommendations relating to the Budget Request Act. The Committee will work with the Committee of the Whole on Budget Request Act language relating to the Office of the Attorney General and the Office of Administrative Hearings.

IV. FY 2016 BUDGET SUPPORT ACT RECOMMENDATIONS

On Thursday, April 02, 2015, Chairman Mendelson introduced, on behalf of the Mayor, the “FY 2016 Budget Support Act of 2015” (Bill 21-158). The bill contains eight subtitles for which the Committee has provided comments.

A. RECOMMENDATIONS ON BUDGET SUPPORT ACT SUBTITLES PROPOSED BY THE MAYOR

The Committee provides comments on the following subtitles of the “FY 2015 Budget Support Act of 2014”:

1. Title I. Subt. D. Appointment Term Amendment
2. Title I. Subt. E. Attorney General and Mayor’s Office of Legal Counsel
3. Title III. Subt. A. Body-Worn Camera Privacy Amendment
4. Title III. Subt. B. OAH Administrative Law Judge Term Limit Amendment
5. Title III. Subt. C. Child Fatality Review Committee Amendment
6. Title III. Subt. D. Office of the Deputy Mayor for Public Safety and Justice
7. Title III. Subt. E. FEMS Medical Director Liability Amendment
8. Title VII. Subt. H. Fiscal Year 2015 Fire and Emergency Medical Services Department Settlement Act.....

1. TITLE I. SUBTITLE D. APPOINTMENT TERM AMENDMENT

a. Purpose, Effect, and Impact on Existing Law

The proposed subtitle would amend the “Office of Administrative Hearings Establishment Act of 2001”, the “Establishment of the Office of the Chief Medical Examiner Act of 2000”, and the “Department of Forensic Sciences Establishment Act of 2011” to repeal the terms of the Chief Administrative Law Judge of the Office of Administrative Hearings, the Chief Medical Examiner, and the Director of the Department of Forensic Sciences, respectively, in addition to repealing the Council’s advice and consent role in confirming the nominees.

b. Committee Reasoning

The Committee strikes this subtitle. There is no compelling reason to alter the independent nature of the three agencies by requiring their leadership to serve at the pleasure of the Mayor. The organic act of each agency makes clear their independence. The Committee did not receive any testimony in support of the subtitle; rather, stakeholders expressed concerns over the politicization of each agency should the terms and the ability of the Council to review the nominees be removed.

2. TITLE I. SUBTITLE E. ATTORNEY GENERAL AND MAYOR'S OFFICE OF LEGAL COUNSEL

a. Purpose, Effect, and Impact on Existing Law

This subtitle would provide the Office of the Attorney General with independent personnel and procurement authority, establish a Consumer Protection Fund to support consumer protection-related initiatives, and provide for subpoena authority specifically limited to consumer protection.

b. Committee Reasoning

The Committee recommends several amendments to the subtitle as proposed by the Mayor. These amendments provide the Office of the Attorney General with independent personnel and procurement authority, establish a Consumer Protection Fund to support consumer protection-related initiatives, and provide for subpoena authority specifically limited to consumer protection.

Powers of the Office: The Office of the Attorney General has “charge and conduct of all law business of the...District.” Neither the creation of the Mayor’s Office of Legal Counsel, nor the election of an independent Attorney General, has altered this innate authority. The Mayor’s Office of Legal Counsel is, and was intended to be, a small office. The Mayor’s proposed budget only provides the Office with 11 FTEs and a budget of \$1,596,088. The purposes of the Office are similarly limited by its organic act. These purposes include “providing legal and policy advice to the Mayor and executive branch,” “resolving interagency legal issues for the Mayor,” and “coordinating...significant personnel-related issues for subordinate agency counsel.”

The Office of the Attorney General has provided legal sufficiency reviews for legislation, regulations, and contracts since its establishment, as part of its blanket authority to conduct the “law business” of the District. The Committee does not believe it is necessary to codify this power, as it flows from OAG’s very existence. The Committee strongly encourages the Executive to continue to involve OAG in the development of proposed legislation, regulations, and transactions; this has been OAG’s historical role, and it is appropriate, given OAG’s independence and the Legal Counsel Division’s expertise. It does not make sense to the Committee why OAG would *not* be involved, as it is responsible for defending the Executive on the very same proposals if challenged. Involving OAG in transactions, specifically, is critical, as this is common practice in other jurisdictions with elected attorneys general, and it also provides surety for the business community.

Personnel and procurement authority: The Committee’s proposed subtitle recommends amending the subtitle to provide the Office of the Attorney General with independent personnel and procurement authority. Elected officials in the District of Columbia, including the Mayor, the Council, and State Board of Education typically have independent personnel authority. In fact, independent personnel authority is granted even to agencies that are not directly elected, but are expected to operate independently, like the Board of Elections, the Office of the District of Columbia Auditor, and the Board of Library Trustees. Independent procurement authority is similarly critical to the functions of the Office. As with other independent Agencies, like the Chief Financial Officer, the Council, and the Mayor, the elected attorney general needs to be able to purchase the goods and services it needs to operate.

Consumer Protection Fund: The Committee’s proposed subtitle reconstitutes a Consumer Protection Fund for the OAG. The Committee proposes that \$10 million dollars from the potential settlement by the District of Columbia Court of Appeals in *District of Columbia v. Expedia, Inc.*, et al., Nos. 14-CV-308, 14-CV-309, be used as the “seed” money for the Fund. The subtitle creates a “cap” for

the Fund of \$15 million to account for \$3.2 million in OAG's budget that the Office of the Chief Financial Officer is planning to shift from local funds to special purpose revenue funds. This will allow for \$10 million dollars in budget authority for OAG.

Subpoena authority: This amendment allows for the newly independent Attorney General to have subpoena authority limited only to consumer protection matters. This is a critical tool in consumer protection actions and investigations. The language references D.C. Official Code § 28-3901 as the source for the definition of a consumer and merchant. Providing the Attorney General with this narrow in scope subpoena power will allow the Attorney General to effectively marshal his or her resources. Often, costly litigation can be avoided through an early and thorough investigation. This authority is not intended to be used as a tool to engage in "fishing expeditions." The Council and Inspector General currently have subpoena authority.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. Provides the Office of the Attorney General with independent personnel and procurement authority.

Provides the Office of the Attorney General with subpoena power relating to unfair, deceptive, unconscionable, or fraudulent practices by or between a merchant or consumer as defined in DC Official Code § 28-3901.

Sec. 3. Provides the Office with independent personnel and procurement authority.

Sec. 4. Provides the Office with independent procurement authority.

Sec. 5. Any person denied the right to inspect a public record in the possession of the Attorney General may institute proceedings in the Superior Court for the District of Columbia for injunctive or declaratory relief, or for an order to enjoin the public body from withholding the record and to compel the production of the requested record.

Sec. 6. Reestablishes the Consumer Protection Fund, to be funded with \$10 million from an anticipated settlement, and with a cap of \$15 million. Creates a Fund advisory group with appointments by the Mayor and Chairman of the Council.

d. Legislative Recommendations for Committee of the Whole

SUBTITLE E. ATTORNEY GENERAL AND MAYOR'S OFFICE OF LEGAL COUNSEL

Sec. XXXX. Short title.

This subtitle may be cited as the "Elected Attorney General Clarification Amendment Act of 2015".

Sec. 2. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended to read as follows:

(a) A new section 106b is added to read as follows:

“Sec. 106b. Personnel and Procurement Authority.

“(a) The Attorney General shall be the personnel authority for the Office of the Attorney General, independent of the personnel authority of the Mayor established under section 422 of the District of Columbia Home Rule Act, approved December 23, 1973 (87 Stat. 790; Publ. L. 93-198; D.C. Official Code §1-204.22), and section 406 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-604.06), or any successor provision, except the personnel provisions applicable to the Mayor under Chapter 6 of Title 1 or any successor legislation shall apply to the Attorney General’s exercise of this authority, unless specifically exempted by District statute.

“(b) The Attorney General shall carry out procurement of goods and services for the Office of the Attorney General through a procurement office or division which shall operate independently of, and shall not be governed by, the Office of Contracting and Procurement established under the Procurement Practices Reform Act of 2011, effective April 8, 2011 (D.C. Law 18- 371; D.C. Official Code § 2-351.01 *et seq.*), or any successor office, except as provided in section 201(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(b)).”.

(b) A new section 110a is added to read as follows:

“Sec. 110a. Authority to issue subpoenas.

“(a) The Attorney General, or his or her designee, shall have the authority to issue subpoenas requiring the attendance and testimony under oath of witnesses and the production of any evidence that is relevant or material relating to unfair, deceptive, unconscionable, or fraudulent practices by or between a merchant or consumer as defined in DC Official Code §28-3901.

“(b) Subpoenas issued pursuant to subsection (a) of this section shall contain the following:

“(1) The name of the person from whom testimony is sought or materials requested;

“(2) The person at the Office of the Attorney General issuing the subpoena;

“(3) A command that the person to whom it is directed give testimony or produce any books, papers, documents, or other designated objects or any other record however maintained, including those electronically stored, that are relevant or material to the investigation, or both, at the time and place specified;

“(4) A description of the books, papers, documents, and objects requested;

“(5) A short, plain statement of the recipient’s rights and the procedure for enforcing and contesting the subpoena;

“(6) The signature of the Attorney General or his or her Senior Counsel, Chief Deputy Attorney General, Deputy Attorney General, or Assistant Deputy Attorney General approving the subpoena.

“(c) Unless otherwise permitted by the Office of the Attorney General, only attorneys for the Office of the Attorney General and their staff, other people involved in the investigation, the witness under examination, his or her attorney, interpreters when needed, and, for the purpose of taking the evidence, a stenographer or operator of a recording device may be present during the taking of testimony.

“(d) If a person refuses to obey a subpoena issued under subsection (a) of this section, the Attorney General may apply to the Superior Court of the District of Columbia for an order compelling the individual to comply with the subpoena. Any failure to obey the order of the court may be punished by the Superior Court as civil contempt.”.

Sec. 3. The District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 202(1) (D.C. Official Code § 1-602.02(1)) is amended as follows:

(1) Strike the phrase “The Mayor and each member of the Council of the District of

Columbia” wherever it appears and insert the phrase “ The Mayor, the Attorney General, and each member of the Council of the District of Columbia” in its place.

(2) Strike the phrase “in accordance with the provisions of sections 421(d) and 403(a) of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 787; D.C Official Code §§ 1-204.21(d) and 1-204.03(a)).” and inserting the phrase “in accordance with the provisions of sections 421(d) and 403(a) of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 787; D.C Official Code §§ 1-204.21(d) and 1-204.03(a)), and section 105 of the Attorney General of the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.85).” in its place.

(b) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

(1) A new subsection (a-1) is added to read as follows:

“(a-1) The term “Attorney General” means the Attorney General for the District of Columbia.”.

(2) Subsection (m) is amended by striking the sentence: “For the purposes of this act, the Council of the District of Columbia shall be considered an independent agency of the District of Columbia” and inserting the sentence: “For the purposes of this act, the Council of the District of Columbia and the Office of the Attorney General for the District of Columbia shall be considered independent agencies of the District of Columbia.” in its place.

(3) Subsection (q)(4) is repealed.

(c) Section 406(b) (D.C. Official Code § 1-604.06(b)) is amended as follows:

(1) Paragraph (21) is amended by striking the phrase “Administration; and” and inserting the phrase “Administration;” in its place.

(2) Paragraph (22) is amended by striking the phrase “Education.” and inserting the phrase “Education; and” in its place.

(3) A new paragraph (23) is added to read as follows:

“(23) For employees of the Office of the Attorney General, the personnel authority is the Attorney General;”.

(d) Section 903(a) (D.C. Official Code § 1-609.03(a)) is amended as follows:

(1) A new paragraph (10A) is added to read as follows:

“(10A) The Attorney General may appoint no more than 30 persons to excepted service positions;”.

(2) Paragraph (11) is amended by striking the phrase “paragraphs (1) through (10) and inserting the phrase “paragraphs (1) through (10A) in its place.

(e) Section 1109 (D.C. Official Code § 1-611.09) is amended by adding a new subsection (b-1) to read as follows:

“(b-1) In accordance with section 105 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.85), the Attorney General shall receive compensation in an amount equal to the Chairman of the Council.”.

(f) Section 1715(a) (D.C. Official Code § 1-617.15(a)) is amended by striking the phrase “or in the case of employees of the District of Columbia Board of Education or the Board of Trustees of the University of the District of Columbia, by the respective Boards.” and inserting the phrase “or in the case of employees of the Office of the Attorney General, the District of Columbia Board of Education, or the Board of Trustees of the University of the District of Columbia, by the Attorney General or the respective Boards.” in its place.

(g) Section 1716(a) (D.C. Official Code § 1-617.16(a)) is amended by striking the phrase “The Mayor,” and inserting the phrase “The Mayor, the Attorney General for employees of the Office of the Attorney General,” in its place.

Sec. 4. Section 201(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(b)), is amended as follows:

(a) Paragraph (10) is amended by striking the phrase “Council; and” and inserting the phrase

“Council;” in its place.

(b) Paragraph (11) is amended by striking the phrase “Services.” and inserting the phrase “Services; and” in its place.

(c) A new paragraph (12) is added to read as follows:

“(12) The Office of the Attorney General;”.

Sec. 5. Section 207 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-537), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “subsection (a-1)” and inserting the phrase “subsections (a-1) and (a-2)” in its place.

(b) A new subsection (a-2) is added to read as follows:

“(a-2) Any person denied the right to inspect a public record in the possession of the Attorney General may institute proceedings in the Superior Court for the District of Columbia for injunctive or declaratory relief, or for an order to enjoin the public body from withholding the record and to compel the production of the requested record.”.

(c) Subsection (b) is amended by striking the phrase “subsection (a) or (a-1)” and inserting the phrase “subsections (a), (a-1), or (a-2)” in its place.

Sec. 6. Title 28 of the District of Columbia Official Code is amended as follows:

(a) A new section 28-3911a is added to read as follows:

“(a) There is established as a special fund the Consumer Protection Fund, which shall be administered by the Office of the Attorney General (“OAG”) in accordance with this section.

“(b)(1) Money from the following sources shall be deposited into the Fund:

“(A) Such sums as may be recovered by the OAG on behalf of the District by judgment in a civil or criminal action, or by settlement of a claim arising from an alleged violation of District law; including, upon approval of the settlement by the District of Columbia Court of Appeals in *District of Columbia v. Expedia, Inc.*, et al., Nos. 14-CV-308, 14-CV-309, \$10 million from the \$60.9 million settlement; and

“(B) Gifts, grants, or *cy pres* payments made to support consumer protection activities by the OAG, which shall be deposited in dedicated sub-accounts.

“(2) The Fund shall not include funds obligated to another purpose or fund by court order, settlement or other agreement, or District or federal law.”.

“(c) Money in the Fund shall be used for the payment of costs, expenses, salaries, and charges incurred that are reasonably related to consumer protection.

“(d) The Attorney General shall submit a Fund spending plan to the Council by October 1 of each year and submit a Fund spending report by August 31 of each year.

“(e) The Attorney General shall establish a Fund Advisory Group and consult with this Group prior to making expenditures from the Fund concerning proposed expenditures from the Fund at least bi-annually. The Group shall include one representative appointed by the Mayor and one representative appointed by the Chairman of the Council of the District of Columbia.

“(f)(1) The money deposited into the Fund, and interest earned, in excess of \$15 million dollars shall revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year. At no point shall there be in excess of \$15 million dollars in the Fund.

“(2)(A) Except as provided in paragraph (1) of this subsection, all remaining money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(B) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund under this paragraph shall be continually available without regard to fiscal year limitation.

Sec. 6. Section 7154(b) of the Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990), is amended by striking the number “55.9” and inserting the number “45.9” in its place.

3. TITLE III. SUBTITLE A. BODY-WORN CAMERA PRIVACY AMENDMENT

a. Purpose, Effect, and Impact on Existing Law

This subtitle would amend Section 204(a) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), to exempt recordings created pursuant to the Metropolitan Police Department's body-worn camera program from Freedom of Information Act requests.

b. Committee Reasoning

Recently, incidents such as those in Ferguson, Missouri, New York City, Tulsa, Oklahoma, North Charleston, South Carolina, Bastrop County, Texas, and Baltimore, Maryland, have heightened the public's awareness of police departments' use of force, and the need for transparency in interactions with citizens. For police to be effective, they must have the trust of the community that they serve. The Committee applauds the Mayor for holding the #IWishUKnew Youth Engagement Forum on May 7, 2015 to bring together District youth to address their policing concerns and start a dialogue on the importance of fostering community-police relations.

Body-worn cameras, if deployed correctly, can be an effective tool to help build and maintain community-police relations. Across the nation, there is widespread consensus that body-worn cameras are valuable. In December of 2014, the *Washington Post* and ABC News conducted a poll which found that 87% of Americans support requiring police officers to be equipped with body-worn cameras.⁹⁶

Other Jurisdictions: Prior to 2015, four states had enacted laws that addressed the use of body-worn cameras.⁹⁷ Pennsylvania (30 Pa.C.S.A. § 901, PA ST 34 Pa.C.S.A. § 901) enacted legislation allowing waterway and game conservation officers to wear body cameras, and Vermont (VT ST T. 20 § 2367) enacted a law that, in part, required a study of their use in conjunction with electronic control devices.⁹⁸ Oklahoma's law (51 Okl.St. Ann. § 24A.8) classifies video and audio files from body-worn cameras as records under their open records law. Their law also specifies situations where video should be redacted prior to being released including portions that depict: the death of a person or a dead body; nudity; or the identity of individuals younger than 16 years of age.⁹⁹ Finally, New Hampshire's (N.H. Rev. Stat. § 570-A:2) law addressed the impact of body-worn cameras on their eavesdropping law, which generally requires both parties' consent to the making of an audio or video recording by creating an exception for audio and video recordings made by officers during routine stops so long as they provide notice to the person being recorded. New Hampshire also created a similar exception for recording devices used in conjunction with electronic control devices. In this circumstance, officers are required to notify the subject of the recording that the recording exists and provide them with copies if requested.

This year, a majority of states—34 as of May 6th—are considering legislation that addresses body-worn camera policies for law enforcement. So far, three states - Arizona, North Dakota and Utah – have enacted new laws.¹⁰⁰ Arizona Senate Bill 1300 created a Law Enforcement Officer Body Camera

⁹⁶ See, <http://abcnews.go.com/blogs/politics/2014/12/policecommunity-controversies-vast-majorities-back-special-prosecutors-body-cams/> (accessed May 8, 2015).

⁹⁷ *Public Oversight Roundtable on MPD's Body-Worn Camera Program before the Council of the District of Columbia Committee on the Judiciary* (May 7, 2015) (written testimony of Richard Williams, Criminal Justice Policy Specialist, National Conference of State Legislatures).

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

Study Committee to recommend new policies and laws for their use and operation. The study committee's final report is due on or before December 31, 2015. North Dakota's new law, House Bill 1264, makes any recording made in a private place by a police or firefighters' body camera exempt from the state's open records law, and Utah's new law, Senate Bill 82, mandates that each police department have a body camera policy requiring an officer executing a warrant to wear a body camera when one is available. It also requires every body camera-equipped officer to comply with their specific agency's policy.

In addition, the legislatures in Florida and Maryland have passed legislation that has been sent to their respective Governors. If signed, Florida Senate Bill 248 would create standards for law enforcement's release of body-worn camera video under the state's open records law. Specifically, the legislation would generally prohibit the release of video taken in a person's residence, in a medical facility or in an area most people would consider private. It also sets standards for who police must share video with, including those who are the subject of the recording. The legislation also gives direction to courts evaluating whether video should be released. Factors the Judiciary may consider include whether the disclosure is necessary to advance a compelling interest, whether disclosure would reveal information of a highly sensitive and personal nature, whether denying its release is necessary to prevent a serious threat to the fair administration of justice, and if the recording could be redacted to protect privacy interests.

Maryland's House Bill 627 and Senate Bill 482 would create a "Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers" charged with studying and making recommendations regarding best practices for body cameras. The legislation also would require the Maryland Police Training Commission to develop and publish an online policy for body camera use that addresses many factors including when a recording is mandatory, when it is prohibited, how access to recordings is handled, review and retention of recordings and consequences for violating the agency's body-worn camera policy.

Body-Worn Cameras and Open Records Laws: As mentioned previously, North Dakota and Oklahoma have enacted laws addressing how body camera recordings are handled in relation to state open records laws and Florida legislation addressing those issues is currently with their Governor.¹⁰¹ For examples of how other jurisdictions are addressing this issue, Oregon Senate Bill 118 would exclude recordings made by body cameras from the state's open records law, unless all parties consent to its release in writing, or the interaction being recorded involves the use of force by a law enforcement officer and the public interest requires its disclosure.

Missouri Senate Bill 356 would treat body camera recordings the same as "incident reports" under the state's open records law, enabling them to be closed at a certain point in the justice process. Another bill in Missouri, House Bill 987, would exempt any camera recording made by an officer during the performance of their official duties from public records, only allowing them to be disclosed pursuant to court order. Michigan House Bill 4229 would require that in order to be released to a person who is not the subject of the video; each subject of the video would have to consent to its release in writing. If they do not consent, the recording is not considered a public record.

Funding for Body-Worn Cameras: To date, no state has enacted a law that provides funding for body-worn cameras. However, several states are considering bills to create funding sources for body-worn cameras. Texas, for example, is considering Senate Bill 182, which would create a matching grant program administered by the Governor's office. Any agency receiving a grant under the program would be required to match funds in an amount equal to 25 percent of the grant. California is considering a similar grant program with Assembly Bill 65, which would require their Board of State and Community

¹⁰¹ *Id.*

Corrections to develop and administer a fund to aid law enforcement agencies with the purchase of body cameras. The funds for the program would come from legislative appropriation, with additional direction for the Board to seek federal funding opportunities.

New Hampshire House Bill 583 would create a “police accountability and safety fund,” which would be funded by a surcharge on all state criminal and civil fines. Similarly, New Jersey Senate Bill 2518 would pay for the body cameras required under that bill with surcharges imposed on persons convicted of driving while intoxicated and sex offenses under Megan’s Law, as well as with forfeiture funds received by the Attorney General. Pennsylvania House Bill 420 would also enable body cameras to be purchased with forfeiture funds.

In addition, Missouri is considering two measures that would use sales tax to purchase body worn cameras. Missouri House Bill 75 would create the “Peace Officer Handgun and Ammunition Sales Tax Fund,” funded by a tax on sales of firearms and ammunitions, and Missouri House Bill 76 would create the “Peace Officer Video Camera Sales Tax Fund” to be funded by a sales tax on all tangible personal property.

Additional Outstanding Issues with Body-Camera Legislation:

1. The scope of who is able or required to wear cameras

Much of the legislation addresses the scope of officers (some or all, those who interact with the public or who carry weapons) who must or may wear body worn cameras. One bill prohibits officers from wearing their privately-owned camera (they can only wear agency authorized equipment).

2. Creation of pilot sites

Maryland and New York introduced bills to create pilot sites in municipalities in order to study the effectiveness and practicality of using body cameras on a larger scale.

3. Police policies for use

Bills would require agencies that use body-worn cameras to develop policies for when they can be used. They may also be required to be posted publically. This can also overlap with data retention policies, when they should be turned on and when they can be turned off.

4. Police Training for Use

Texas’s bill requires training programs to be developed and completed in order for officers to use body-worn cameras.

5. When are recordings required

States are determining when recordings should be made. Michigan’s bill requires recordings to be made during entire shifts. Exceptions exist for personal calls and bathroom breaks. Others specify that recordings be made in response to certain types of calls, with any interaction with a civilian, or that they must be turned on once a situation escalates beyond a certain point. Texas also allows for them to be turned off in “non-confrontational interactions.”

6. Eavesdrop laws/ Permission to be recorded

Some states require 2-way consent for recordings to be made and others only require one-way consent, (the officer).

7. Recordings in areas protected by the 4th Amendment

States also need to address how recordings can be made in homes. If practical, permission may be asked of the homeowner, but it's unclear what would happen during exigent circumstances. Michigan's bill is the first to address this issue.

8. Data Retention

States are determining who can evaluate body camera data, when it can be deleted and when it must be retained. For example, the Texas bill prohibits a person from tampering with, deleting, or making an unauthorized copy of data obtained through the use of a body-worn camera. Also, it prohibits a person from releasing a recording created with a body worn camera unless the person first obtains the permission of the applicable law enforcement agency. The duration of retention can also be determined by the length of a court case impacted, or whether there is a violent interaction present on the recording.

The two main options for law enforcement agencies to store data are in house or with a third party vendor. Both of the main body camera suppliers, Taser and Vievu, also sell data plans for agencies to store the information they need on their servers. However the information is stored, the storage must comply with the Criminal Justice Information Services Security Policy.

9. Extra Technology

States are also trying to determine what additional technologies can be applied to the data recorded via body cameras. So far, the only example is in the Michigan bill. The bill would allow the use of facial recognition technology if a warrant is obtained.

10. Deleted Video Presumption

If police are unable to produce a video that they should, by law, have in their possession, a deleted video presumption clause would require that it be presumed the defendant's account of events be taken as true. The deleted video presumption is present in the Michigan bill.

11. Cost

As mentioned above, no state has enacted a bill for funding body cameras. The costs associated with body worn cameras include the initial purchase of equipment, the maintenance of equipment, training of police officers in their use and data maintenance and retention costs. With these factors included, per officer first year costs for body cameras are estimated between \$400 and \$1500.¹⁰² Maryland is the only state with a fiscal note that details the per officer costs of body cameras (total first-year costs per officer = \$759.60).

12. Federal Funding

The White House announced a potential new Body Worn Camera Partnership Program that would provide a 50 percent match to states/localities who purchase body worn cameras and requisite data storage. Overall, the proposed \$75 million investment over three years could help purchase 50,000 body worn cameras.¹⁰³

California has introduced a bill to enhance and coordinate with the federal funding. The bill directs the state Department of Justice to develop a matching grant program for the purpose of matching federal funds available to local law enforcement entities to purchase body-worn cameras and related data storage and equipment. The matching grant program shall allow the state either to apply for federal matching funds on behalf of a local law enforcement entity, or to reimburse a local law enforcement entity that has expended its funds for federal matching fund purposes.

Indiana has also introduced a bill enabling law enforcement to purchase body cameras using federal funds dedicated for community policing and other purposes.

Committee Recommendation: The Mayor's FY 2016 budget proposes an enhancement of 5.1 million for the purpose of providing 2,800 sworn patrol officers with body cameras for the purpose of increasing accountability and transparency. This enhancement follows the completion of MPD's Six-Month Body-Worn Camera Pilot Program, which began on October 1, 2014. During that time period, MPD tested five models of cameras and had approximately 162 body cameras on the street.

While the Committee believes that MPD should have funding for the purchase of body cameras in FY 2016, the Committee believes that the expansion of the body-worn camera program should begin with the purchase of 1200 cameras at a cost of \$1,930,020. As noted by Lindsay Miller of the Police Executive Research Forum during the Public Oversight Roundtable on MPD's Body-Worn Cameras:

"Once a police agency goes down the road of deploying cameras—and once the public comes to expect the availability of the video records—it can be difficult to reconsider or slow down the process"¹⁰⁴

Creating a comprehensive body-worn camera program includes many technical policy considerations, including all of the considerations mentioned above. The Committee believes that MPD should begin with a smaller number of cameras in order to work out many of the policy considerations that exist.

Implications of BSA Subtitles: The Committee's recommendation creates a process by which the Mayor would submit proposed regulations for the Body-Worn Camera Program for active Council approval no later than October 1, 2015. The proposed regulations must specify the standards for access to body-worn camera recordings and must be approved by resolution in 45 days, excluding Saturdays, Sundays, and holidays.

In addition, the Mayor must consult with representatives of the following constituencies when putting together the proposed resolutions:

¹⁰³ See, <http://www.whitehouse.gov/the-press-office/2014/12/01/fact-sheet-strengthening-community-policing> (last accessed 5/9/2015)

¹⁰⁴ *Public Oversight Roundtable on MPD's Body-Worn Camera Program before the Council of the District of Columbia Committee on the Judiciary* (May 7, 2015) (oral testimony of Lindsay Miller, Senior Research Associate, Police Executive Research Forum)

- (1) The Council's Committee on the Judiciary;
- (2) The Office of Police Complaints;
- (3) The Office of Open Government of the Board of Ethics and Government Accountability;
- (4) The Fraternal Order of Police, D.C. Police Union;
- (5) The Electronic Privacy and Information Center;
- (6) The D.C. Coalition Against Domestic Violence;
- (7) The American Civil Liberties Union of the National Capital Area;
- (8) The D.C. Open Government Coalition;
- (9) The Reporters Committee for Freedom of the Press;
- (10) The Office of the Attorney General;
- (11) The United States Attorney's Office for the District of Columbia; and
- (12) The Public Defender Service for the District of Columbia.

While the Mayor is in the process of creating the regulations, Freedom of Information Act requests would go through the current FOIA process as defined in D.C. Code §§2-531 through 2-537, which provides a mechanism to challenge request denials.

c. Section-by-Section Analysis

Sec. 3001 States the short title.

Sec. 3002 Provides that by October 1, 2015, the Mayor shall submit proposed rules to the Council relating to body-worn camera recordings, and create an advisory group to include specific agencies and organizations. The proposed rules shall be submitted to the Council for a review period of 45 days and shall require active approval.

d. Legislative Recommendations for Committee of the Whole

Sec. 3001. Short title.

The subtitle may be cited as the "Body-Worn Camera Privacy Amendment Act of 2015".

Sec. 3002. Rules.

(a) By October 1, 2015, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall submit to the Council proposed rules relating to body-worn camera recordings, including standards for public access to body-worn camera recordings, obtained pursuant to the Metropolitan Police Department's Body-Worn Camera Program.

(b) In developing proposed rules under subsection (a) of this section, the Mayor shall create an advisory group that shall include individuals from the following agencies and organizations:

- (1) The Council's Committee on the Judiciary;
- (2) The Office of Police Complaints;

- (3) The Office of Open Government of the Board of Ethics and Government Accountability;
- (4) The Fraternal Order of Police, D.C. Police Union;
- (5) The Electronic Privacy and Information Center;
- (6) The D.C. Coalition Against Domestic Violence;
- (7) The American Civil Liberties Union of the National Capital Area;
- (8) The D.C. Open Government Coalition;
- (9) The Reporters Committee for Freedom of the Press;
- (10) The Office of the Attorney General;
- (11) The United States Attorney's Office for the District of Columbia; and
- (12) The Public Defender Service for the District of Columbia.

(c) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within this 45-day period of review, the proposed rules shall be deemed disapproved.

**4. TITLE III. SUBTITLE B. OAH ADMINISTRATIVE LAW JUDGE TERM LIMIT
AMENDMENT**

a. Purpose, Effect, and Impact on Existing Law

This subtitle would amend the terms of the Administrative Law Judges of the Office of Administrative Hearings from six years to five years.

b. Committee Reasoning

The Committee strikes this subtitle. Bill 16-0279, the “Office of Administrative Hearings Term Amendment Act of 2005”, amended the terms of the OAH Administrative Law Judges (ALJs) from ten years to six years. This BSA title would amend them again. As outlined above, the Committee is concerned that this subtitle would compromise the independence of the ALJs. An additional concern is the agency’s training budget. When ALJs are hired and trained is fundamental to their success at the agency. Investing those training dollars in an ALJ who may leave after one short five-year term may be wasteful.

5. TITLE III. SUBTITLE C. CHILD FATALITY REVIEW COMMITTEE AMENDMENT

a. Purpose, Effect, and Impact on Existing Law

The Child Fatality Review Committee operates within the Office of the Chief Medical Examiner. This subtitle would amend the Child Fatality Review Committee Establishment Act of 2001 (D.C. Official Code § 4-1371.04(a)), as follows: paragraph (9) is amended by striking the phrase “Office of the Corporation Counsel.” and inserting the phrase “Office of the Attorney General;” in its place, paragraph (8) is amended by striking the phrase “Department of Housing and Community Development” and inserting the phrase “District of Columbia Housing Authority,” in its place, and new paragraphs are added as follows: “(10) Department of Behavioral Health; “(11) Department of Health Care Finance; “(12) Department of Youth Rehabilitation Services; and “(13) Office of the State Superintendent of Education.”

b. Committee Reasoning

The subtitle makes two technical changes and allows the Mayor to appoint one representative from the Department of Behavioral Health, the Department of Health Care Finance, the Department of Youth Rehabilitation Services, and the Office of the State Superintendent of Education to the Committee.

c. Section-by-Section Analysis

Sec. 3021 States the short title.

Sec. 3022. Substitutes “District of Columbia’s Housing Authority” for the phrase “Department of Housing and Community Development”.

Substitutes “Office of the Attorney General” for the phrase “Office of the Corporation Counsel”.

Adds new committee members from the Department of Behavioral Health, Department of Health Care Finance, Department of Youth Rehabilitative Services and Office of the State Superintendent of Education.

d. Legislative Recommendations for Committee of the Whole

Sec. 3021. Short title.

This subtitle may be cited as the “Child Fatality Review Committee Establishment Amendment of 2015”.

Sec. 3022. Section 4604(a) of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.04(a)), is amended as follows:

(a) Paragraph (8) is amended by striking the phrase “Department of Housing and Community Development” and inserting the phrase “District of Columbia Housing Authority” in its place.

(b) Paragraph (9) is amended by striking the phrase “Office of the Corporation Counsel” and inserting the phrase “Office of the Attorney General” in its place.

(c) New paragraphs (10), (11), (12), and (13) are added to read as follows:

“(10) Department of Behavioral Health;

“(11) Department of Health Care Finance;

“(12) Department of Youth Rehabilitation Services; and

“(13) Office of the State Superintendent of Education.”.

6. TITLE III. SUBTITLE D. OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

a. Purpose, Effect, and Impact on Existing Law

The subtitle, as proposed, would have amended the “Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011” to provide that the Office would no longer be considered a separate agency. Currently, it is budgetarily separate, but it has oversight of the Access to Justice Initiative, the Motor Vehicle Theft Prevention Commission, the Corrections Information Council, the Office of Justice Grants Administration, and the Office of Victim Services. The Mayor’s proposed budget separates these entities from the Deputy Mayor’s Office and folds the Deputy Mayor’s Office into the Office of the City Administrator.

b. Committee Reasoning

While the Committee supports the five entities standing alone, the Council was purposeful in codifying the Deputy Mayor’s Office as a separate agency. The fact that the current Deputy Mayor also serves as the Deputy City Administrator should not necessitate a statutory change. The Committee’s subtitle reconstitutes the Office (and the Committee accepts six FTEs from the Office of the City Administrator to do so). This reconstitution will not have a practical effect on the Office of the Deputy Mayor’s operations.

c. Section-by-Section Analysis

Sec. 3031. States the short title.

Sec. 3032. Redefines the relationship between the Office of the Deputy Mayor for Public Safety and Justice and the agencies formerly under its purview to be one of guidance, support, and coordination, rather than oversight.

d. Legislative Recommendations for Committee of the Whole

Sec. 3031. Short title.

This subtitle may be cited as the “Office of the Deputy Mayor for Public Safety and Justice Amendment Act of 2015”.

Sec. 3032. Section 3022(c)(5)(A) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)(5)(A)), is amended by striking the phrase “Oversee and provide administrative support for the” and inserting the phrase “Be responsible for providing guidance and support to, and coordination of, the” in its place.

7. TITLE III. SUBTITLE E. FEMS MEDICAL DIRECTOR LIABILITY AMENDMENT

a. Purpose, Effect, and Impact on Existing Law

This subtitle would repeal the statute that covers FEMS emergency medical providers (EMTs EMT/Firefighters and Paramedics) under the Medical Director's license. It also would repeal the section that absolves the Medical Director from personal liability for a death or injury that results from Department personnel.

b. Committee Reasoning

The Committee strikes this subtitle. Currently, EMS providers administer pre-hospital emergency medical services under the license of the Medical Director. Specifically, "pre-hospital medical care by the Department's certified emergency medical technicians and paramedics [is] under the license of the Medical Director."¹⁰⁵ The "Emergency Medical Services Act of 2008" also requires that private providers function under the license of their own Medical Director.¹⁰⁶ The D.C. Department of Health/Health Emergency Preparedness & Response Administration (DOH-HEPRA) certifies all Emergency medical providers. Further, statutes and regulations affecting DOH-HEPRA's certification and licensure laws would be significantly affected with the passage of the subtitle. In order to carry out most pre-hospital treatment, a provider must be certified by DOH-HEPRA and operate under a medical license or be a provider who is licensed to administer emergency medical care. Furthermore, the language as proposed suggests that the all providers are licensed and could carry out pre-hospital emergency medical services; not all are. This statute would require EMS providers to become licensed as medical professionals in order to provide pre-hospital care.¹⁰⁷ To that end, emergency medical service providers are required to operate under the license of the supervising medical director.

Finally, the Committee is not aware of any jurisdiction that employs certified ALS personnel without operating under the Medical Director's license. In other jurisdictions, all ALS providers are personally licensed themselves if they do not carry out pre-hospital emergency medical care under a Medical Director's license.

¹⁰⁵ D.C. Official Code § 5-404.01e(1).

¹⁰⁶ , B17-0596, the "Emergency Medical Services Act of 2008", effective Mar. 25, 2009, D.C. Law 17-357, (D.C. Official Code §7-2341.03.h.).

¹⁰⁷ Email from the D.C. Department of Health/Health Emergency Preparedness & Response Administration (DOH-HEPRA).

8. TITLE VII. SUBTITLE H. FISCAL YEAR 2015 FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT SETTLEMENT ACT.

a. Purpose, Effect, and Impact on Existing Law

This subtitle would require the District to pay any FY 2015 surplus to IAFF Local 36 to satisfy the overtime judgment arising from the *District of Columbia Fire and Emergency Medical Services Department v. District of Columbia Public Employee Relations Board, et al.*, 105 A.3d 992 (D.C. 2014). In responses to the Committee's questions, the Department indicated that as of March 8, 2015, the Department has implemented an overtime pay schedule that reflects the judgment in that case as well, so costs are not continuing to be incurred.

b. Committee Reasoning

FEMS and the International Association of Fire Fighters, Local 36, have long disputed FEMS' overtime payment policy. At issue is the trigger for payment of overtime at the time-and-a-half rate, which has been the subject of litigation since 2007. At each stage of this matter—from arbitration to the most recent decision by the District of Columbia Court of Appeals¹⁰⁸—the government has lost. Despite this poor track record, FEMS has continued a practice contrary to the model of an earlier collective bargaining agreement, a 2007 arbitration award, a 2011 PERB order upholding the arbitration award, and subsequent decisions affirming the PERB order in the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

The Committee included this subtitle in the Budget Support Act. The Committee made minor technical amendments. To be clear, the Committee included this Subtitle in the BSA because it is legally and technically sufficient and aligns with the Committee's priorities. However, the Committee notes that some fiscal priorities are statutorily enumerated.¹⁰⁹ Additionally, the Committee was informed that the OCFO will take the lead on evaluating whether additional language should be added to clarify the order of priorities.¹¹⁰

c. Section-by-Section Analysis

Sec. 7071. States the short title.

Sec. 7072. Requires the Chief Financial Officer to certify the Fiscal Year 2015 surplus and apply it to liability arising out of the District of Columbia Court of Appeals decision on FEMS overtime. (*District of Columbia Fire and Emergency Medical Services Department v. District of Columbia Public Employee Relations Board, et al.*, 105 A.3d 992 (D.C. 2014).)

a. Legislative Recommendations for Committee of the Whole

¹⁰⁸ *District of Columbia Fire and Emergency Medical Services Department v. District of Columbia Public Employee Relations Board, et al.*, 105 A.3d 992 (D.C. 2014).

¹⁰⁹ See D.C. Official Code §1-204.50a.

¹¹⁰ Email from David Tseng, Office of the Chief Financial Officer to Tom Moir, Office of the Budget Director (May 8, 2015).

Sec. 7071. Short title.

This subtitle may be cited as the “Fiscal Year 2015 Fire and Emergency Medical Services Department Settlement Act of 2014”.

Sec. 7072. Following the conclusion of Fiscal Year 2015, any surplus amounts in excess of the Fiscal Year 2015 budget, as certified by the Chief Financial Officer, shall be used, first, to pay the amount contained in the financial plan arising from the decision in *District of Columbia Fire and Emergency Medical Services Department v. District of Columbia Public Employee Relations Board, et al.*, 105 A.3d 992 (D.C. 2014).

B. RECOMMENDATIONS FOR NEW BUDGET SUPPORT ACT SUBTITLES

The Committee on the Judiciary and Public Safety recommends the following new subtitles to be added to the “FY 2016 Budget Support Act of 2015”:

1. Title --. Subtitle --. Board of Ethics and Government Accountability Board Size Amendment Act.....
2. Title --. Subtitle --. Sentencing and Criminal Code Revision Commission Staffing Amendment Act.....

1. TITLE --. SUBTITLE --. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY BOARD SIZE AMENDMENT ACT

a. Purpose, Effect, and Impact on Existing Law

This subtitle amends Section 203(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (D.C. Law 19-124; D.C. Official Code § 1-1162.03(a)) to expand the size of the Board from three (3) to five (5) members.

b. Committee Reasoning

The Board has encountered difficulties in conducting business with such a small membership. If one member is absent or a seat is vacant (as is now the case), both members must always been in attendance at Board meetings. Additionally, the Office of Government Ethics is hesitant to take on time consuming enforcement actions if there exists the possibility of a deadlock. Expanding the Board will allow for a wider diversity of viewpoints and prevent business from coming to a halt. The cost will be \$25,000, as each Board member receives compensation in the amount of \$12,500. The Committee’s budget incorporates this cost.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. Expands the membership of the Board of Ethics and Government Accountability from 3 to 5. Repeals unnecessary language relating to the initial composition of the Board.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Board of Ethics and Government Accountability Board Size Amendment Act of 2015”.

Sec. 2. Section 203(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.03(a)), is amended as follows:

- (a) Strike the number “3” and insert the number “5” in its place.
- (b) Strike the number “2” and insert the number “3” in its place.
- (c) Strike the phrase “Of the members first appointed, one member shall be appointed to serve for a 2-year term, one member shall be appointed to serve for a 4-year term, and one member shall be appointed to serve for a 6-year term, as designated by the Mayor.”

**2. TITLE --. SUBTITLE --. SENTENCING AND CRIMINAL CODE REVISION COMMISSION
STAFFING AMENDMENT ACT**

a. Purpose, Effect, and Impact on Existing Law

This subtitle amends Section 903(a)(9) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code § 1-609.03(a)(9)) to authorize the District of Columbia Sentencing and Criminal Code Revision Commission to appoint an additional staff member.

b. Committee Reasoning

As noted in Section II, Subsection Z, of this Committee Report, the District of Columbia Sentencing and Criminal Code Revision Commission's staffing levels are set by statute (D.C. Code § 1-609.03(a)(9)). The Committee is recommending an increase of one FTE and is therefore amending the statute accordingly.

c. Section-by-Section Analysis

Sec. XXXX States the short title.

Sec. 2. Allows the District of Columbia Sentencing and Criminal Code Revision Commission to appoint no more than 11 persons instead of 10.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the "Sentencing and Criminal Code Revision Commission Staffing Amendment Act of 2015".

Sec. 2. Section 903(a)(9) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.03(a)(9)) is amended by striking the number "10" and inserting the number "11" in its place.

V. COMMITTEE ACTION AND VOTE

On Tuesday, May 12, 2015, at 1:18 p.m. in Room 500 of the John A. Wilson Building, the Committee met to consider and vote on the Mayor's proposed Fiscal Year 2016 budget for the agencies and programs under its jurisdiction, the provisions of the Fiscal Year 2016 Budget Support Act of 2015 referred to the Committee for comment, and the Committee's Budget Report. Chairperson Kenyan McDuffie called the meeting to order and determined the existence of a quorum with Councilmembers Evans, Cheh, and Bonds present.

Chairperson McDuffie then provided a brief overview of the draft report and summarized the Committee's recommendations and comments.

Chairperson McDuffie then welcomed comments from other Members. Councilmember Evans thanked Chairperson McDuffie and his staff for an extensive report. He then expressed thanks as it relates to the Attorney General subtitle. Councilmember Evans noted that taking some language out of the Budget Support Act was the best idea because it provides an opportunity to hear things from all sides. Councilmember Evans then asked about the \$10 million for the newly-created consumer protection fund and noted that if it is still in the Budget Support Act, that money is already dedicated to WMATA, thus acting as a placeholder. Jen Budoff, Director of the Council's Budget Office, stated that Councilmember Evans was correct that a portion of the anticipated settlement monies had been designated as such in last year's Budget Support Act.

Councilmember Evans then expressed concern over the number of body cameras provided by the Committee, and said that the bill as written only allows for the purchase of an additional 780 cameras. Councilmember Evans noted that there may be a difference of interpretation as to how many cameras the Committee planned to purchase and how many the Metropolitan Police Department believes will be purchased based on what is written in the Committee Report. Councilmember Evans stated he would like to have the whole Council consider obtaining 2,400 body cameras because 1,600 means fewer officers will have cameras. In addition, he supposed that the costs of purchasing cameras may be less when buying in larger quantities.

Chairperson McDuffie clarified that the Committee's intention is to fund 1,600 body cameras, including the 400 cameras the Department already has. The Councilmember also highlighted that it must be clear that the Chief can roll out all cameras in Fiscal Year 2016, and that there is a per-unit cost.

Councilmember Bonds asked if there would be an allocation of cameras by Ward, and if so, would there be an earmark. Chairperson McDuffie clarified that the Chief will determine the rollout of the cameras, and that the Committee was only determining how many cameras to purchase for Fiscal Year 2016. Councilmember Bonds then asked that consideration be given to neighborhoods with the most complaints. Lastly, Councilmember Bonds thanked Chairperson McDuffie on the Attorney General compromises.

Councilmember Cheh stated that she agreed that the District of Columbia should have all 2,800 of the cameras, but the question is matter of when. She further stated that she was present during the public oversight roundtable on body cameras when Chief Lanier said that she could not roll out all cameras in Fiscal Year 2016. She stressed the importance of doing what is realistic and also said she appreciates waiting to determine when to reveal videos so that an appropriate compromise can be struck.

Chairperson McDuffie clarified that the costs for cameras do not get cheaper if bought in larger quantities and stated that there is a per camera cost. He also clarified that the cameras would be assigned by unit, and it would be left to the Chief's expertise to determine which officers will wear body cameras.

After an opportunity for further discussion, Chairperson McDuffie then moved the Report with leave for staff to make technical, conforming, and editorial changes. The Members voted unanimously to approve the recommendations.

Chairperson McDuffie then thanked his Committee staff and adjourned the meeting at 1:50 p.m.

VI. ATTACHMENTS

- A. April 15, 2015 FY 2016 Budget Oversight Hearing Witness List and Testimony
- B. April 17, 2015 FY 2016 Budget Oversight Hearing Witness List and Testimony
- C. April 27, 2015 FY 2016 Budget Oversight Hearing Witness List and Testimony
- D. April 29, 2015 FY 2016 Budget Oversight Hearing Witness List and Testimony
- E. April 30, 2015 FY 2016 Budget Oversight Hearing Witness List and Testimony
- F. May 4, 2015 FY 2016 Budget Oversight Hearing Witness List and Testimony