
COMMITTEE ON THE JUDICIARY

KENYAN R. MCDUFFIE, CHAIRPERSON
FISCAL YEAR 2017
COMMITTEE BUDGET REPORT



TO: Members of the Council of the District of Columbia

FROM: Councilmember Kenyan R. McDuffie
Chairperson, Committee on the Judiciary

DATE May 5, 2016

SUBJECT: Report and Recommendations of the Committee on the Judiciary on the
Fiscal Year 2017 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 2017 (“FY 2017”) 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 2017 Budget Support Act of 2016, as proposed by the Mayor, and proposes several of its own subtitles.

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I. SUMMARY

A. FY 2017 AGENCY OPERATING BUDGET SUMMARY TABLE

<i>AGENCY</i>	<i>FUND SOURCE</i>	<i>FY16 APPROVED</i>	<i>FY17 PROPOSED</i>	<i>VARIANCE</i>	<i>FY17 COMMITTEE REVISED</i>
<i>Board of Ethics and Government Accountability</i>	LOCAL FUND	1,683,892	1,909,619		1,909,619
	SPECIAL PURPOSE REVENUE FUNDS	90,000	150,000		150,000
	Total Fund	1,773,892	2,059,619		2,059,619
<i>Mayor's Office of Legal Counsel</i>	LOCAL FUND	1,596,088	1,641,664		1,641,664
	Total Fund	1,596,088	1,641,664		1,641,664
<i>Uniform Law Commission</i>	LOCAL FUND	50,000	50,000		50,000
	Total Fund	50,000	50,000		50,000
<i>Homeland Security and Emergency Management Agency</i>	LOCAL FUND	4,551,525	4,667,223		4,667,223
	FEDERAL GRANT FUND	128,192,067	129,862,220		129,862,220
	Total Fund	132,743,592	134,529,443		134,529,443
<i>Office of the Attorney General</i>	LOCAL FUND	57,124,234	59,002,650	170,668	59,173,318
	FEDERAL GRANT FUND	22,177,381	22,570,451		22,570,451
	PRIVATE DONATIONS	407,570	456,232		456,232
	SPECIAL PURPOSE REVENUE FUNDS	1,848,733	4,208,741		4,208,741
	INTRA-DISTRICT FUNDS	2,471,241	3,052,193		3,052,193
	Total Fund	84,029,159	89,290,267	170,668	89,460,935
<i>Office of Campaign Finance</i>	LOCAL FUND	2,704,259	2,792,105	41,358	2,833,463
	Total Fund	2,704,259	2,792,105	41,358	2,833,463
<i>Board of Elections</i>	LOCAL FUND	7,390,254	7,593,411	30,000	7,623,411
	Total Fund	7,390,254	7,593,411	30,000	7,623,411
<i>Commission on Judicial Disabilities and Tenure</i>	FEDERAL PAYMENTS	295,000	310,000		310,000
	Total Fund	295,000	310,000		310,000
<i>Judicial Nomination Commission</i>	FEDERAL PAYMENTS	270,000	275,000		275,000
	Total Fund	270,000	275,000		275,000
<i>Emergency Planning and Security Fund</i>	FEDERAL PAYMENTS	13,000,000	34,895,000		34,895,000
	Total Fund	13,000,000	34,895,000		34,895,000
<i>Metropolitan Police Department</i>	LOCAL FUND	505,836,884	516,662,149	(679,159)	515,982,990
	FEDERAL GRANT FUND	3,066,213	3,229,460		3,229,460

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	SPECIAL PURPOSE REVENUE FUNDS	7,933,979	7,863,978		7,863,978
	INTRA-DISTRICT FUNDS	24,695,313	25,378,153		25,378,153
	Total Fund	541,532,389	553,133,739	(679,159)	552,454,580
<i>Fire and Emergency Medical Services Department</i>	LOCAL FUND	230,277,522	250,002,561	(395,500)	249,607,061
	FEDERAL GRANT FUND		3,022,145		3,022,145
	SPECIAL PURPOSE REVENUE FUNDS	1,520,000	1,025,000		1,025,000
	INTRA-DISTRICT FUNDS		400,000		400,000
	Total Fund	231,797,522	254,449,706	(395,500)	254,054,206
<i>Office of Police Complaints</i>	LOCAL FUND	2,291,634	2,366,211	82,977	2,449,188
	Total Fund	2,291,634	2,366,211	82,977	2,449,188
<i>Corrections Information Council</i>	LOCAL FUND	482,292	497,297		497,297
	Total Fund	482,292	497,297		497,297
<i>Criminal Justice Coordinating Council</i>	LOCAL FUND	1,167,347	555,068		555,068
	FEDERAL PAYMENTS	1,900,000	2,000,000		2,000,000
	INTRA-DISTRICT FUNDS	75,000	75,000		75,000
	Total Fund	3,142,347	2,630,068		2,630,068
<i>District of Columbia National Guard</i>	LOCAL FUND	5,026,262	5,019,621	120,000	5,139,621
	FEDERAL PAYMENTS	435,000	450,000		450,000
	FEDERAL GRANT FUND	7,855,383	7,712,995		7,712,995
	Total Fund	13,316,645	13,182,616	120,000	13,302,616
<i>Department of Corrections</i>	LOCAL FUND	122,175,524	126,404,140		126,404,140
	SPECIAL PURPOSE REVENUE FUNDS	28,557,323	20,167,973		20,167,973
	INTRA-DISTRICT FUNDS	186,029	351,153		351,153
	Total Fund	150,918,875	146,923,266		146,923,266
<i>Office of Victim Services & Justice Grants</i>	LOCAL FUND	20,799,183	20,136,228	1,470,076	21,606,304
	FEDERAL GRANT FUND	7,871,001	12,256,781	1,145,349	13,402,130
	SPECIAL PURPOSE REVENUE FUNDS	1,693,000	1,797,516		1,797,516
	Total Fund	30,363,184	34,190,525	2,615,425	36,805,950

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<i>Deputy Mayor for Public Safety and Justice</i>	LOCAL FUND	845,827	1,605,425	(330,423)	1,275,002
	Total Fund	845,827	1,605,425	(330,423)	1,275,002
<i>Department of Forensic Sciences</i>	LOCAL FUND	22,500,349	22,879,234		22,879,234
	FEDERAL GRANT FUND	459,874	375,890		375,890
	INTRA-DISTRICT FUNDS	314,370	821,275		821,275
	Total Fund	23,274,593	24,076,399		24,076,399
<i>Office of Administrative Hearings</i>	LOCAL FUND	8,805,049	8,926,440		8,926,440
	FEDERAL MEDICAID PAYMENTS	60,000	60,000		60,000
	INTRA-DISTRICT FUNDS	1,355,062	1,645,490		1,645,490
	Total Fund	10,220,111	10,631,930		10,631,930
<i>Homeland Security Grants</i>	INTRA-DISTRICT FUNDS	4,133,652	4,076,567		4,076,567
	Total Fund	4,133,652	4,076,567		4,076,567
<i>Office of the Chief Medical Examiner</i>	LOCAL FUND	10,827,793	11,422,664		11,422,664
	INTRA-DISTRICT FUNDS	56,515	512,155		512,155
	Total Fund	10,884,308	11,934,819		11,934,819
<i>District of Columbia Sentencing and Criminal Code Revision Commission</i>	LOCAL FUND	1,609,771	1,086,544		1,086,544
	Total Fund	1,609,771	1,086,544		1,086,544
<i>Criminal Code Reform Commission</i>	LOCAL FUND			700,905	700,905
	Total Fund			700,905	700,905
<i>Office of Human Rights</i>	LOCAL FUND	3,740,892	3,860,091	198,184	4,058,275
	FEDERAL GRANT FUND	267,000	321,950		321,950
	INTRA-DISTRICT FUNDS		40,000		40,000
	Total Fund	4,007,892	4,222,041	198,184	4,420,225
<i>Department of Youth Rehabilitation Services</i>	LOCAL FUND	105,675,731	101,528,794		101,528,794
	INTRA-DISTRICT FUNDS	344,000	344,000		344,000
	Total Fund	106,019,731	101,872,794		101,872,794
<i>Office of Unified Communications</i>	LOCAL FUND	28,196,890	31,874,557	50,000	31,924,557
	SPECIAL PURPOSE REVENUE FUNDS	16,971,384	17,811,139		17,811,139

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	INTRA-DISTRICT FUNDS	299,345	325,411		325,411
	Total Fund	45,467,618	50,011,107	50,000	50,061,107
<i>Office on Returning Citizen Affairs</i>	LOCAL FUND	188,979	490,298		490,298
	Total Fund	188,979	490,298		490,298
<i>Commission on Fathers, Men, & Boys</i>	LOCAL FUND		187,708		187,708
	Total Fund		187,708		187,708
COMMITTEE ON THE JUDICIARY	LOCAL FUND	1,145,548,180	1,183,161,701	1,459,086	1,184,620,787
	DEDICATED TAXES				
	FEDERAL PAYMENTS	15,900,000	37,930,000		37,930,000
	FEDERAL GRANT FUND	169,888,918	179,351,892	1,145,349	180,497,241
	FEDERAL MEDICAID PAYMENTS	60,000	60,000		60,000
	PRIVATE DONATIONS	407,570	456,232		456,232
	SPECIAL PURPOSE REVENUE FUNDS	58,614,418	53,024,348		53,024,348
	INTRA-DISTRICT FUNDS	33,930,526	37,021,396		37,021,396
	Total Fund	1,424,349,613	1,491,005,569	2,604,435	1,493,610,004

B. FY 2017 AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE

<i>AGENCY</i>	<i>FUND SOURCE</i>	<i>FY16 FTE</i>	<i>FY17 PROPOSED FTE</i>	<i>FTE CHANGE</i>	<i>BUDGET - FTE</i>
<i>Board of Ethics and Government Accountability</i>	LOCAL FUND	15.00	15.00		15.00
	Total Fund	15.00	15.00		15.00
<i>Mayor's Office of Legal Counsel</i>	LOCAL FUND	11.00	10.00		10.00
	Total Fund	11.00	10.00		10.00
<i>Homeland Security and Emergency Management Agency</i>	LOCAL FUND	26.50	28.00		28.00
	FEDERAL GRANT FUND	65.50	77.05		77.05
	Total Fund	92.00	105.05		105.05
<i>Office of the Attorney General</i>	LOCAL FUND	407.85	401.59	2.00	403.59
	FEDERAL GRANT FUND	155.63	151.76		151.76
	PRIVATE DONATIONS	6.50	7.00		7.00
	SPECIAL PURPOSE REVENUE FUNDS	2.72	6.72		6.72
	INTRA-DISTRICT FUNDS	19.68	22.48		22.48
	Total Fund	592.38	589.55	2.00	591.55
<i>Office of Campaign Finance</i>	LOCAL FUND	30.00	30.00		30.00
	Total Fund	30.00	30.00		30.00
<i>Board of Elections</i>	LOCAL FUND	60.00	60.00		60.00
	Total Fund	60.00	60.00		60.00
<i>Commission on Judicial Disabilities and Tenure</i>	FEDERAL PAYMENTS	2.00	2.00		2.00
	Total Fund	2.00	2.00		2.00
<i>Judicial Nomination Commission</i>	FEDERAL PAYMENTS	2.00	2.00		2.00
	Total Fund	2.00	2.00		2.00
<i>Metropolitan Police Department</i>	LOCAL FUND	4,598.01	4,641.00	(19.00)	4,622.00
	FEDERAL GRANT FUND	13.00	13.00		13.00
	INTRA-DISTRICT FUNDS	9.00	9.00		9.00
	Total Fund	4,620.01	4,663.00	(19.00)	4,644.00
<i>Fire and Emergency</i>	LOCAL FUND	2,068.00	2,062.00		2,062.00

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<i>Medical Services Department</i>					
	FEDERAL GRANT FUND		42.00		42.00
	Total Fund	2,068.00	2,104.00		2,104.00
<i>Office of Police Complaints</i>	LOCAL FUND	23.25	23.25	1.00	24.25
	Total Fund	23.25	23.25	1.00	24.25
<i>Corrections Information Council</i>	LOCAL FUND	6.00	6.00		6.00
	Total Fund	6.00	6.00		6.00
<i>Criminal Justice Coordinating Council</i>	LOCAL FUND	2.27	2.27		2.27
	FEDERAL PAYMENTS	14.09	14.98		14.98
	INTRA-DISTRICT FUNDS	0.64	0.75		0.75
	Total Fund	17.00	18.00		18.00
<i>District of Columbia National Guard</i>	LOCAL FUND	39.50	39.52		39.52
	FEDERAL GRANT FUND	87.51	89.48		89.48
	Total Fund	127.01	129.00		129.00
<i>Department of Corrections</i>	LOCAL FUND	906.20	1,135.20		1,135.20
	SPECIAL PURPOSE REVENUE FUNDS	25.00	25.00	215.00	240.00
	INTRA-DISTRICT FUNDS	0.80	1.80		1.80
	Total Fund	932.00	1,162.00	215.00	1,377.00
<i>Office of Victim Services and Justice Grants</i>	LOCAL FUND	13.00	10.62		10.62
	FEDERAL GRANT FUND		2.64		2.64
	SPECIAL PURPOSE REVENUE FUNDS		0.76		0.76
	Total Fund	13.00	14.02		14.02
<i>Deputy Mayor for Public Safety and Justice</i>	LOCAL FUND	6.00	11.00	(3.00)	8.00
	Total Fund	6.00	11.00	(3.00)	8.00
<i>Department of Forensic Sciences</i>	LOCAL FUND	130.25	187.00		187.00
	FEDERAL GRANT FUND	3.00	5.00		5.00
	INTRA-DISTRICT FUNDS	2.75	3.25		3.25
	Total Fund	136.00	195.25		195.25
<i>Office of Administrative Hearings</i>	LOCAL FUND	75.25	73.25		73.25
	INTRA-DISTRICT FUNDS	8.00	10.00		10.00
	Total Fund	83.25	83.25		83.25

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Office of the Chief Medical Examiner	LOCAL FUND	73.00	82.00		82.00
	INTRA-DISTRICT FUNDS		4.00		4.00
	Total Fund	73.00	86.00		86.00
District of Columbia Sentencing and Criminal Code Revision Commission	LOCAL FUND	11.00	6.00		6.00
	Total Fund	11.00	6.00		6.00
Criminal Code Reform Commission	LOCAL FUND			5.00	5.00
	Total Fund			5.00	5.00
Office of Human Rights	LOCAL FUND	35.60	34.65	2.00	36.65
	FEDERAL GRANT FUND	2.40	2.35		2.35
	Total Fund	38.00	37.00	2.00	39.00
Department of Youth Rehabilitation Services	LOCAL FUND	554.50	554.50		554.50
	Total Fund	554.50	554.50		554.50
Office of Unified Communications	LOCAL FUND	304.80	336.30		337.30
	INTRA-DISTRICT FUNDS	6.00	6.00		6.00
	Total Fund	310.80	342.30		343.30
Office on Returning Citizen Affairs	LOCAL FUND	2.00	5.00		5.00
	Total Fund	2.00	5.00		5.00
Commission on Fathers, Men, and Boys	LOCAL FUND		2.00		2.00
	Total Fund		2.00		2.00
COMMITTEE ON THE JUDICIARY	LOCAL FUND	9,398.98	9,756.15	(12.00)	9,744.15
	FEDERAL PAYMENTS	18.09	18.98		18.98
	FEDERAL GRANT FUND	327.04	383.28		383.28
	PRIVATE DONATIONS	6.50	7.00		7.00
	SPECIAL PURPOSE REVENUE FUNDS	27.72	32.48	215.00	247.48
	INTRA-DISTRICT FUNDS	46.87	57.28		57.28
	Total Fund	9,825.20	10,255.17	203.00	10,458.17

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C. FY 2017 AGENCY OPERATING BUDGET SUMMARY TABLE BY CSG

<i>AGENCY</i>	<i>CSG</i>	<i>FY16 APPROVED</i>	<i>FY17 APPROVED</i>	<i>VARIANCE</i>	<i>FY17 COMMITTEE REVISED</i>
<i>Board of Ethics and Government Accountability</i>	11-REGULAR PAY - CONT FULL TIME	1,312,581	1,231,628		1,231,628
	12-REGULAR PAY - OTHER		169,046		169,046
	14-FRINGE BENEFITS - CURR PERSONNEL	253,620	294,142		294,142
	Personal Services	1,566,202	1,694,816		1,694,816
	20-SUPPLIES AND MATERIALS	2,560	2,657		2,657
	40-OTHER SERVICES AND CHARGES	201,985	362,146		362,146
	70-EQUIPMENT & EQUIPMENT RENTAL	3,145			
	Nonpersonal Services	207,690	364,803		364,803
	Gross Funds	1,773,892	2,059,619		2,059,619
<i>Mayor's Office of Legal Counsel</i>	11-REGULAR PAY - CONT FULL TIME	1,272,500	1,249,438		1,249,438
	14-FRINGE BENEFITS - CURR PERSONNEL	273,588	257,000		257,000
	Personal Services	1,546,088	1,506,438		1,506,438
	20-SUPPLIES AND MATERIALS	50,000	10,000		10,000
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC		10,000		10,000
	40-OTHER SERVICES AND CHARGES		95,226		95,226
	41-CONTRACTUAL SERVICES - OTHER		15,000		15,000
	70-EQUIPMENT & EQUIPMENT RENTAL		5,000		5,000
	Nonpersonal Services	50,000	135,226		135,226
Gross Funds	1,596,088	1,641,664		1,641,664	
<i>Uniform Law Commission</i>	40-OTHER SERVICES AND CHARGES	50,000	50,000		50,000
	Nonpersonal Services	50,000	50,000		50,000
	Gross Funds	50,000	50,000		50,000
<i>Homeland Security and Emergency Management Agency</i>	11-REGULAR PAY - CONT FULL TIME	6,842,482	8,233,549		8,233,549
	12-REGULAR PAY - OTHER	1,116,259	1,428,140		1,428,140
	13-ADDITIONAL GROSS PAY	193,351	264,706		264,706
	14-FRINGE BENEFITS - CURR PERSONNEL	1,910,098	2,367,114		2,367,114

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	15-OVERTIME PAY	182,500	235,882		235,882	
	Personal Services	10,244,690	12,529,391		12,529,391	
	20-SUPPLIES AND MATERIALS	152,281	187,041		187,041	
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	101,634	111,000		111,000	
	40-OTHER SERVICES AND CHARGES	3,618,536	5,397,262		5,397,262	
	41-CONTRACTUAL SERVICES - OTHER	2,888,088	2,993,047		2,993,047	
	50-SUBSIDIES AND TRANSFERS	114,690,233	112,336,954		112,336,954	
	70-EQUIPMENT & EQUIPMENT RENTAL	1,048,131	974,750		974,750	
	Nonpersonal Services	122,498,902	122,000,053		122,000,053	
	Gross Funds	132,743,592	134,529,443		134,529,443	
<i>Office of the Attorney General</i>	11-REGULAR PAY - CONT FULL TIME	45,942,486	47,804,564	139,548	47,944,112	
	12-REGULAR PAY - OTHER	7,489,690	7,960,728		7,960,728	
	13-ADDITIONAL GROSS PAY	604,480	604,480		604,480	
	14-FRINGE BENEFITS - CURR PERSONNEL	10,582,130	11,495,511	29,864	11,525,375	
	Personal Services	64,618,785	67,865,283	169,412	68,034,695	
	20-SUPPLIES AND MATERIALS	446,124	479,164	1,256	480,420	
	30-ENERGY, COMM. AND BLDG RENTALS	646,196	657,167		657,167	
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	359,166	365,425		365,425	
	33-JANITORIAL SERVICES	24,353				
	34-SECURITY SERVICES	359,862	450,881		450,881	
	35-OCCUPANCY FIXED COSTS	835,104	810,544		810,544	
	40-OTHER SERVICES AND CHARGES	3,401,484	4,030,828		4,030,828	
	41-CONTRACTUAL SERVICES - OTHER	11,321,479	12,465,247		12,465,247	
	50-SUBSIDIES AND TRANSFERS	1,474,977	1,474,977		1,474,977	
	70-EQUIPMENT & EQUIPMENT RENTAL	541,629	690,750		690,750	
	Nonpersonal Services	19,410,374	21,424,984		21,424,984	
	Gross Funds	84,029,159	89,290,267	170,668	89,460,935	
	<i>Office of Campaign Finance</i>	11-REGULAR PAY - CONT FULL TIME	2,138,017	2,209,086		2,209,086
		14-FRINGE BENEFITS - CURR PERSONNEL	468,226	516,926		516,926
Personal Services		2,606,242	2,726,012		2,726,012	
20-SUPPLIES AND MATERIALS		10,000	10,000		10,000	

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	40-OTHER SERVICES AND CHARGES	63,017	56,093	41,358	97,451
	70-EQUIPMENT & EQUIPMENT RENTAL	25,000			
	Nonpersonal Services	98,017	66,093	41,358	107,451
	Gross Funds	2,704,259	2,792,105	41,358	2,833,463
Board of Elections	11-REGULAR PAY - CONT FULL TIME	2,376,346	3,023,961		3,023,961
	12-REGULAR PAY - OTHER	1,279,422	800,073		800,073
	14-FRINGE BENEFITS - CURR PERSONNEL	756,744	760,983		760,983
	15-OVERTIME PAY	500,000	500,000		500,000
	Personal Services	4,912,511	5,085,016		5,085,016
	20-SUPPLIES AND MATERIALS	226,267	285,000		285,000
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	10,000	20,000		20,000
	40-OTHER SERVICES AND CHARGES	1,598,996	1,590,915	30,000	1,620,915
	41-CONTRACTUAL SERVICES - OTHER	600,000	570,000		570,000
	70-EQUIPMENT & EQUIPMENT RENTAL	42,480	42,480		42,480
	Nonpersonal Services	2,477,743	2,508,395	30,000	2,538,395
	Gross Funds	7,390,254	7,593,411	30,000	7,623,411
Commission on Judicial Disabilities and Tenure	11-REGULAR PAY - CONT FULL TIME	207,165	211,220		211,220
	13-ADDITIONAL GROSS PAY	873			
	14-FRINGE BENEFITS - CURR PERSONNEL	22,788	25,624		25,624
	Personal Services	230,826	236,844		236,844
	20-SUPPLIES AND MATERIALS	2,500	3,000		3,000
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	8,519	8,519		8,519
	40-OTHER SERVICES AND CHARGES	23,160	30,837		30,837
	41-CONTRACTUAL SERVICES - OTHER	28,000	28,500		28,500
	70-EQUIPMENT & EQUIPMENT RENTAL	1,995	2,300		2,300
	Nonpersonal Services	64,174	73,156		73,156
	Gross Funds	295,000	310,000		310,000
Judicial Nomination Commission	11-REGULAR PAY - CONT FULL TIME	205,794	196,013		196,013
	13-ADDITIONAL GROSS PAY	13,170			

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	14-FRINGE BENEFITS - CURR PERSONNEL	19,837	32,609		32,609
	15-OVERTIME PAY		500		500
	Personal Services	238,802	229,122		229,122
	20-SUPPLIES AND MATERIALS	6,400	6,400		6,400
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	6,610	6,682		6,682
	40-OTHER SERVICES AND CHARGES	16,688	23,917		23,917
	41-CONTRACTUAL SERVICES - OTHER		5,238		5,238
	70-EQUIPMENT & EQUIPMENT RENTAL	1,500	3,640		3,640
	Nonpersonal Services	31,198	45,878		45,878
	Gross Funds	270,000	275,000		275,000
<i>Emergency Planning and Security Fund</i>	50-SUBSIDIES AND TRANSFERS	13,000,000	34,895,000		34,895,000
	Nonpersonal Services	13,000,000	34,895,000		34,895,000
	Gross Funds	13,000,000	34,895,000		34,895,000
<i>Metropolitan Police Department</i>	11-REGULAR PAY - CONT FULL TIME	342,461,789	350,782,450	(1,248,528)	349,533,922
	12-REGULAR PAY - OTHER	3,980,578	3,954,066		3,954,066
	13-ADDITIONAL GROSS PAY	28,748,623	28,148,070		28,148,070
	14-FRINGE BENEFITS - CURR PERSONNEL	55,247,768	61,589,109	(213,503)	61,375,606
	15-OVERTIME PAY	25,448,104	26,263,100		26,263,100
	Personal Services	455,886,861	470,736,796	(1,462,031)	469,274,765
	20-SUPPLIES AND MATERIALS	4,692,300	4,537,800		4,537,800
	30-ENERGY, COMM. AND BLDG RENTALS	3,000	3,000		3,000
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	150,000	150,000		150,000
	40-OTHER SERVICES AND CHARGES	24,160,780	18,914,252		18,914,252
	41-CONTRACTUAL SERVICES - OTHER	50,712,655	55,567,662	782,872	56,350,534
	50-SUBSIDIES AND TRANSFERS	257,539	55,800		55,800
	70-EQUIPMENT & EQUIPMENT RENTAL	5,669,253	3,168,429		3,168,429
	Nonpersonal Services	85,645,528	82,396,943	782,872	83,179,815
	Gross Funds	541,532,389	553,133,739	(679,159)	552,454,580
<i>Fire and Emergency Medical Services Department</i>	11-REGULAR PAY - CONT FULL TIME	149,047,949	157,853,952	(500,000)	157,353,952
	12-REGULAR PAY - OTHER	1,459,060	1,526,099		1,526,099

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	13-ADDITIONAL GROSS PAY	15,223,979	8,030,516		8,030,516
	14-FRINGE BENEFITS - CURR PERSONNEL	26,188,731	29,416,898	(92,500)	29,324,398
	15-OVERTIME PAY	14,971,660	14,891,237		14,891,237
	Personal Services	206,891,380	211,718,702	(592,500)	211,126,202
	20-SUPPLIES AND MATERIALS	4,124,507	4,641,655		4,641,655
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC		15,862		15,862
	40-OTHER SERVICES AND CHARGES	4,776,092	6,245,237		6,245,237
	41-CONTRACTUAL SERVICES - OTHER	8,013,386	19,782,859		19,782,859
	50-SUBSIDIES AND TRANSFERS	7,029,290	10,796,000	197,000	10,993,000
	70-EQUIPMENT & EQUIPMENT RENTAL	962,867	1,249,391		1,249,391
	Nonpersonal Services	24,906,142	42,731,004	197,000	42,928,004
	Gross Funds	231,797,522	254,449,706	(395,500)	254,054,206
<i>Office of Police Complaints</i>	11-REGULAR PAY - CONT FULL TIME	1,529,861	1,602,182	68,294	1,670,476
	12-REGULAR PAY - OTHER	234,586	238,336		238,336
	13-ADDITIONAL GROSS PAY	3,000	3,000		3,000
	14-FRINGE BENEFITS - CURR PERSONNEL	344,067	352,889	14,683	367,572
	15-OVERTIME PAY	1,110	5,000		5,000
	Personal Services	2,112,624	2,201,407	82,977	2,284,384
	20-SUPPLIES AND MATERIALS	20,000	20,000		20,000
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC		814		814
	40-OTHER SERVICES AND CHARGES	42,430	43,409		43,409
	41-CONTRACTUAL SERVICES - OTHER	104,481	93,481		93,481
	70-EQUIPMENT & EQUIPMENT RENTAL	12,099	7,099		7,099
	Nonpersonal Services	179,010	164,804		164,804
	Gross Funds	2,291,634	2,366,211	82,977	2,449,188
<i>Corrections Information Council</i>	11-REGULAR PAY - CONT FULL TIME	282,295	245,778		245,778
	12-REGULAR PAY - OTHER	81,955	130,082		130,082
	14-FRINGE BENEFITS - CURR PERSONNEL	70,077	75,172		75,172
	Personal Services	434,327	451,031		451,031
	20-SUPPLIES AND MATERIALS	5,120	5,000		5,000

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	40-OTHER SERVICES AND CHARGES	42,845	41,266		41,266
	Nonpersonal Services	47,965	46,266		46,266
	Gross Funds	482,292	497,297		497,297
<i>Criminal Justice Coordinating Council</i>	11-REGULAR PAY - CONT FULL TIME	1,691,277	1,814,420		1,814,420
	14-FRINGE BENEFITS - CURR PERSONNEL	262,148	322,967		322,967
	Personal Services	1,953,425	2,137,387		2,137,387
	20-SUPPLIES AND MATERIALS	41,000	40,000		40,000
	40-OTHER SERVICES AND CHARGES	145,800	127,532		127,532
	41-CONTRACTUAL SERVICES - OTHER	982,123	325,149		325,149
	70-EQUIPMENT & EQUIPMENT RENTAL	20,000			
	Nonpersonal Services	1,188,922	492,681		492,681
	Gross Funds	3,142,347	2,630,068		2,630,068
<i>District of Columbia National Guard</i>	11-REGULAR PAY - CONT FULL TIME	4,440,461	3,965,055		3,965,055
	12-REGULAR PAY - OTHER	2,213,374	3,212,164		3,212,164
	13-ADDITIONAL GROSS PAY	140,560	189,621		189,621
	14-FRINGE BENEFITS - CURR PERSONNEL	1,250,921	1,578,988		1,578,988
	15-OVERTIME PAY	146,895	227,528		227,528
	Personal Services	8,192,211	9,173,356		9,173,356
	20-SUPPLIES AND MATERIALS	330,098	271,805		271,805
	30-ENERGY, COMM. AND BLDG RENTALS	562,624			
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	24,000	29,000		29,000
	40-OTHER SERVICES AND CHARGES	2,927,198	2,424,865		2,424,865
	41-CONTRACTUAL SERVICES - OTHER	616,000	616,000		616,000
	50-SUBSIDIES AND TRANSFERS	549,462	589,462		589,462
	70-EQUIPMENT & EQUIPMENT RENTAL	115,053	78,129	120,000	198,129
	Nonpersonal Services	5,124,434	4,009,261	120,000	4,129,261
	Gross Funds	13,316,645	13,182,616	120,000	13,302,616
	<i>Department of Corrections</i>	11-REGULAR PAY - CONT FULL TIME	56,291,032	59,872,633	7,460,546
12-REGULAR PAY - OTHER		1,218,634	942,272		942,272
13-ADDITIONAL GROSS PAY		4,300,000	4,300,000		4,300,000

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	14-FRINGE BENEFITS - CURR PERSONNEL	15,998,581	16,391,425	2,029,268	18,420,693
	15-OVERTIME PAY	2,699,996	2,515,745		2,515,745
	Personal Services	80,508,242	84,022,075	9,489,814	93,511,889
	20-SUPPLIES AND MATERIALS	6,852,119	8,209,085	2,622,992	10,832,077
	32-RENTALS - LAND AND STRUCTURES	2,792,500	2,792,500		2,792,500
	40-OTHER SERVICES AND CHARGES	3,846,313	4,785,756	(1,036,000)	3,749,756
	41-CONTRACTUAL SERVICES - OTHER	54,985,640	44,812,787	(11,076,806)	33,735,981
	50-SUBSIDIES AND TRANSFERS	233,000	300,000		300,000
	70-EQUIPMENT & EQUIPMENT RENTAL	1,701,062	2,001,062		2,001,062
	Nonpersonal Services	70,410,633	62,901,191	(9,489,814)	53,411,377
	Gross Funds	150,918,875	146,923,266		146,923,266
Office of Victim Services and Justice Grants					
	11-REGULAR PAY - CONT FULL TIME	804,506	1,097,262		1,097,262
	12-REGULAR PAY - OTHER	356,328	260,695		260,695
	14-FRINGE BENEFITS - CURR PERSONNEL	121,208	271,591		271,591
	Personal Services	1,282,042	1,629,549		1,629,549
	20-SUPPLIES AND MATERIALS	12,064	4,564		4,564
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	6,580	18,814		18,814
	40-OTHER SERVICES AND CHARGES	116,712	118,148		118,148
	50-SUBSIDIES AND TRANSFERS	28,945,785	32,419,451	2,615,425	35,034,876
	Nonpersonal Services	29,081,141	32,560,976	2,615,425	35,034,876
	Gross Funds	30,363,184	34,190,525	2,615,425	36,805,950
Deputy Mayor for Public Safety and Justice					
	11-REGULAR PAY - CONT FULL TIME	592,582	1,112,543	(273,620)	838,923
	12-REGULAR PAY - OTHER	65,048	114,190		114,190
	14-FRINGE BENEFITS - CURR PERSONNEL	117,715	275,039	(56,803)	218,236
	Personal Services	775,345	1,501,773	(330,423)	1,171,350
	20-SUPPLIES AND MATERIALS	5,745	5,745		5,745
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	5,357	31,747		31,747
	40-OTHER SERVICES AND CHARGES	57,775	57,775		57,775
	70-EQUIPMENT & EQUIPMENT RENTAL	1,604	8,385		8,385

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	Nonpersonal Services	70,482	103,652		103,652
	Gross Funds	845,827	1,605,425	(330,423)	1,275,002
<i>Department of Forensic Sciences</i>	11-REGULAR PAY - CONT FULL TIME	10,198,167	14,942,096		14,942,096
	12-REGULAR PAY - OTHER	3,872,395	1,128,688		1,128,688
	13-ADDITIONAL GROSS PAY	222,404	537,840		537,840
	14-FRINGE BENEFITS - CURR PERSONNEL	2,691,471	3,551,643		3,551,643
	15-OVERTIME PAY	39,248	113,359		113,359
	Personal Services	17,023,685	20,273,627		20,273,627
	20-SUPPLIES AND MATERIALS	997,499	1,161,208		1,161,208
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	88,170	42,537		42,537
	40-OTHER SERVICES AND CHARGES	1,491,619	757,670		757,670
	41-CONTRACTUAL SERVICES - OTHER	2,786,910	924,858		924,858
	70-EQUIPMENT & EQUIPMENT RENTAL	886,710	916,499		916,499
	Nonpersonal Services	6,250,908	3,802,772		3,802,772
	Gross Funds	23,274,593	24,076,399		24,076,399
<i>Office of Administrative Hearings</i>	11-REGULAR PAY - CONT FULL TIME	7,991,260	8,379,243		8,379,243
	12-REGULAR PAY - OTHER	9,451	9,766		9,766
	13-ADDITIONAL GROSS PAY	54,038	54,038		54,038
	14-FRINGE BENEFITS - CURR PERSONNEL	1,489,320	1,627,468		1,627,468
	Personal Services	9,544,069	10,070,515		10,070,515
	20-SUPPLIES AND MATERIALS	56,514	33,515		33,515
	40-OTHER SERVICES AND CHARGES	237,762	148,697		148,697
	41-CONTRACTUAL SERVICES - OTHER	338,118	361,203		361,203
	70-EQUIPMENT & EQUIPMENT RENTAL	43,648	18,000		18,000
	Nonpersonal Services	676,042	561,415		561,415
	Gross Funds	10,220,111	10,631,930		10,631,930
<i>Homeland Security Grants</i>	20-SUPPLIES AND MATERIALS	28,130	4,258		4,258
	40-OTHER SERVICES AND CHARGES	477,000	209,615		209,615
	41-CONTRACTUAL SERVICES - OTHER	2,848,640	3,320,620		3,320,620
	70-EQUIPMENT & EQUIPMENT RENTAL	779,882	542,075		542,075

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	Nonpersonal Services	4,133,652	4,076,567		4,076,567
	Gross Funds	4,133,652	4,076,567		4,076,567
<i>Office of the Chief Medical Examiner</i>	11-REGULAR PAY - CONT FULL TIME	6,583,433	7,332,799		7,332,799
	12-REGULAR PAY - OTHER	535,083	650,896		650,896
	13-ADDITIONAL GROSS PAY	258,447	304,604		304,604
	14-FRINGE BENEFITS - CURR PERSONNEL	1,461,940	1,741,808		1,741,808
	15-OVERTIME PAY	149,350	149,350		149,350
	Personal Services	8,988,253	10,179,457		10,179,457
	20-SUPPLIES AND MATERIALS	549,351	662,296		662,296
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	9,772	9,500		9,500
	40-OTHER SERVICES AND CHARGES	932,849	646,939		646,939
	41-CONTRACTUAL SERVICES - OTHER	374,082	406,627		406,627
	70-EQUIPMENT & EQUIPMENT RENTAL	30,000	30,000		30,000
	Nonpersonal Services	1,896,055	1,755,362		1,755,362
	Gross Funds	10,884,308	11,934,819		11,934,819
	<i>District of Columbia Sentencing and Criminal Code Revision Commission</i>	11-REGULAR PAY - CONT FULL TIME	963,313	527,902	
13-ADDITIONAL GROSS PAY		9,700	9,700		9,700
14-FRINGE BENEFITS - CURR PERSONNEL		210,002	121,418		121,418
Personal Services		1,183,015	659,020		659,020
20-SUPPLIES AND MATERIALS		23,450	13,176		13,176
40-OTHER SERVICES AND CHARGES		95,780	66,866		66,866
41-CONTRACTUAL SERVICES - OTHER		291,026	336,639		336,639
70-EQUIPMENT & EQUIPMENT RENTAL		16,500	10,844		10,844
Nonpersonal Services		426,756	427,524		427,524
Gross Funds		1,609,771	1,086,544		1,086,544
<i>Criminal Code Reform Commission</i>	12-REGULAR PAY - OTHER			576,588	576,588
	14-FRINGE BENEFITS - CURR PERSONNEL			107,817	107,817
	Personal Services			684,405	684,405
	20-SUPPLIES AND MATERIALS			16,500	16,500
	Nonpersonal Services			16,500	16,500

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	Gross Funds			700,905	700,905
Office of Human Rights	11-REGULAR PAY - CONT FULL TIME	2,325,271	2,031,570	131,394	2,162,964
	12-REGULAR PAY - OTHER	709,409	1,146,169		1,146,169
	14-FRINGE BENEFITS - CURR PERSONNEL	677,650	740,326	16,790	757,116
	Personal Services	3,712,330	3,918,065	148,184	4,066,249
	20-SUPPLIES AND MATERIALS	10,886	10,886		10,886
	40-OTHER SERVICES AND CHARGES	98,293	103,966		103,966
	41-CONTRACTUAL SERVICES - OTHER	177,978	181,847		181,847
	70-EQUIPMENT & EQUIPMENT RENTAL	8,404	7,277	50,000	57,277
	Nonpersonal Services	295,562	303,976	50,000	353,976
	Gross Funds	4,007,892	4,222,041	198,184	4,420,225
	Department of Youth Rehabilitation Services	11-REGULAR PAY - CONT FULL TIME	31,301,781	33,203,176	
12-REGULAR PAY - OTHER		3,593,367	4,406,046		4,406,046
13-ADDITIONAL GROSS PAY		2,331,225	2,331,225		2,331,225
14-FRINGE BENEFITS - CURR PERSONNEL		9,700,851	10,718,628		10,718,628
15-OVERTIME PAY		2,700,000	2,700,000		2,700,000
Personal Services		49,627,224	53,359,075		53,359,075
20-SUPPLIES AND MATERIALS		1,980,719	617,018		617,018
40-OTHER SERVICES AND CHARGES		2,993,960	3,906,602		3,906,602
41-CONTRACTUAL SERVICES - OTHER		2,669,844	2,663,322		2,663,322
50-SUBSIDIES AND TRANSFERS		48,177,564	40,820,252		40,820,252
70-EQUIPMENT & EQUIPMENT RENTAL		570,420	506,525		506,525
Nonpersonal Services		56,392,507	48,513,719		48,513,719
Gross Funds		106,019,731	101,872,794		101,872,794
Office of Unified Communications		11-REGULAR PAY - CONT FULL TIME	19,776,203	22,280,514	
	12-REGULAR PAY - OTHER	445,276	301,551		301,551
	13-ADDITIONAL GROSS PAY	1,641,143	1,878,209		1,878,209
	14-FRINGE BENEFITS - CURR PERSONNEL	5,823,613	6,910,112		6,910,112
	15-OVERTIME PAY	810,000	829,583		829,583
	Personal Services	28,496,234	32,199,968		32,199,968
	20-SUPPLIES AND MATERIALS	84,250	216,000		216,000

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	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	1,929,030	1,929,030		1,929,030
	40-OTHER SERVICES AND CHARGES	11,566,104	13,804,109		13,804,109
	41-CONTRACTUAL SERVICES - OTHER	1,392,000		50,000	50,000
	70-EQUIPMENT & EQUIPMENT RENTAL	2,000,000	1,862,000		1,862,000
	Nonpersonal Services	16,971,384	17,811,139	50,000	17,861,139
	Gross Funds	45,467,618	50,011,107	50,000	50,061,107
<i>Office on Returning Citizen Affairs</i>	11-REGULAR PAY - CONT FULL TIME	115,560	359,471		359,471
	14-FRINGE BENEFITS - CURR PERSONNEL	22,419	73,861		73,861
	Personal Services	137,979	433,332		433,332
	20-SUPPLIES AND MATERIALS	1,000	14,666		14,666
	40-OTHER SERVICES AND CHARGES	50,000	42,300		42,300
	Nonpersonal Services	51,000	56,966		56,966
	Gross Funds	188,979	490,298		490,298
<i>Commission on Fathers, Men, and Boys</i>	11-REGULAR PAY - CONT FULL TIME		115,560		115,560
	14-FRINGE BENEFITS - CURR PERSONNEL		21,148		21,148
	Personal Services		136,708		136,708
	20-SUPPLIES AND MATERIALS		1,000		1,000
	40-OTHER SERVICES AND CHARGES		50,000		50,000
	Nonpersonal Services		51,000		51,000
	Gross Funds		187,708		187,708
COMMITTEE ON THE JUDICIARY	11-REGULAR PAY - CONT FULL TIME	696,694,111	731,678,066	5,777,634	737,455,700
	12-REGULAR PAY - OTHER	28,659,914	28,379,007	576,588	28,955,595
	13-ADDITIONAL GROSS PAY	53,744,992	46,656,008		46,656,008
	14-FRINGE BENEFITS - CURR PERSONNEL	135,965,513	151,530,399	1,835,616	153,366,015
	15-OVERTIME PAY	47,648,862	48,431,284		48,431,284
	Personal Services	962,713,392	1,006,674,764	8,189,838	1,014,864,602
	20-SUPPLIES AND MATERIALS	20,710,883	21,452,938	2,640,748	24,093,686
	30-ENERGY, COMM. AND BLDG RENTALS	1,211,820	660,167		660,167
	31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	2,698,837	2,748,931		2,748,931
	32-RENTALS - LAND AND STRUCTURES	2,792,500	2,792,500		2,792,500

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	33-JANITORIAL SERVICES	24,353			
	34-SECURITY SERVICES	359,862	450,881		450,881
	35-OCCUPANCY FIXED COSTS	835,104	810,544		810,544
	40-OTHER SERVICES AND CHARGES	63,033,179	64,132,226	(964,642)	63,167,584
	41-CONTRACTUAL SERVICES - OTHER	141,130,451	145,470,087	(10,243,934)	135,226,153
	50-SUBSIDIES AND TRANSFERS	214,357,849	233,687,896	2,812,425	236,500,321
	70-EQUIPMENT & EQUIPMENT RENTAL	14,481,383	12,124,636	170,000	12,294,636
	Nonpersonal Services	461,636,221	484,330,805	(5,585,403)	478,745,402
	Gross Funds	1,424,349,613	1,491,005,569	2,604,435	1,493,610,004

D. FY 2017 AGENCY CAPITAL BUDGET SUMMARY TABLE

Mayor's Proposed Fiscal Year 2017-2022 Capital Budget by Agency								
Agency Name	Code	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	6-Year
Department of Youth Rehabilitation Services	JZO	0	0	0	0	0	5,000	5,000
Fire and Emergency Medical Services	FB0	16,175	15,000	27,050	29,000	25,000	18,500	130,725
Metropolitan Police Department	FA0	11,500	6,474	8,500	9,250	3,000	9,500	48,224
Office of Unified Communications	UC0	0	0	3,500	3,500	0	0	7,500
Total		27,675	21,474	39,050	41,750	28,000	33,000	190,949

Committee's Proposed Fiscal Year 2017-2022 Capital Budget by Agency								
Agency Name	Code	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	6-Year
Department of Corrections	FL0	0	0	0	0	0	5,000	5,000
Department of Youth Rehabilitation Services	JZO	0	0	0	0	0	0	0
Fire and Emergency Medical Services	FB0	16,175	15,000	27,050	29,000	25,000	18,500	130,725
Metropolitan Police Department	FA0	11,500	6,474	8,500	9,250	3,000	9,500	48,224
Office of Unified Communications	UC0	0	0	3,500	3,500	0	0	7,500
Total		27,675	21,474	39,050	41,750	28,000	33,000	189,949

E. SUMMARY OF COMMITTEE BUDGET RECOMMENDATIONS

BOARD OF ELECTIONS

Operating Budget Recommendations

1. *Increase* CSG 41 (Contractual Services – Other), Program 4000 (Election Operations), Activity 4004 (Election Operations) by \$30,000 to fund ballot access mobile application fees (see the Committee’s recommendation for a new Budget Support Act subtitle, the “Ballot Access Modernization Amendment Act of 2016”).

CRIMINAL CODE REFORM COMMISSION

Operating Budget Recommendations

1. *Create* a new agency, the Criminal Code Reform Commission:
 - a. *Increase* FTEs by 5:
 - i. *Increase* CSG 12 (Regular Pay – Other) by \$576,588 and CSG 14 (Fringe Benefits – Current Personnel) by \$107,817: *total PS increase = \$684,405; increase* CSG 20 (Supplies and Materials) by \$16,500 for operating supplies: *total NPS increase = \$16,500*

DEPARTMENT OF CORRECTIONS

Operating Budget Recommendations

Local Funds (these are technical corrections requested by the AFO)

1. *Reduce* CSG 11 (Regular Pay – Continuing Full Time) FTE Authority by 215 and by program as follows:
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce* CSG 11 by 215 FTEs
2. *Increase* CSG 20 (Supplies and Materials) by \$2,146,000 and by program as follows:
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 20 by \$1,110,000
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 20 by \$1,036,000
3. *Reduce* CSG 20 (Supplies and Materials) by \$1,036,000 and by program as follows:

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- a. In Program 2500 (Inmate Services), Activity 2530 (Inmate Health Services), *reduce* by \$1,036,000
4. *Increase* CSG 41 (Contractual Services) by \$8,351,455 and by program as follows:
 - a. In Program 1100 (Agency Management), Activity 1150 (Agency Operations Support), *increase* CSG 41 by \$1,037,443
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security) *increase* CSG 41 by \$7,314,012
5. *Reduce* CSG 41 (Contractual Services) by \$9,461,455 and by program as follows:
 - a. In Program 1100 (Agency Management), Activity 1145 (Technology Support), *reduce* CSG 41 by \$1,037,443
 - b. In Program 2500 (Inmate Services), Activity 2510 (Inmate Personal Services), *reduce* CSG 41 by \$1,110,000
 - c. In Program 2500 (Inmate Services), Activity 2530 (Inmate Health Services), *reduce* CSG 41 by \$7,314,012

Special Purpose Revenue Funds (these are technical corrections requested by the AFO)

1. *Increase* CSG 11 (Regular Pay – Continuing Full Time) FTE Authority by 215 and by program as follows:
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 11 by 215 FTEs
2. *Increase* CSG 11 (Regular Pay – Continuing Full Time) by \$7,460,546 and by program as follows:
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 11 by \$7,460,546
3. *Increase* CSG 14 (Fringe Benefits) by \$2,029,268 and by program as follows:
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 14 by \$2,029,268
4. *Increase* CSG 20 (Supplies and Materials) by \$476,922 and by program as follows:
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 20 by \$476,992
5. *Increase* CSG 41 (Contractual Services) by \$642,372 and by program as follows:

- a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 41 by \$642,372
6. *Reduce* CSG 41 (Contractual Services) by \$10,609,179 and by program as follows:
 - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce* CSG 41 by \$9,489,815
 - b. In Program 2500 (Inmate Custody), Activity 2510 (Inmate Personal Services), *reduce* CSG 41 by \$476,992
 - c. In Program 2500 (Inmate Custody), Activity 2530 (Inmate Health Services), *reduce* CSG 41 by \$642,372

Capital Budget Recommendations

1. *Increase* the Fiscal Year 2022 capital budget by \$5,000,000 and create a new project (Fund Detail 0300) to fund the design phase of a new correctional facility to replace the Central Detention Facility (CDF) and Central Treatment Facility (CTF).

DEPARTMENT OF YOUTH REHABILITATION SERVICES

Operating Budget Recommendations

1. *Reduce* CSG 50 (Subsidies and Transfers), Program 9000 (Youth and Family Programs), Activity 9040 (Residential Services), by \$150,000, as recommended in the Mayor's Errata Letter.
2. *Increase* CSG 50 (Subsidies and Transfers), Program 9000 (Youth and Family Programs), Activity 9050 (Health and Wellness Services), by \$150,000, as recommended in the Mayor's Errata Letter.

Capital Budget Recommendations

1. *Reduce* the available allotment for Project #SH632C (Replacement of Yes! to Famcare) by \$14,283 and transfer to the Committee on Transportation and the Environment for a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.
2. *Reduce* the proposed Fiscal Year 2022 allotment for Project #BRM02C, the Pepco Secondary Feeder project, by \$5,000,000.

DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

Operating Budget Recommendations

1. *Delete* 4 new vacant FTEs from Program 1000 (Administrative Management), Activity 1090 (Performance Management) in the following amounts: CSG 11 (Regular Pay – Continuing Full Time) by \$343,962 and CSG 14 (Fringe Benefits – Current Personnel) by \$68,972: *total PS reduction = \$412,754.*
2. *Increase* CSG 11 (Regular Pay – Continuing Full Time) by \$70,342 and CSG 14 (Fringe Benefits – Current Personnel) by \$12,169 for 1 new FTE to fund the crime data collection FTE required by Section 210 of the “Neighborhood Engagement Achieves Results Amendment Act of 2016” (D.C. Act 21-356; 63 DCR 4659): *total PS increase = \$82,511*

DISTRICT OF COLUMBIA NATIONAL GUARD

Operating Budget Recommendations

1. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Agency Management), Activity 1030 (Property Management), by \$102,000 for improvements to the District of Columbia National Guard’s Oak Hill facility.

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

Operating Budget Recommendations

1. *Recognize* \$592,500 in vacancy savings from Program 3000 in the following amounts: CSG 11 (Regular Pay – Continuing Full-Time) by \$500,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$92,500: *total PS reduction = \$592,500.*
2. *Increase* CSG 50 (Subsidies and Transfers), Program 4000 (Employee Preparedness), Activity 4200 (Specialized Training), by \$197,000 to fund an Ambulance Technician Certification Pilot Program through a Memorandum of Understanding between the Department and the University of the District of Columbia – Community College (see the Committee’s recommendation on the Mayor’s proposed Title III, Subtitle H, the “Fire and Emergency Medical Services Reform Amendment Act of 2016”).
3. ***Recommend*** that the Committee of the Whole increase CSG 40 (Other Services and Charges), Program 3000 (Field Operations), Activity 3400 (Emergency Medical Services Operations) by \$338,780 to fund the purchase and upkeep of AEDs (see the Committee’s recommendation for a new Budget Support Act subtitle, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2016”).

Capital Budget Recommendations

1. *Reduce* the available allotment for Project #LE337C (Engine 5 Complete Renovation) by \$3,019 and transfer to the Committee on Transportation and the Environment for a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.
2. *Reduce* the available allotment for Project #LB737C (Engine 16 Complete Renovation) by \$3,791 and transfer to the Committee on Transportation and the Environment for a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

Operating Budget Recommendations

1. *Increase* CSG 40 (Professional Services Fees), Program 2000 (Plans and Preparedness), Activity 2010 (Planning) by \$1,968,631.25 in federal grant authority. This is a technical correction requested by the AFO.

METROPOLITAN POLICE DEPARTMENT

Operating Budget Recommendations

1. *Delete* 19 new vacant civilian FTEs in the amount of \$1,462,031, including salary and fringe.
2. *Reduce* CSG 40 (Other Services and Charges), Program 1001 (Patrol Services Bureau), Activity 1500 (Patrol Districts), by \$1.1 million to bring forward Fiscal Year 2016 unobligated local funds from the Police Officers Retention and Recruitment Program, leaving \$900,000 remaining for this purpose.
3. *Reduce* CSG 41 (Contractual Services – Other), Program AMPI (Agency Management), Activity 1040 (Information Technology), by \$200,000 of unobligated body-worn camera redaction local funds, leaving \$816,000 remaining for this purpose.
4. *Increase* CSG 41 (Contractual Services – Other), Program 100C (Executive Office of the Chief of Police), Activity 130C (Office of Research and Analytical Services) by \$270,000 to fund the Comprehensive Homicide Elimination Strategy Task Force required by Title II, Subtitle B, of the “Neighborhood Engagement Achieves Results Amendment Act of 2016” (D.C. Act 21-356; 63 DCR 4659).
5. *Increase* CSG 41 (Contractual Services – Other), Program 100C (Executive Office of the Chief of Police), Activity 130C (Office of Research and Analytical Services) by \$150,000 to fund the stop and frisk and use of force data collection

required by Title II, Subtitle G, of the “Neighborhood Engagement Achieves Results Amendment Act of 2016” (D.C. Act 21-356; 63 DCR 4659).

6. *Accept* \$562,872 in recurring local funds from the Committee on Transportation and the Environment to fund the cancer treatment costs of the Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 (D.C. Law 19-331) in the Police and Fire Clinic Contract (Fund 0100; PCA 55190), CSG 41 (Contractual Services – Other), Program 5001 (Corporate Support Bureau), Activity 5500 (Human Resource Management).

Capital Budget Recommendations

1. *Reduce* the available allotment for Project #PEQ22C (Specialized Vehicles) by \$230,334 and transfer to the Committee on Transportation and the Environment for a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.

OFFICE OF CAMPAIGN FINANCE

Operating Budget Recommendations

1. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Agency Management), Activity 1040 (Information Technology) by \$41,358 to provide support for various NPS costs.

OFFICE OF HUMAN RIGHTS

Operating Budget Recommendations

1. *Increase* FTEs by 2, with the accompanying local funds as follows:
 - a. Investigator: create a new position in Program 2000 (Equal Justice), Activity 2030 (Investigations): *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$72,060 and CSG 14 (Fringe Benefits – Current Personnel) by \$16,790: *total PS increase = \$88,850*
 - b. *Restore* an eliminated position at a rate of \$59,334, as recommended in the Mayor’s Errata Letter.
2. *Increase* CSG 20 (Supplies and Materials), Program 1000 (Office of Human Rights), Activity 1040 (Information Technology) by \$50,000 in one-time funds for various NPS needs.

OFFICE OF POLICE COMPLAINTS

Operating Budget Recommendations

1. *Increase FTEs by 1, and create a new position with the accompanying local funds as follows:*
 - a. *Research Analyst: in Program 4000 (Policy Recommendation), Activity 4010 (Policy Recommendation), increase CSG 11 (Regular Pay – Continuing Full Time) by \$68,294 and CSG 14 (Fringe Benefits – Current Personnel) by \$14,683: total PS increase = \$82,977*

OFFICE OF THE ATTORNEY GENERAL

Operating Budget Recommendations

1. *Increase FTEs by 2, and create news position with the accompanying local funds as follows:*
 - a. *Victim Witness Specialist: in Program 6100 (Public Safety), Activity 6102 (Juvenile Section), increase CSG 11 (Regular Pay – Continuing Full Time) by \$76,082 and CSG 14 (Fringe Benefits – Current Personnel) by \$15,674: total PS increase = \$91,756; increase CSG 20 (Supplies and Materials) by \$1,256: total NPS increase = \$1,256*
 - b. *Elder Abuse Paralegal: in Program 6100 (Public Safety), Activity 6113 (Office of Division Deputy), increase CSG 11 (Regular Pay – Continuing Full Time) by \$61,489 and CSG 14 (Fringe Benefits – Current Personnel) by \$12,667: total PS increase = \$74,156; increase CSG 20 (Supplies and Materials) by \$3,500: total NPS increase = \$3,500*

OFFICE OF UNIFIED COMMUNICATIONS

Operating Budget Recommendations

1. *Increase CSG 41 (Contractual Services – Other), Program 4000 (Technology Operations), Activity 4040 (Mobile Data Computing) by \$50,000 to fund the licensing and start-up implementation fees for a CPR/AED application (see the Committee’s recommendation for a new Budget Support Act subtitle, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2016”).*

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 \$212,064 in local funds to fill the entire cut in the proposed grants budget.
2. *Increase* CSG 50 (Subsidies and Transfers), Program 4000 (Office of Victim Services), Activity 4010 (Victims Services Grants) by \$702,012 in local funds to fill the entire cut in the proposed grants budget and to the Crisis Continuum.
3. *Restore* \$556,000 in local funds for the agency, as recommended in the Mayor's Errata Letter.
4. *Allocate* \$2.2 million in local funds for Show Up Stand Out to non-lapsing fund 0122, as recommended in the Mayor's Errata Letter.
5. *Restore* \$930,000 to the Crime Victims Assistance Special Purpose Revenue Fund (0620), as recommended in the Mayor's Errata Letter.
6. *Increase* CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants Administration), Activity 2010 (Grant Management) by \$40,000 in federal grant authority. This is a technical correction requested by the AFO.
7. *Increase* CSG 50 (Subsidies and Transfers), Program 4000 (Office of Victim Services), Activity 4010 (Victims Services Grants) by \$1,105,349 in federal grant authority. This is a technical correction requested by the AFO.

INTER-COMMITTEE TRANSFERS

Operating Budget Recommendations

1. The Committee accepts \$562,872 in recurring local funds from the **Committee on Transportation and the Environment** to fund the cancer treatment costs of the Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 (D.C. Law 19-331) in the Metropolitan Police Department's Police and Fire Clinic Contract, CSG 41 (Contractual Services – Other), Program 5001 (Corporate Support Bureau), Activity 5500 (Human Resource Management).
2. The Committee accepts \$77,656 in recurring local funds from the **Committee on Housing & Community Development** to fund an elder abuse paralegal FTE at the Office of the Attorney General in Program 6100 (Public Safety), Activity 6113 (Office of Division Deputy).
3. The Committee transfers \$300,000 in one-time funds to the **Committee on Health & Human Services** to the Child and Family Services Agency, CSG

50 (Subsidies and Transfers), Program 3000 (Community Services), Activity 3087 (Child Protective Services – Investigations), to restore a cut of 1/3 of the budget of the District’s advocacy center for abused and neglected children.

4. The Committee transfers \$150,000 in recurring funds to the **Committee on Health & Human Services** to the Department of Human Services, CSG 50 (Subsidies and Transfers), Program 5000 (Family Services), Activity 5022 (Youth Services) to increase caseloads for the ACE program.
5. The Committee transfers \$400,000 to the **Committee on Health & Human Services** to the Department of Health, CSG 40 (Other Services and Charges), Program 7000 (Office of Health Equity), Activity 7010 (Multi-Sector Collaboration) to fund the public information campaign conducted by the Office of Violence Prevention and Health Equity and required by Section 104(b)(2) of the “Neighborhood Engagement Achieves Results Amendment Act of 2016” (D.C. Act 21-356; 63 DCR 4659).

Capital Budget Recommendations

1. The Committee transfers \$251,427 in available allotments from Projects # PEQ22C, LE337C, LB737C, and SH632C to the **Committee on Transportation and the Environment** to fund a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.

II. AGENCY FY 2017 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	• Juvenile Justice Advisory Group
• Board of Elections	• Mayor's Office of Legal Counsel
• Board of Ethics and Government Accountability	• Metropolitan Police Department
• Child Support Guidelines Commission	• Motor Vehicle Theft Prevention Commission
• Commission on Fathers, Men, and Boys	• Office of Administrative Hearings/Advisory Committee to the Office of Administrative Hearings/Commission on Selection and Tenure of Administrative Law Judges
• Commission on Judicial Disabilities and Tenure	• Office of Campaign Finance
• Corrections Information Council	• Office of Human Rights/Commission on Human Rights
• Criminal Justice Coordinating Council	• Office of Returning Citizen Affairs/Commission on Re-Entry and Returning Citizen Affairs
• Department of Corrections	• Office of the Attorney General
• Department of Forensic Sciences	• Office of the Chief Medical Examiner

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

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• Department of Youth Rehabilitation Services	• Office of the Deputy Mayor for Public Safety and Justice
• District of Columbia National Guard	• Office of Unified Communications
• District of Columbia Sentencing and Criminal Code Revision Commission	• Office of Victim Services and Justice Grants
• Fire and Emergency Medical Services Department	• Police Complaints Board/Office of Police Complaints
• Homeland Security and Emergency Management Agency/Homeland Security Commission	• Police Officer Standards and Training Board
• Judicial Nomination Commission	• Uniform Law Commission
• Juvenile Abscondence Review Committee	

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 2017, comprise a total budget of more than \$1.5 billion in gross funds and approximately 10,250 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 M. Cheh, Jack Evans, and LaRuby May.

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

<i>Performance Oversight Hearings</i>	
February 11, 2016	Criminal Justice Coordinating Council, Sentencing and Criminal Code Revision Commission, Office of Police Complaints
February 17, 2016	Office of the Chief Medical Examiner, Homeland Security and Emergency Management Agency, Office of Unified Communications, Fire and Emergency Medical Services Department
February 18, 2016	Judicial Nomination Commission, Commission on Judicial Disabilities and Tenure, Office of the Attorney General, Mayor’s Office of Legal Counsel, Office of Administrative Hearings
February 23, 2016	Board of Ethics and Government Accountability, Board of Elections, Office of Campaign Finance, Office of Human Rights
March 2, 2016	Deputy Mayor for Public Safety and Justice, Metropolitan Police Department, Department of Corrections,

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	Corrections Information Council, Office of Returning Citizen Affairs, Commission on Fathers, Men, and Boys
March 3, 2016	Office of Victim Services and Justice Grants, District of Columbia National Guard, Department of Forensic Sciences, Department of Youth Rehabilitation Services

<i>Budget Oversight Hearings</i>	
April 6, 2016	Department of Youth Rehabilitation Services, Office of Victim Services and Justice Grants, Office of Human Rights
April 7, 2016	Metropolitan Police Department, Office of Police Complaints, Criminal Justice Coordinating Council
April 12, 2016	Fire and Emergency Medical Services Department, Office of Unified Communications, Homeland Security and Emergency Management Agency
April 14, 2016	Office of the Attorney General, Office of Administrative Hearings, Board of Ethics and Government Accountability, Board of Elections, Office of Campaign Finance
April 20, 2016	Department of Corrections, Corrections Information Council, Office of Returning Citizen Affairs, Department of Forensic Sciences, Office of the Chief Medical Examiner

The Committee received comments from members of the public during these hearings. Copies of witness testimony from the Committee’s budget hearings are included in this report as *Attachments A, B, C, D, and E*. Video recordings 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.

***Introductory Comments on the Committee's
Fiscal Year 2017 Budget for Agencies under Its Purview***

This Report of Recommendations of the Committee on the Judiciary on the Fiscal Year 2017 Budget for Agencies under its Purview was developed over months of public and stakeholder engagement and research. At its core, the Committee's budget reflects a community- and victim-centered public health approach to the provision of public safety and social services. It supports evidence-based programs for District residents. Importantly, it maintains or enhances current funding for our core public safety agencies and programs.

The Committee's recommended budget:

Improves Public Safety and Justice

- Adds **60 new sworn officers and 16 new civilianized positions** to the Metropolitan Police Department, utilizing savings from vacant civilian positions to:
 - For the second year in a row, **restore more than \$400,000 in deep cuts to grants to local victim services and justice social and legal services providers;**
 - **Restore a cut of \$500,000 in funding for the Crisis Continuum**, an innovative program at MedStar Washington Health Center that provides medical and social services to victims of violent crimes that enter the emergency department;
 - For the second year in a row, **restore a cut of \$300,000, or 1/3 of the budget, of Safe Shores**, the District's advocacy center for abused and neglected children; and
 - Enhance juvenile justice youth diversion programming by increasing the leveled funding of the successful **Alternatives to the Court Experience Diversion Program** by \$150,000, as supported by the Office of the Attorney General and the Public Defender Service;
- Funds several provisions of the "**Neighborhood Engagement Achieves Results Amendment Act of 2016**", including:
 - **Felony crime data collection** in the Office of the Deputy Mayor for Public Safety and Justice;
 - **Stop and frisk and use of force data collection** at the Metropolitan Police Department;
 - Revives the defunct **Comprehensive Homicide Elimination Strategy Task Force** at the Metropolitan Police Department;

- An analysis of officers' use of force and body-worn camera operations by the Office of Police Complaints;
- A **public health information campaign** on the impacts of violent crime at the Department of Health's new Office of Violence Prevention and Health Equity
- Supports the Department of Corrections' efforts to **assume control of the Central Treatment Facility** and provide transitional services to returning citizens;
- Requires enhanced **oversight of special police officers and increased officer training** on de-escalation procedures, recognizing and preventing biased-based policing, police interactions with individuals with disabilities and behavioral or mental health issues, community policing, and linguistic and cultural competency;
- Funds a new Victim Witness Specialist at the Office of the Attorney General to support **restorative justice programming** at Ballou High School;
- Requires the Office of the Deputy Mayor for Health and Human Services to study and report on the establishment of a **single network of service providers for District youth**;
- Creates a new Criminal Code Reform Commission to finalize recommendations for the District of Columbia's Criminal Code;
- Creates a new Maternal Mortality Review Commission to review maternal deaths and make recommendations for improving women's health; and
- Funds necessary repairs at the District of Columbia National Guard's Oak Hill facility for youth that were removed in the proposed budget.

Reforms Fire and Emergency Medical Services

- Enacts significant fire and emergency medical services reforms by:
 - Working with the Committee on Transportation and Environment and the Committee of the Whole to **fund cancer treatment costs for FEMS personnel**;
 - Creating a **pilot program for training ambulance maintenance technicians** at the University of the District of Columbia – Community College;
 - **Requiring AEDs at all District schools and AED and CPR training** for government employees, residents, and DCPS and DCPCS students, teachers and athletic directors;
 - Creating a **CPR and AED-locating mobile application** to allow trained District residents to provide CPR for those in need;

- Requiring stringent reporting on the privatization of ambulance transports by the Fire and Emergency Medical Services Department for basic life support;
- Creating a new task force to analyze gaps in EMS delivery, 911-call volume and diversion, and ***community-based paramedicine*** strategies;
- Requiring regular ***certification of all fire and EMS apparatus*** according to national standards; and
- Requiring ***training for all 911 and 311 call-takers and dispatchers***

Safeguards Human Rights

- Supports the Office of Human Rights by increasing staffing to handle the case backlog for the Fair Criminal Record Screening Amendment Act of 2014, or “Ban the Box”.

B. BOARD OF ELECTIONS

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Board of Elections (“Board” or “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. The Board is also responsible for rulemaking and adjudication matters related to elections. 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 its website, maintains the District’s voting equipment, and maps election district boundaries.

The Board’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 the Board, 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 and candidates seeking to qualify for the ballot, administers initiatives, referenda, and 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.

In the past fiscal year, the Board of Elections has encountered well-publicized challenges. The Board is tasked with essential responsibilities to ensure the democratic process runs smoothly in the District, and as such, the Board will be in the spotlight in the upcoming months as the gatekeepers of the local, primary and presidential elections. The Committee will continue its rigorous oversight of the Board while supporting the agency in achieving its statutory mission.

b. Mayor’s Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's proposed Fiscal Year 2017 operating budget for BOE is \$7,593,411, an increase of \$203,157, or 2.7%, from the Fiscal Year 2016 approved budget of \$7,390,254. This funding supports 60.0 FTEs, which does not represent a change from the Fiscal Year 2016 approved budget. The Mayor's proposed budget for BOE is comprised entirely of local funds.

Committee Analysis and Comments

2014 Audit and the Boards' Subsequent Actions: In 2014, the Office of the District of Columbia Auditor (ODCA) audited the Board's operation of the November 2014 General Election. ODCA assessed the staffing, training, and retention of election workers, polling places' compliance with the Americans with Disabilities Act ("ADA"), election technology, and the reporting times and methodology used to tabulate election results. The report noted a number of issues with voter accessibility and accommodations at polling places, staffing shortages, inadequate training, and technical issues with equipment. The Board submitted its formal response to ODCA's audit on December 15, 2015, in which the Board agreed with a number of ODCA's recommendations and reiterated its commitment to a number of additional recommendations. Some of the concerns noted in the report the Board has addressed and are discussed below.

Americans with Disabilities Act Compliance: The Board hired an American with Disabilities Act Compliance Coordinator in Fiscal Year 2016. The ADA Compliance Coordinator was hired to survey various polling sites and provide recommendations to the Board to cure ADA violations and concerns found in ODCA's report and found at polling sites. To assist the ADA Compliance Coordinator, the Board sought ADA Compliance Assistant volunteers to assist the Coordinator on Election Day. The Committee applauds the Board's efforts to hire and seek volunteers to help correct ADA violations at polling sites to ensure as many people as possible can exercise their fundamental right to vote. However, an issue with the *volunteer* job posting arose when University Legal Services discovered several ADA violations in the posting itself. The Committee advises the Board to be cognizant of its ADA responsibilities and the spirit of these responsibilities in all aspects of its work and to remain vigilant in its compliance. The Committee also looks forward to hearing from the Board following the June 2016 Primary Election on the ADA improvements that the ADA Compliance Coordinator and the ADA volunteer assistants implemented on Election Day.

Election Equipment: As noted in last year's Committee Report, the Board's equipment and technology was more than a decade old and malfunctioned in past elections. To address this issue, the Board leased new voting machines to be used in the June 2016 primary election and November 2016 general election. The Board received the new voting equipment in March 2016. The new equipment fully replaces the voting machines used in past elections and includes devices that are ADA-

accessible and provide accommodation for individuals with disabilities by a variety of assistive mechanisms. The Board is vigorously testing the new equipment before Election Day and testified during its Budget Oversight Hearing that it has not encountered any problems in testing that have not been solved. The Committee looks forward to an analysis of the operations of the new voting equipment following the June primary election.

The Fiscal Year 2016 approved budget of the Office of the City Administrator includes \$65,000 “to support an audit of equipment readiness and business process associated with counting and reporting votes.” The Board believes that because it has leased new equipment, the reasons necessitating the \$65,000 are eliminated. The Board would like to re-appropriate the \$65,000 to defray the costs of items purchased to support the election connectivity program which will in turn support the wireless transmission of election results. The Board testified that in the absence of this re-appropriation the Board will experience spending pressures and requests additional funding.

Election Day Poll Workers and Staff Retention: To address the issue of an insufficient number of poll workers and staff for Election Day and election preparation, the Board has recruited District of Columbia Public School (DCPS) students to work as poll workers. DCPS students will be eligible for a stipend and service credits, which are needed for graduation. DCPS students will likely be able to navigate the new technology and the new voting equipment with an ease that will contribute to smoother elections. This initiative came at the recommendation of the Committee. Along with student poll workers, the Board has hired Ward Coordinators to perform voter outreach and inform the public about voter registration. The Committee looks forward to an analysis of both initiatives following the June primary election.

Staffing Vacancies: The Board’s Schedule A notes at least twelve “regular full-time” vacancies. During the Board’s Budget Oversight Hearing, the agency’s Fiscal Officer stated that only four vacancies are funded. The Board testified that it will aggressively look to fill them after the June 2016 election. The Committee recommends that the Board fill its funded vacancies and maintain an up-to-date and accurate Schedule A that properly reflects the Board’s staffing.

Federal Funding: Despite previously requesting additional funding from the Committee to obtain new equipment, it came to light in the past year that the Board already possessed approximately \$4.7 million in remaining Help Americans Vote Act (HAVA) funds distributed by the federal government. After realizing it possessed these funds, the Board proceeded to lease the new voting equipment that will be used in this election cycle. The Board testified that thus far, the Board has spent or plans to spend approximately \$3.6 million with a remaining balance of \$1.1 million. The federal funding that remains is not included in the Board’s current budget chapter

and has not been included in the past two years. The Board further testified that it plans to receive or apply for federal funding, which is not reflected in the budget chapter. The Committee is extremely concerned about the financial oversight of the Board by the executive staff, the Board members, and the agency's financial officer.

Voter Application Distribution Agencies: D.C. Code § 1001.07(d)(14) provides that agencies, other than voter registration agencies, may be designated as “application distribution agencies” that must request from the Board “sufficient quantities of mail-in voter registration applications for distribution to the public”. The currently designated application distribution agencies are the D.C. Public Library, the Metropolitan Police Department, and the Fire and Emergency Medical Services Department. To the Committee's knowledge, no additional agencies have been designated by the Executive.

This spring, after investigating the availability of applications at a sample of D.C. Public Library sites and finding none, the Committee requested that the three agencies reach out to the Board for sufficient applications. Although the Board is not required to proactively inquire of the agencies, the Committee is disappointed that it was not already ensuring that applications were available at each “office or substation of the agency in an accessible location and in clear view”.² The Committee notes that if the agency believes that it needs additional funding for outreach to ensure that as many individuals register to vote as possible, it should request it – first of the Executive, and then of the Committee if none is provided.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Board of Elections, as proposed by the Mayor, with the following modification:

1. *Increase* CSG 41 (Contractual Services – Other), Program 4000 (Election Operations), Activity 4004 (Election Operations) by \$30,000 to fund ballot access mobile application fees (see the Committee's recommendation for a new Budget Support Act subtitle, the “Ballot Access Modernization Amendment Act of 2016”).

b. Policy Recommendations

1. The Committee recommends that the Board ensure that best accounting practices are followed.

² D.C. Code § 1-1001.07(d)(14)(C).

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2. The Committee requests a follow-up report after the June 2016 primary election detailing the new voting machines' performance, ADA improvements, performance of student poll workers, and any outstanding issues that must be addressed before the November 2016 general election.
3. The Committee recommends that the Board fill all vacant positions to fully execute its mission.

C. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Board of Ethics and Government Accountability (BEGA) is composed of 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 *sua sponte* and requested advisory opinions relating to the Code of Conduct and the District's Ethics Manual, 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 OOG is an independent office within BEGA that enforces the Open Meetings Act (OMA), monitors the District's compliance with the Freedom of Information Act (FOIA), and resolves disputes between agencies and the public regarding access to government records. OOG ensures that government operations are transparent, open to the public, and promote civic engagement. This program became operational in Fiscal Year 2013 and presently operates with three full time employees.

The Committee is actively engaged with both OGE and OOG in reviewing proposed updates to the District's Code of Conduct and FOIA, respectively, and looks forward to moving forward with a Comprehensive Code of Conduct.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's proposed Fiscal Year 2017 budget is \$2,059,619, an increase of \$285,757, or 16.1% from the Fiscal Year 2016 approved budget of \$1,773,892. This funding supports 15.0 full time equivalents (FTEs), representing no change from Fiscal Year 2016. The budget increase will support day-to-day operations of the agency, stipends for five Board members, and projected salary and fringe benefits.

Local Funds: The proposed local funds budget is \$1,909,619, an increase of \$226,000, or 13%, from the Fiscal Year 2016 approved local funds budget of \$1,684,000.

Special Purpose Revenue Funds: The proposed special purpose revenue funds budget is \$150,000, an increase of \$60,000, or 66.7%, over the Fiscal Year 2016

approved budget of \$90,000. The special purpose revenue funds are collected from lobbyist registration fees and fines.

Committee Analysis and Comments

Agency Activities during Fiscal Year 2015 and 2016, to Date: In the past year, OGE continued to successfully conduct ethics training for the District government workforce. OGE specifically conducted specialized training on the local Hatch Act and post-employment restrictions. OGE continues to be a valuable resource to District agencies as evidenced by increases in ethics trainings conducted, requests for advisory opinions, and OGE's receipt of frequent calls and emails requesting informal ethics advice. The Committee supports OGE's efforts to produce training videos for employees and increasing the library of ethics presentations to include specialty topics such as post-employment.

In fiscal year 2015, OGE conducted 122 trainings to over 34,000 District government employees, Councilmembers and their staff, board and commission members Advisory Neighborhood Commissioners, and lobbyists. As of February 2016, OGE conducted 43 trainings in fiscal year 2016. The City Administrator reported in OGE's Performance Accountability Report that its training creased by 140% since 2015. In Fiscal Year 2015 and Fiscal Year, to date, OGE has issued 6 formal written Advisory Opinion, 4 opinions based on requests and two *sua sponte* opinions. OGE initiated 90 investigations and closed 79 of the investigations. 23 of the 79 closed investigations resulted in negotiated dispositions with fines totaling \$55,200. OGE collected \$109,410 in lobbyist registration fees and \$3,650 in lobbyist fines for Fiscal Year 2015 and Fiscal Year 2016 as of February 2016.

OOG was commended at its Performance Oversight Hearing for assisting the public with access to meetings and records and providing training to agencies and members of boards and commissions concerning their OMA and FOIA obligations. OOG continued to advocate for public access to District government meetings, and advocated for the Office of the Deputy Mayor for Education to make its Cross-Sector Collaboration Task Force meetings public. Additionally, OOG issued a FOIA opinion finding DCRA out of compliance with mandatory FOIA disclosure provisions. Following OOG's opinion, DCRA immediately requested FOIA training and began reviewing its internal policies as recommended by OOG. While OOG has worked to make tremendous strides concerning the OMA and FOIA, there is still work to be done to better improve District agencies' OMA and FOIA compliance. The Committee looks forward to working with OOG in the coming Council Period.

BEGA's Board: BEGA's Board recently expanded from a three-member to a five-member Board. At this time, only three members serve, but there have been two recent nominations. One nomination is intended to replace an outgoing and "founding" member, and the other nomination will fill a vacant new seat. The

Committee encourages the Executive to ensure that the Board maintains a full complement of members.

Budget Support Act: Title I, Subtitle B, the “Lobbyist Registration Fee Clarification Amendment Act of 2016” was referred to the Committee. The subtitle would clarify which lobbyists can register as a lobbyist who lobbies solely for a nonprofit organization by defining a “nonprofit organization” as one defined in 26 U.S.C. § 501(c)(3). BEGA has expressed full support for this subtitle. During BEGA’s Budget Oversight Hearing, the Director of OGE explained that the proposed definition limits the reduced registration fees for those lobbyists who lobby for organizations carrying out a charitable work that generally benefits society as a whole and are not permitted to engage in substantial lobbying. The Director of OGE stated that the amendment could not be accomplished through rulemaking. As such, BEGA believes that lobbyists who lobby for nonprofit organizations, as defined in 26 U.S.C. § 501(c)(3), should pay a reduced registration fee of \$50 instead of \$250.

Agency Budget Needs: The Committee supports the proposed budget’s expansion of Fiscal Year 2016 funding by approximately \$286,000. This funding increase supports the Board expansion costs to cover the stipends for two extra Board members, cost of living adjustments, increases in fringe benefits, approved compensation agreements, and a small increase in nonpersonal services. The increase for the special purposes revenue funds in the Board of Ethics program is based on the increased revenue projections for the agency’s accountability fund.

During the Committee’s Budget Oversight Hearing, the Directors testified that the proposed budget is satisfactory and sufficient to cover BEGA’s anticipated expenses. Further, both OGE and OOG have agreed to separate allocations of nonpersonal services funds between the offices to ensure that each office is able to cover its expenses.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Board of Ethics and Government Accountability, as proposed by the Mayor.

D. COMMISSION ON FATHERS, MEN, AND BOYS

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

On June 26, 2013, Councilmember Marion Barry introduced the “Commission on Fathers, Men, and Boys Establishment Act of 2013”.³ As the former Chair of the Committee on Government Operations, Councilmember McDuffie incorporated the provisions of the bill into the “Fiscal Year 2015 Budget Support Act of 2014”⁴ (Title I, Subtitle H). The legislation was introduced in conjunction with President Obama’s “My Brother’s Keeper Initiative” (“Initiative”). President Obama launched the Initiative to “address persistent opportunity gaps faced by boys and young men of color and ensure that all young people can reach their full potential.”⁵

The purpose of the Commission on Fathers, Men, and Boys (CFMB) 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. In Fiscal Year 2016, the CFMB was moved to the Office of the Deputy Mayor for Greater Economic Opportunity, a newly-created office, from the Executive Office of the Mayor.

b. Mayor’s Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor’s Fiscal Year 2017 proposed budget for the CFMB is \$187,708, a decrease of \$1,271, or 0.7%, from the Fiscal Year 2016 approved budget of \$188,979. This funding supports 2.0 FTEs, which is the same as the Fiscal Year 2016 approved level.

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

Committee Analysis and Comments

Tony Dugger was appointed as the Executive Director of the CFMB in June 2015. The members of CFMB are listed in the chart below:

³ B20-0366, the "Commission on Fathers, Men, and Boys Establishment Act of 2013," introduced by Councilmember Marion Barry on June 26, 2013, <http://lims.dccouncil.us/Download/29522/B20-0366-INTRODUCTION.pdf>.

⁴ B20-750, Fiscal Year 2015 Budget Support Act of 2014, effective Feb 26, 2015.

White House, My Brother’s Keeper Initiative, Available at: <https://www.whitehouse.gov/my-brothers-keeper#section-about-my-brothers-keeper> (2016).

Table 1: Members of the Commission on Fathers, Men, and Boys

<i>Commissioners</i>	<i>Appointing Authority</i>	<i>Term</i>
Chairperson George Garrow	Mayor Muriel Bowser	October 17, 2015 to September 19, 2017
Vice Chairperson Edward Davies	Mayor Muriel Bowser	October 17, 2015 to September 19, 2017
Secretary Judge Arthur Louis Burnett, Sr.	Mayor Muriel Bowser	October 17, 2015 to September 19, 2016
Commissioner Brett O. Greene	Mayor Muriel Bowser	October 17, 2015 to September 19, 2016
Commissioner Dr. Ivory Toldson	Mayor Muriel Bowser	October 17, 2015 to September 19, 2017
Commissioner Dr. Elsie Scott	Mayor Muriel Bowser	October 17, 2015 to September 19, 2017
Commissioner Franklyn Malone	Mayor Muriel Bowser	October 17, 2015 to September 19, 2016
Commissioner Tristan Wilkerson	Mayor Muriel Bowser	October 17, 2015 to September 19, 2016
Commissioner Don Smith	Mayor Muriel Bowser	April 12, 20 2016 to September 19, 2020
Commissioner Silas H. Grant, Jr.	Mayor Muriel Bowser	February 20, 2016 to September 19, 2018
Commissioner Jelani Murrain	Mayor Muriel Bowser	February 20, 2016 to September 19, 2018

Source: Committee on the Judiciary

Workforce Development: On April 20, 2016, CFMB convened a meeting to “hear from DOES’ Project Empowerment [in order to]...explore the program’s processes and goals for recruitment, retention, and placement...”⁶ At the meeting, CFMB welcomed the Workforce Investment Council (WIC) to discuss workforce and employment barriers and opportunities for District fathers and men.⁷

Books & Barbershops Initiative: CFMB launched an initiative in Fiscal Year 2016 entitled the “Books & Barbershops Initiative”. This program is described as a “Community Visibility Project that raises awareness on the value of academic

⁶ Email from Tony Dugger, Executive Director, Commission on Fathers, Men, and Boys, to the Committee on the Judiciary (Mar. 31, 2016) (on file with the Committee).

⁷ *Id.*

mentoring, specifically in the area of reading.”⁸ It is a voluntary reading program that overlaps with the District’s Empowering Males of Colors Initiative.⁹ The program will take place in barbershops “where fathers and/or peer-to-peer mentors will meet to read and promote the value of academics.”¹⁰ The Initiative will engage 10 to 15 boys, fathers, guardians and/or mentors within each barbershop, and will consist of monthly reading, discussion, and haircuts.¹¹

To ensure the initiative is targeted and effective, CFMB is collaborating with DCPS’ Empowering Males of Color Initiative by identifying popular, relevant authors, and relevant subjects that will expose and enlighten young men and boys through literature and discussion.¹² Furthermore, CFMB will partner with D.C. Public Library’s “Books from Birth” program to monthly donate five books to children under five.¹³ CFMB expects the initiative to “increase[] community awareness of the value of academic mentoring and the need to mentor youth...[and] positively shift or enhance a child’s attitude and/or perception about learning, continued education, and achievement.”¹⁴

The first “Books and Barbershops” took place on Monday, April 25, 2016, at Davis Barbershop (Ward 8) 4646 Livingston Road, S.E. CFMB confirmed that the following barbershops will also participate in the program:

1. M&S at 2221 Kearney Street, N.E. (Ward 5);
2. Reggie’s Barbershop at Minnesota and Benning (Ward 7);
3. Wanda’s Barbershop at 7th and Georgia Avenue, N.W. (Ward 6); and
4. J and C Barber Shop at 3553 Georgia Ave., N.W. (Ward 4).

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Commission on Fathers, Men, and Boys, as proposed by the Mayor.

⁸ Memorandum on *Books & Barbershops Initiative*, from Tony Dugger, Executive Director, Commission on Fathers, Men, and Boys, to Kenyan R. McDuffie, Chair of the Committee on the Judiciary (Apr. 20, 2016) (on file with the Committee).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

b. Policy Recommendations

1. The Committee recommends that CFMB become a visible local partner of the White House's My Brother's Keeper initiatives and programming.
2. The Committee recommends that CMFB work with existing community-based organizations to develop and offer mentorship opportunities. This will establish a clear mentorship pipeline for individuals who express interest to the agency.
3. The Committee recommends that CFMB coordinate with community-based organizations to provide professional attire for fathers and men needing clothing for employment interviews or other professional purposes.

E. COMMISSION ON JUDICIAL DISABILITIES AND TENURE

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Commission on Judicial Disabilities and Tenure (CJDT) is comprised 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, 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. CDJT 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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for CDJT is \$310,000, an increase of \$15,000, or 5.1%, over the Fiscal Year 2016 approved budget of \$295,000. This funding would support 2.0 FTEs, which is the same as the Fiscal Year 2016 approved level.

Federal Resources: The agency's budget is composed entirely of federal payments.

Committee Analysis and Comments

Agency Activities: The Commission met 12 times during Fiscal Year 2015 for scheduled meetings. The Commission's staff also responded to more than 100 requests for information from the Bar and the public. During the Committee's Performance Oversight hearing, the CJDT noted that, in Fiscal Year 2015, it received

79 complaints.¹⁵ CJDT concluded that 49 cases required no further inquiry, dismissed 40 matters for lack of jurisdiction, and dismissed 9 matters for lack of merit.¹⁶ It investigated 30 matters and dismissed 27 complaints “when it determined no further action was warranted”.¹⁷ Furthermore, CJDT conducted an informal conference with a judge, and afterward, disposed of the case.¹⁸ CJDT indicated that there were two complaints pending at the end of the fiscal year.¹⁹

Since the beginning of Fiscal Year 2016, CJDT has only received 16 complaints.²⁰ The agency has conducted 11 misconduct investigations.²¹ CJDT dismissed 12 complaints for lack of jurisdiction, one complaint for lack of merit, and one matter after the agency concluded no further action was warranted.²² CJDT testified during the performance oversight hearing, that two matters were pending.²³ Additionally, the agency testified that three judges are being considered for reappointment.

**Table 1: Commission on Judicial Disabilities & Tenure Activities,
 Fiscal Years 2015 and 2016, to Date**

<i>Case Type</i>	<i>FY 2015</i>	<i>FY 16 (YTD)</i>
Judicial Misconduct Complaints Reviewed	79	16
Judicial Misconduct Complaints Investigated	30	11
Senior Judge Fitness Reviews Completed	14	8+6*
Associate Judge Reappointment Evaluations	5	1+3*
Involuntary Retirement Proceedings	0	0

* Ongoing

Source: Commission on Judicial Disabilities & Tenure

¹⁵ Commission on Judicial Disability and Tenure: Performance Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary (Feb. 18, 2016) (written testimony of the Chair, Gladys Kessler, Commission on Judicial Disabilities and Tenure).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

Table 2: Complaint Disposition Summary

<i>Complaint Summary</i>	<i>FY14</i>	<i>FY 15</i>	<i>FY 16</i>
No. of Complaints Received	64	79	16
No. of Complaints Investigated	24	30	11
Dismissed for Lack of Jurisdiction	40	47	12
Dismissed for Lack of Merit	19	27	1
No Further Action Warranted/Matter Moot	2	2	1
Length of Time Under Review			
a. 30 days	40	58	11
b. 60 days	10	17	2
c. 90 days	11	1	1
d. 120 days	2	0	0
e. More than 120 days	1	1	0
Resulted in Disciplinary Actions	1	0	1*
Disposed of Informally (Conference or Letter to Judge)	2	1	
Pending	0	2	2

*One complaint pending from Fiscal Year 2015 resulted in the public reprimand of a Superior Court Associate Judge in Fiscal Year 2016.

Source: Commission on Judicial Disabilities and Tenure

Language Access Achievements: CJDT’s complaint form, complaint acknowledgment and disposition letters, public information brochure, and a portion of the agency’s website were translated into Spanish, Amharic, French, Chinese, and Korean in Fiscal Year 2015 and Fiscal Year 2016, to date. CJDT is currently translating the aforementioned documents into Vietnamese.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Commission on Judicial Disabilities and Tenure, as proposed by the Mayor.

b. Policy Recommendations

1. The Committee recommends that CJDT endeavor to increase the public’s awareness of the complaint filing process.

F. CORRECTIONS INFORMATION COUNCIL

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Corrections Information Council (CIC) is mandated by the federal and District governments to monitor and inspect prisons, jails, and halfway houses where District residents convicted of D.C. Code offenses are incarcerated. The facilities to be monitored and inspected include all Federal Bureau of Prison facilities, Department of Corrections facilities, and contract facilities where District residents are incarcerated. CIC reports its findings and recommendations on conditions of confinement to the Mayor, the Council, the District’s Congressional representatives, corrections agency heads, and the community.

b. Mayor’s Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor’s Fiscal Year 2017 proposed budget for the Corrections Information Council is \$497,297, an increase of \$15,005, or 3.1%, from the Fiscal Year 2016 approved budget of \$482,292. The proposed budget would support 6.0 FTEs, which does not represent a change from the Fiscal Year 2016 approved budget.

Local Funds: The Mayor’s proposed budget is composed entirely of local funds.

Committee Analysis and Comments

Reports Published by the Agency: In Fiscal Year 2015, CIC published a total of four inspection reports. In Fiscal Year 2016, to date, CIC has published eight inspections reports. See list of reports and corresponding states below:

Table 1: Agency Reports Published in Fiscal Year 2015 and 2016

Fiscal Year 2016

State	Report Name
PA	USP ²⁴ Lewisburg Inspection Report
CA	FCI ²⁵ Victorville Medium I Inspection Report
CA	FCI Victorville Medium II Inspection Report

²⁴ United States Penitentiary

²⁵ Federal Correctional Institution

CA	USP Victorville Inspection Report
NY	FCI Otisville Inspection Report
PA	USP Canaan Inspection Report
VA	FCI Petersburg Low Inspection Report
VA	FCI Petersburg Medium Inspection Report

Fiscal Year 2015

State	Report Name
PA	FCI Schuylkill Inspection Report
GA	USP Atlanta Inspection Report
PA	USP Allenwood Inspection Report
PA	USP Allenwood Low Inspection Report

Source: Corrections Information Council Published Reports

Staff Capacity: Through Fiscal Year 2016 budget modifications funded by the Committee, CIC’s staff capacity increased by three FTEs, accounting for an Executive Director and two program analysts. With this, CIC was able to make great strides in reducing the backlog of inspection reports, as illustrated in above tables. Further, the additional program analysts are dedicated to actual inspections, data collection and management, assessments of corrections programming and operations, and responding to inmates and their family members. Even with staff increases, however, CIC indicated that one additional FTE is needed to aid in administrative operations as it would greatly increase the Executive Director’s ability to perform more substantive work.

Office Space: The CIC enabling statute states that, “The Mayor shall provide the CIC with adequate office space that is separate and independent from the Department of Corrections.”²⁶ Currently, CIC is located in the Greater Washington Urban League building, occupying a space that is approximately 600 sq. ft. The program analysts and interns, in particular, work in a space that is less than 400 sq. ft. When CIC first took occupancy of this space, there were only 2 FTEs. Now, with 6 FTEs, the current office space is no longer adequate.

CIC has been working with the Department of General Services (DGS) to facilitate a relocation. Adequate space has been identified at a cost of \$123,200 per year. When taking into account the space, moving, build-out, and furniture, the total cost of relocation would be at least \$150,000. DGS informed CIC that the enabling statute is to be interpreted to mean that the Mayor shall make space available, but not to necessarily cover costs. Thus, requisite funds would need to be included in the CIC budget or provided for via a Memorandum of Understanding (MOU).

²⁶ D.C. Official Code § 24-101a(i).

Grants: CIC plans on applying for grant funding to support special initiatives. The agency has registered with Grants.gov to be ready to apply for grant opportunities as they arise. Additionally, CIC intends to apply for Fiscal Year 2017 Byrne JAG funding through the Office of Victim Services and Justice Grants.

Governing Board: Currently, the CIC Governing Board is comprised of three volunteer board members. CIC would like to increase this to five volunteer board members. This would relieve some of the burden that existing members, all with full-time employment, endure.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Corrections Information Council, as proposed by the Mayor.

b. Policy Recommendations

1. The Committee recommends that the agency continue to work with DGS to secure either office space in a government building at no cost or, in the alternative, to solidify an MOU that will cover associated costs of relocation in a private building.
2. The Committee commends existing board members for their dedication to CIC on a volunteer basis. The Committee recommends that CIC work closely with the Executive and the Council to secure any possible additional nominees that have strong ties to the District and demonstrated commitment to reentry on a local level.
3. The Committee commends CIC for its proactive approach toward grant funding. The Committee recommends that any such awards be utilized to increase administrative capacity.

G. CRIMINAL JUSTICE COORDINATING COUNCIL

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 to 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.²⁷

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 budget proposal for CJCC is \$2,630,068, a decrease of \$ 512,279, or 16.3%, from the Fiscal Year 2016 approved budget of \$3,142,347. This funding supports 18.0 FTEs, which is an increase of 1.0 FTE over the Fiscal Year 2016 approved level of 17 FTEs, representing a 5.9% increase.

Local Funds: The Mayor's proposed local funds budget is \$555,068, a decrease of \$612,279, or 52.5%, over the Fiscal Year 2016 approved local funds budget of \$1,167,347. This funding supports 2.3 FTEs, representing no change from the current fiscal year level.

²⁷ D.C. Official Code § 22-4233.

Federal Resources: The Mayor’s proposed federal resources budget is \$2,000,000, an increase of \$100,000, or 5.3% over the Fiscal Year 2016 approved federal resources budget of \$1,900,000. This funding supports 15.0 FTEs, which is an increase of 0.9 FTEs over the Fiscal Year 2016 approved level of 14.1 FTEs, representing a 6.3% increase. The proposed federal resources budget is composed entirely of federal payments.

Intra-District Funds: The Mayor’s proposed intra-District funds budget is \$75,000, which represents no change from the Fiscal Year 2016 approved budget. This funding supports 0.8 FTEs, which represents a 17.2% increase over the Fiscal Year 2016 approved level of 0.6 FTEs.

Committee Analysis and Comments

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 cornerstones of CJCC’s operations are enhancing public safety information sharing, conducting actionable research, providing policy guidance and facilitating effective technical assistance and training. It is within this framework that CJCC addresses priorities established by the CJCC members.

Police-Community Relations Survey: Title II, Subtitle (C) of the “Neighborhood Engagement Achieves Results Amendment Act of 2016”, or the “NEAR Act”, requires CJCC to conduct an opinion survey of police-community relations in the District of Columbia and submit an analysis of the results in a report to the Mayor and the Council by January 31, 2017. A number of jurisdictions have chosen to conduct similar surveys, in part at the recommendation of the White House Task Force on 21st Century Policing. Such surveys commonly measure public trust in law enforcement, perceived legitimacy, and evaluate the community’s views on procedural justice. The fiscal impact of this survey is noted in the chart below.

Table 1: Projected Fiscal Impact of the Police-Community Relations Survey required by Bill 21-0360, the “Neighborhood Engagement Achieves Results Amendment Act of 2016”

Projected Fiscal Impact of Title II (C) - Police-Community Relations Survey					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16	FY17	FY18	FY19	Total
Contracts and Other Services	\$220,000	\$0	\$0	\$0	\$220,000

Total Fiscal Impact	\$220,000	\$0	\$0	\$0	\$220,000
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Source: Office of the Chief Financial Officer

Funding for the study was not included in the Mayor’s Fiscal Year 2017 proposed budget, thus curtailing an opportunity to collect data on effective strategies to enhance community-police relations in the District.

Sharing of Evidence- and Community-Based Best Practices: In 2015, CJCC convened two public meetings focused on enhancing the criminal justice system response for key demographics. At those meetings, the following topics were addressed: “Promoting Healthy Minds to Support Safe Communities: A Community Conversation about Behavioral Health” (April 2015) and “Strategic Focus on Girls and Women in the Criminal Justice System: Creating Pathways to Promise and Success” (October 2015). In addition to these meetings, CJCC coordinated several brownbag lecture series for justice stakeholders to gain knowledge from the field on emerging public safety issues. The following topics were addressed in 2015:

- Pretrial Risk Assessment: Matching Supervision to Risk Level;
- A Public Health Approach to Gun Violence: The Cure Violence Prevention Model;
- How Justice System are Leveraging Medicaid; and
- Implementation Science and the Importance of Fidelity.

On April 21, 2016, CJCC convened its annual spring public meeting entitled, “Addressing the Harm: A Community Conversation about Crime Victims and Effective Criminal Justice System Responses”. The meeting included a community discussion that explored circumstances involving crime victims and the corresponding responses of federal and local partners to address their needs with available resources. The Committee is pleased that CJCC is prioritizing evidence- and community-based best practices that focusing on innovative strategies to address violence cessation and prevention and looks forward to additional efforts in Fiscal Year 2017, as collaboration on these issues can have a meaningful impact on criminal justice reform.

Justice Information System: 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.

In Fiscal Year 2016, CJCC received \$478,000 in additional funds from the Committee to support hardware and software requirements for JUSTIS' system-to-system exchanges and the information portal. As a result, CJCC was able to make the following important technical and operational enhancements to JUSTIS:

- 1) Developed an information security plan consistent with federal standards;
- 2) Established the JUSTIS Disaster Recovery site;
- 3) Completed preliminary work on a multi-year JUSTIS infrastructure upgrade project;
- 4) Facilitated phase one of the juvenile papering project, which is intended to automate and simplify the juvenile papering process; and
- 5) Established first tier connections between JUSTIS and the Maryland Dashboard IJIS systems in furtherance of the Mid-Atlantic Regional Information Sharing Initiative.

During CJCC's Budget Oversight hearing on April 7, 2016, Director Butler requested an additional \$913,000 for Phase II upgrades to the JUSTIS system. She stated that these funds would allow the agency to: 1) complete Phase II of the upgrade; 2) ensure its compliance with the new Microsoft licensing model; 3) maintain current operations; and 4) implement justice system information sharing enhancements to data feeds which are distributed to partner agencies. Funding for Phase II upgrades was not included in the Mayor's Fiscal Year 2017 proposed budget. Given the enormity of the request, the Committee is unable to fund the request in its

budget. Identifying approximately \$1,000,000 in recurring funds for this unanticipated need would require the Committee to remove resources from another agency in its cluster. The Committee has not been able to identify such a surplus.

Actionable Research: In Fiscal Year 2015, the Statistical Analysis Center (SAC) – the unit within CJCC responsible for independent analysis and research relating to juvenile and criminal justice systems – worked with partners to strengthen systemic data collection and research. With the support of its advisory body, the CJCC Interagency Research Advisory Committee, the SAC produced several reports and coordinated several brown bag series. This year, the SAC will commission the Custodial Population Study and homicide analyses requested by the Mayor and Chairman Mendelson, which are noted below.

Homicide Study: In August and September of 2015 respectively, Mayor Bowser and Chairman Mendelson requested that CJCC analyze the recent increase in homicides and violent crime that occurred at the end of Fiscal Year 2015. Subsequently, the SAC met with various system partners to get their feedback on the proposal and share the availability of the requisite data. The first phase will result in a report that frames the landscape of homicide in the District from 2012 to 2015. The second phase involves two research questions—the individuals involved in 2015 homicides and the systems and processes surrounding homicide cases that reached disposition in 2015. Phase 1 has not yet been completed. The Committee looks forward to the completion of this study in Fiscal Year 2017, as the outcome may inform the District’s public safety response.

Custodial Population Study: In 2006, CJCC engaged a consultant to conduct a study of trends in the D.C. Jail population. In Fiscal Year 2016, the Committee allocated an additional \$150,000 for CJCC to conduct a follow-up study that would include a District-wide assessment to analyze the needs and issues associated with a new jail facility. This study has not yet begun. The Committee looks forward to the completion of the study in Fiscal Year 2017.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Criminal Justice Coordinating Council, as proposed by the Mayor.

H. DEPARTMENT OF CORRECTIONS

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 in constructively re-integrating 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 also has contracts with two private and independently operated community corrections facilities, Fairview and Hope Village. These facilities 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.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for the Department of Corrections is \$146,923,266, a decrease of \$3,995,609, or 2.6%, from the Fiscal Year 2016 approved budget of \$150,918,875. The proposed budget supports 1,162.0 FTEs, which represents an increase of 230 FTEs, or 24.7%, from the Fiscal Year approved level of 932.0 FTEs.

Local Funds: The Mayor's proposed local funds budget is \$126,404,140, representing an increase of \$4,228,616, or 3.5%, from the Fiscal Year 2016 approved local funds budget of \$122,175,524. This funding supports 1,135.2 FTEs, which represents an increase of 229.0 FTEs, or 25.3%, from the Fiscal Year 2016 approved level of 906.2 FTEs.

Special Purpose Revenue Funds: The Mayor's proposed special purpose revenue funds budget is \$20,167,973, representing a decrease of \$8,389,350, or 29.4%, from the Fiscal Year 2016 approved special purpose revenue funds budget of \$28,557,323. This funding supports 25 FTEs, which does not represent a change from the Fiscal Year 2016 approved level.

Intra-District Funds: The Mayor's proposed intra-District funds budget is \$351,153, an increase of \$165,124, or 88.8%, from the Fiscal Year 2016 approved intra-District funds budget of \$186,029. This funding supports 1.8 FTEs, which represents an increase of 1.0 FTE from the Fiscal Year 2016 approved level of 0.8 FTE.

Committee Analysis and Comments

CTF Transition: The DOC contract with the Corrections Corporation of America (CCA) to operate and maintain CTF is scheduled to end on January 31, 2017. Following the contract's expiration, DOC will assume CTF operations and services. No interruption in operations or services is anticipated by the Executive. DOC is already working with CCA to enable a smooth changeover of current CCA contract employees to DOC FTEs. In light of the transition, the Mayor's budget proposal includes a one-time enhancement of \$5.9 million in local funds. This enhancement for transition costs will cover 19 FTEs (of a total of 234 new FTEs); equipment and leases; materials and supplies; contractual services; and other services.

A reallocation of the proposed operating budget is needed to place funding under the proper comptroller objects to enable the agency personnel to be hired for performance of services that will no longer be contracted out. Also, adjustments are needed to make data entry corrections that will reflect line item budgets under Local Funds and Special Purpose Revenue into the proper programs and activities. Such reallocations are reflected in Section 2(a).

Cost Savings - The baseline Fiscal Year 2017 operating budget for CTF is \$28.5 million (not including the one-time enhancement). Of this amount, \$14 million is allocated to CTF-related services (food services, juvenile housing supervision, etc.). The remaining \$14.5 million is dedicated to the actual 12-month CCA contract. With this, however, only \$6 million will be dedicated to the CCA contract itself from October 1, 2016, through January 31, 2017. The remaining \$8.5 million will fund the salary and fringe for the transferred 215 FTEs (previously CCA contract employees),

as well as some other transition costs. Thus, while the CCA contract is funded for 12 months, CCA will directly receive funds for only as long as the contract lasts into Fiscal Year 2017 (until January 31, 2017). The remaining funds will be directed to Personal Services within DOC to fund FTEs and transition costs.

Ultimately, cost savings are anticipated with the transition, as DOC will be operating CTF in-house, as opposed to contracting with a for-profit corporation. Contributing to the lower cost of operating in-house is the fact that DOC will no longer be paying a daily rate per bed, as is structured under the CCA contract. The agency is not yet certain of its anticipated overall cost savings, nor how such savings may be allocated.

Benefits - The assumption of CTF operations will allow DOC to provide program-focused supervision, deploy staff across facilities with flexibility, and implement uniform policies across facilities. Among other benefits, the inmate population may be redistributed to fully utilize the CTF, which would enable DOC to provide increased out-of-cell time to inmates in segregation. Further, DOC has identified enhanced opportunities within the areas of individual assessment; rehabilitative and wellness services; and reentry and life skills programs. Such opportunities include: education, risks, skills, and needs assessments; post-release linkages; substance abuse treatment short-term programs; apprenticeships; domestic violence prevention; and parenting and vocational training. The agency intends to enter into a Memorandum of Understanding with the Bureau of Prisons to bring out-of-state inmates back to the District of Columbia six to nine months prior to their release dates in order to facilitate more successful reentry.

Restrictive Housing: While restrictive housing is one tool in corrections management, DOC has publicly stated its commitment to safely reducing its use and ensuring that when it is used, it be in the least restrictive manner necessary. The agency has recently outlined initiatives – short-, medium-, and long-term – to update DOC’s restrictive housing practices and policies. Though some advocacy groups prefer the outright elimination of restrictive housing, this is not a solution that DOC has stated that it can realistically accommodate.

DOC operates three types of restrictive housing:

Administrative Restrictive Housing - a form of separation from the general population when the inmate’s continued presence in the general population poses a threat to property, self, staff, other inmates, visitors, or the general public; or to the safe, secure, or orderly operation of the facility. The following are alerts for Administrative Restrictive Housing:

- **Protective Custody** - a designation assigned to an inmate requesting or requiring protection from other inmates for reasons of health or safety.
- **Special Handling/Restricted Release** - a designation assigned to an inmate who requires heightened security measures due to a documented history of high-profile cases, escapes, or attempted escapes, by documented assaultive and/or disruptive behavior, or by court order.
- **Total Separation** - a designation that requires total separation from all other inmates for all out-of-cell activities. Inmates shall only be designated as Total Separation after receipt of a court order.

Disciplinary Restrictive Housing - a form of separation from the general population when the Disciplinary Board or Hearing Officer has, after an impartial hearing, authorized an inmate's confinement to a cell for a specified period of time due to the commission of a rule violation.

Pre-Hearing Restrictive Housing - a form of separation of an inmate pending a disciplinary or housing hearing when the inmate constitutes a threat to themselves or the safe, secure, or orderly operation of the facility, until a hearing can be held.

DOC has already implemented some changes to its restrictive housing practices, including committing to ensuring that all inmates are afforded due process and receive a fair and objective review; no longer holding inmates in Administrative Restrictive Housing solely for being charged in a "high-profile" case or having a lengthy sentence; and reorganizing the Protective Custody Unit to provide services equivalent to those in General Population. Additionally, the agency is working towards eliminating restrictive housing altogether for juveniles. The Committee will continue to monitor and track the short-term initiatives to be implemented in one to three months; the medium-term initiatives to be added in three to six months; and the long-term initiatives to be added in six months to one year. Given Councilmember McDuffie's introduction on April 6, 2016, of the "Comprehensive Youth Justice Amendment Act of 2016", which would restrict the ability of the District government to employ certain forms of administrative segregation on juveniles, the Committee will be monitoring the activities of the agency closely in this area.²⁸

Face-to-Face Visitation: In July 2012, DOC began offering social visitation to inmates housed at the CDF through video visitation technology. With this change,

²⁸ See Bill 21-0683, the "Comprehensive Youth Justice Amendment Act of 2016", introduced by Councilmember and Committee Chairperson Kenyan R. McDuffie, <http://lims.dccouncil.us/Download/35539/B21-0683-Introduction.pdf>.

the prior “face-to-face” visitation process was no longer used for the general public. With video visitation, family members and friends use the main Video Visitation Center located in the old D.C. General complex as well as four community-based satellite sites located at MLK Library, Anacostia Library, Deanwood Recreational Center, and Bald Eagle Recreation Center.

In considering ways to provide incentives to the detainee population for good behavior and to improve overall morale, the agency moved to offer a second visitation option to eligible inmates—those confined for 60 days or more without disciplinary infractions for a thirty-day period. Beginning in June 2015, a face-to-face visitation option was operationalized, offering the visiting public an opportunity to enter the facility and visit with family members and friends in designated visiting halls. Face-to-face visitation is offered two days of each month from 10 a.m. to 8 p.m. for 30 minutes. This option has apparently proven successful as an incentive for positive behavior. The Committee believes that it is critical that inmates be able to maintain contact with friends and family while incarcerated, both for their emotional health and to better facilitate reintegration, and encourages the agency to evaluate expanding its use.

Juveniles: DOC has responsibility for the custody of Title XVI youth being adjudicated as adults. These 16- and 17-year-old juvenile offenders are housed at the CTF, out of sight and sound of the adult inmate population, as required by law. DCPS operates an educational component in the housing unit five days a week. All juveniles are required to attend class unless individual instruction is warranted. The juvenile population also participates in a structured behavior modification program that is designed to reward positive behavior and reinforce the importance of personal accountability.

In seeking to address the unique needs of the juvenile population, a DOC multidisciplinary team meets on a weekly basis to assess progress and determine most effective programming and treatment options for each youth. A dedicated social worker position was established and a mental health clinician was recently hired. In addition, the agency has initiated contact touch visits for family members on holidays and special occasions. The Committee notes that legislation introduced by Committee Chairperson McDuffie would remove these juveniles from DOC custody to the custody of the Department of Youth Rehabilitation Services. DOC – which is an adult facility – is not appropriate for the housing of juveniles, either in its mission or operations.

Step-Down Units: DOC expressed its intent to create a step-down unit at the CDF. 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 this

population. 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 closely.

D.C. Jail Library: In March 2015, the DC Public Library System (DCPL) opened its first location in the CDF, introducing inmates to books and programming. In its first year, 1,100 inmates checked out 4,600 books. DOC continues its partnership with DCPL supporting their full operation of a mobile library. DCPL offers the population a full array of reading and learning resources, engaging them in various reading activities. The library is intended to make inmates more literate and employable, helping to transition from using the jail's library to the libraries in neighborhoods upon release. DCPL covers its own operational costs, which includes a full-time librarian.

c. Mayor's Proposed Fiscal Year 2017-2022 Capital Budget

The Mayor's Fiscal Year 2017-2022 proposed capital budget includes no capital allotment for the Department of Corrections.

Committee Analysis and Comments

Sum of Available Allotments: DOC seems to have improved its spend plan for already available allotments totaling over \$10 million, spread over 15 projects. Even with this, two projects, "Elevator Refurbishment" and "Enterprise Content Management", have significant balances with no expenditure activity in Fiscal Years 2015 or 2016. The agency clarified, however, that the entire sum allotment for the Elevator Refurbishment project is to be reprogrammed to the Roof Refurbishment project. Also, DOC plans on beginning the procurement process in May 2016 for the Enterprise Content Management project. Other critical capital projects in progress and expected to continue into Fiscal Year 2017 include general facility renovations, upgrade of the facility command center, and HVAC replacement.

Roof Refurbishment: In February 2016, heavy rains caused major leaks in the CDF roof. Correctional leaders were forced to relocate over 100 inmates into a separate part of the facility. The majority of the entire roof is in need of replacement. Emergency repairs were previously completed in December 2015. Complete replacement is expected in 2016.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Department of Corrections, as proposed by the Mayor, with the following technical modifications accepted at the request of the Agency Fiscal Officer:

Local Funds

1. *Reduce* CSG 11 (Regular Pay – Continuing Full Time) FTE Authority by 215 and by program as follows:
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce* CSG 11 by 215 FTEs
2. *Increase* CSG 20 (Supplies and Materials) by \$2,146,000 and by program as follows:
 - c. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 20 by \$1,110,000
 - d. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 20 by \$1,036,000
3. *Reduce* CSG 20 (Supplies and Materials) by \$1,036,000 and by program as follows:
 - b. In Program 2500 (Inmate Services), Activity 2530 (Inmate Health Services), *reduce* by \$1,036,000
4. *Increase* CSG 41 (Contractual Services) by \$8,351,455 and by program as follows:
 - c. In Program 1100 (Agency Management), Activity 1150 (Agency Operations Support), *increase* CSG 41 by \$1,037,443
 - d. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security) *increase* CSG 41 by \$7,314,012
5. *Reduce* CSG 41 (Contractual Services) by \$9,461,455 and by program as follows:
 - d. In Program 1100 (Agency Management), Activity 1145 (Technology Support), *reduce* CSG 41 by \$1,037,443
 - e. In Program 2500 (Inmate Services), Activity 2510 (Inmate Personal Services), *reduce* CSG 41 by \$1,110,000
 - f. In Program 2500 (Inmate Services), Activity 2530 (Inmate Health Services), *reduce* CSG 41 by \$7,314,012

Special Purpose Revenue Funds

2. *Increase* CSG 11 (Regular Pay – Continuing Full Time) FTE Authority by 215 and by program as follows:
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 11 by 215 FTEs
3. *Increase* CSG 11 (Regular Pay – Continuing Full Time) by \$7,460,546 and by program as follows:
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 11 by \$7,460,546
4. *Increase* CSG 14 (Fringe Benefits) by \$2,029,268 and by program as follows:
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 14 by \$2,029,268
5. *Increase* CSG 20 (Supplies and Materials) by \$476,922 and by program as follows:
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 20 by \$476,992
6. *Increase* CSG 41 (Contractual Services) by \$642,372 and by program as follows:
 - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *increase* CSG 41 by \$642,372
7. *Reduce* CSG 41 (Contractual Services) by \$10,609,179 and by program as follows:
 - d. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control), *reduce* CSG 41 by \$9,489,815
 - e. In Program 2500 (Inmate Custody), Activity 2510 (Inmate Personal Services), *reduce* CSG 41 by \$476,992
 - f. In Program 2500 (Inmate Custody), Activity 2530 (Inmate Health Services), *reduce* CSG 41 by \$642,372

b. Fiscal Year 2017 Capital Budget Recommendations

1. *Increase* the Fiscal Year 2022 capital budget by \$5,000,000 and create a new project (Fund Detail 0300) to fund the design phase of a new correctional facility to replace the Central Detention Facility (CDF) and Central Treatment Facility (CTF). Such new facility will also be designed to detain those convicted under the D.C. Code yet transferred to Federal Bureau of Prisons facilities.

This capital project will fund the design phase of a new correctional facility to replace the Central Detention Facility (CDF) and the Central Treatment Facility (CTF), as overseen by the Department of Corrections (DOC). These two facilities are outdated, inefficient, and ill-conceived. The CDF and CTF have operated well below capacity for years, yet there remains a severe lack of programmatic space which is essential to positive reentry. With this, there is simultaneously an abundance of unused space and a dearth of necessary space. A new facility would be right-sized to accommodate the current jail population while recognizing what is needed to encourage true rehabilitation and reduced recidivism.

In addition, the new facility will be designed to detain sentenced felons as convicted under the District of Columbia Official Code. The District has not operated its own prison system since 2001. The National Capital Revitalization and Self-Improvement Government Act of 1997 provided for the closure of the Lorton Correction Complex and for the transfer of its felony population to a Federal Bureau of Prisons facility. Accordingly, from that point on, any person convicted of a felony under the D.C. Code was to be incarcerated within the Bureau of Prisons, not DOC.

One of the most pivotal consequences of this custodial transfer is that DC residents convicted of felonies could serve their sentence anywhere in the country, including states as distant as California. Such an arrangement makes it virtually impossible to maintain family visits. Furthermore, it does not promote successful reentry as the inmate is completely detached from the resources, community, and network to which he or she will eventually return.

c. Policy Recommendations

1. The Committee recommends that DOC convene a body of stakeholders, including returning citizens, attorneys, and advocates, to review a) maximum efficiency of the DOC facilities; b) innovation-related best practices; and c) reinvestment, to the extent that savings exist, in front-end programs and/or reentry services.
2. The Committee recommends that DOC tour the Federal Bureau of Prisons' 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. In light of the forthcoming study conducted by the Criminal Justice Coordinating Council (CJCC) analyzing the custodial population, operations, as well as the prospect of a new facility, the Committee recommends that DOC closely review the findings while remaining open to possible changes. A new facility, for instance, would certainly be a costly endeavor but it could save the District funds in the long-term. The CDF and CTF were not built to meet the needs of today's inmate population.

4. The Committee recommends that DOC work diligently towards securing an Inter-Governmental Agreement with the federal Bureau of Prisons (BOP) to provide pre-community release reentry programming to BOP returning citizens for six to nine months prior to community supervision.
5. Under current DOC policy, the partnership with DCPL led to a prohibition on book donations from outside organizations. The Committee recommends that DOC reconsider this policy as there are a number of organizations that would like to share their books with the inmate population.

I. DEPARTMENT OF FORENSIC SCIENCES

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 and samples submitted by agencies within the District of Columbia and its federal neighbors.

The **Forensic Science Laboratory Division** analyzes evidence submitted from criminal cases, including DNA, fingerprints, and firearms. The Department also provides expert testimony in defense of their analytical reports in the District's courts of law.

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.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for the Department of Forensic Sciences is \$24,076,399, representing an increase of \$801,806, or 3.4%, over the Fiscal Year 2016 approved budget. The proposed budget supports 195.2 FTEs, an increase of 59.2 FTEs, or 43.6%, over the Fiscal Year 2016 approved level.

Local Funds: The Mayor's Fiscal Year 2017 proposed local funds budget is \$22,879,234, an increase of \$378,885, or 1.7%, over the Fiscal Year 2017 approved local funds budget of \$22,500,349. The Fiscal Year 2017 local funds budget would

support 187 FTEs, an increase of 56.75 FTEs, or 43.6%, over the Fiscal Year 2016 approved level of 130.2 FTEs.

Federal Grant Funds: The Mayor's Fiscal Year 2017 proposed federal grant funds budget is \$375,890, an increase of \$83,984 or 18.3%, over the Fiscal Year 2016 approved federal grant funds budget of \$ 459,874. The Fiscal Year 2017 budget would support 5 FTEs, an increase of 2.0 FTEs, or 66.7%, over the Fiscal Year 2016 approved level of 3.0 FTEs.

Intra-District Funds: The Mayor's Fiscal Year 2017 proposed intra-District funds budget is \$821,275, an increase of \$506,905, or 161.2%, over the Fiscal Year 2016 approved intra-District funds budget of \$314,370. The Fiscal Year 2017 budget would support 3.25 FTEs, an increase of 0.5 FTEs, or 18.2%, over the Fiscal Year 2016 approved level of 2.75 FTEs.

Committee Analysis and Comments

DNA Laboratory Reaccreditation: 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.

Director Jenifer Smith was brought on to replace Interim Director Mitchell shortly thereafter. She set as her initial agency priorities:

- Strengthening communication and collaboration between the Department and stakeholders;
- Emphasizing strong management and fiscal responsibility; and

- Conducting and delivering high-quality testing and results.²⁹

Upon her arrival, she initiated a root cause analysis and provided recommendations to bring the laboratory into compliance with ANAB standards, including a six-month training program. In June, ANAB returned to assess the internal review team's plan and accepted DFS' corrective action plan, citing no nonconformities. Following the training program, several weeks of validation studies of the laboratory's testing software were completed in December 2015 without incident. Analysts were additionally subjected to extensive written and oral testing.

On February 17, 2016, ANAB allowed the laboratory to resume DNA forensic casework, after which DFS was again able to upload DNA profiles into the National DNA Index (NDIS). The entering of profiles into CODIS began the next day. Assault kit testimony was initiated in March.

LIMS: The agency launched the Laboratory Information Management System (LIMS) – the central workflow and data management system – on October 1, 2015. The prior data collection, management, and workflow processes were performed on disparate systems or by paper processes in place at the donor agencies before the agency's creation.

Assault Kits: In May 2015, DFS began outsourcing the testing of 75 backlogged sexual assault kits, as the month prior, it had had 135 backlogged kits, 95 of which were more than 90 days old in violation of District law. Over the course of Fiscal Year 2015, the Department outsourced 415 cases at a cost of \$523,831, reducing the average turnaround time from 173 to 73 days. The average turnaround time is now 63 days. As of the agency's April 20, 2016, Budget Oversight Hearing, there were 51 kits, the majority of which were outsourced.

Supplemental Funding: In October 2015, Mayor Bowser introduced, and the Council passed, supplemental emergency funding in the amount of \$8 million. \$4.3 million was used to alleviate case backlogs in the Firearms Examination and Latent Fingerprint Units, and \$3.7 million was allocated to hire 31 additional Crime Scene Sciences Unit personnel. The supplemental budget funded 50.75 term employees, all of which are funded in the Mayor's proposed Fiscal Year 2017 budget. Of the 50.75 supplemental FTEs, 22 have been hired and filled; 23 are in the hiring process; and 5.75 positions have draft position descriptions under review with the Department of Human Resources. Of the retired Metropolitan Police Department officers that were able to serve without risking their pensions due to a change in the law supported by the Committee, the Department has hired one. The Fiscal Year 2017 proposed budget additionally provides the agency with 7 new FTEs.

²⁹ Committee on the Judiciary Fiscal Years 2015-2016 Performance Oversight Hearing, Department of Forensic Sciences (March 3, 2016), (written testimony of Jenifer Smith, Director), on file with the Committee.

Case Backlogs: In July of 2015, the Latent Fingerprints Unit had 247 backlogged priority cases with requests for analysis; this backlog is now 140 cases. There is a much greater backlog in the Firearms Examination Unit, at 1,269 cases. The Committee is generally concerned about the volume of case intakes contrasted with the number of total reports generated.

Table 1: Case Intakes, Average Turnaround Time, and Total Reports for the Latent Fingerprint Unit (LFU) and Firearms Examination Unit (FEU), Fiscal Years 2013 through 2016

LFU				
Data	FY13	FY14	FY15	FY16
<i>Total Case Intakes</i>	3222	2270	2667	259
<i>Avg TAT (days)</i>	35	19	10	25
<i>Total Reports</i>	818	980	1175	369
FEU				
Data	FY13	FY14	FY15	FY16
<i>Total Case Intakes</i>	1961	1066	836	248
<i>Avg TAT (days)</i>	34	28	70	60
<i>Total Reports</i>	9	48	15	29

Source: Department of Forensic Sciences

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Department of Forensic Sciences, as proposed by the Mayor.

b. Policy Recommendations

1. The Committee recommends that DFS continue to prioritize processing of sexual assault kits to ensure compliance with the statutorily-required 90-day turnaround time.
2. The Committee recommends that DFS provide it with monthly updates on its case backlogs.

J. DEPARTMENT OF YOUTH REHABILITATION SERVICES

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.

In partnership with its families and the public, DYRS aims to empower court-involved young people and foster accountability to their communities. 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. DYRS also provides detention and shelter services to detained youth who are placed by court order from the Superior Court of the District of Columbia.

The Department of Youth Rehabilitation Services operates through the following 4 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.

This division contains the following 5 activities:

- **Office of the Director** – provides executive leadership, direction, and administration of agency-wide comprehensive services and programs to align the District and agency’s strategies and achieve DYRS’ goals;
- **Office of the Chief of Staff** - provides senior-level coordination for planning, organizing, and developing agency policies, regulations, directives, and procedures;
- **Communications and Public Affairs** – manages the agency’s communications and public relations activities, including maintaining liaison with the Mayor’s Office, the Council, members of the news media, advocates, community groups, and the public, while producing internal and

external communications material and overseeing content on the agency website and social media;

- **Office of Internal Integrity** – takes responsibility for swift and competent internal investigations into allegations and indications of unprofessional and unlawful conduct by employees or contractors of the department. Convenes and conducts disciplinary hearings at the New Beginnings Youth Development Center and the Youth Services center for youth who have been administratively charged with major violations of the Comprehensive Disciplinary Code and served a Notice of Disciplinary Hearing; and
- **Office of the General Counsel** – responsible for reviewing legal matters pertaining to the agency and its programs, analyzing existing or proposed federal or local legislation and rules, managing the development of new legislation and rules, and coordinating legal services to the agency.

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.

This division contains the following 5 activities:

- **Deputy Director for Youth Programs** – provides supervision and administrative support to youth and family empowerment, youth development services, residential programs, and health services administration to assure DYRS goals are met;
- **Youth and Family Empowerment** – ensures delivery of vital community-based support services and programs including DC Youthlink, workforce training, job placement services, educational support, electronic monitoring, and community engagement focused on coordinating family outreach programming, parent support groups, parent orientations, and family engagement events;
- **Youth Development Services** – provides individualized case and care planning, management, and monitoring for all DYRS youth and families, including Pre-Dispositional Plan Development and Youth Family Team Meeting facilitation services;
- **Residential Services** – provides management oversight, supervision, and administrative support to assure DYRS goals are met as related to detained and committed populations, while managing all referrals to contracted

residential services, and tracks the utilization of contracted programs and services to inform planning and resource allocation. Residential program staff is responsible for providing short-term care in secure custody at the Youth services Center (YSC) for youth awaiting adjudication, disposition, or transfer to another facility. YSC provides 24-hour custody, care, and supervision, as well as programs to support the basic physical, emotional, religious, educational, and social needs for juveniles in secure custody. The New Beginnings Youth Development Center located in Laurel, Maryland, provides 24-hour supervision, custody, and care, including educational, recreational, and workforce development services. The facility's six-to-twelve month rehabilitation program, modeled after the acclaimed Missouri approach, serves the most serious and chronic young offenders. The program prepares youth for community reintegration in the least restrictive environment consistent with public safety grounded in the principles of positive youth development and guided peer interaction that promotes youth rehabilitation; and

- **Health and Wellness Services** – provides food services, acute care services, immunizations, health and wellness education, behavioral health services, and preventative and comprehensive medical services to all DYRS youth in secure care.

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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 budget proposal for the Department of Youth Rehabilitation Services is \$101,872,794, a decrease of \$4,147,000, or 3.9%, from the current fiscal year approved budget. The proposed budget supports 554.5 FTEs, which does not represent a change from the current fiscal year.

Local Funds: The Mayor's proposed budget is \$101,529,000, a decrease of \$4,147,000, or 3.9%, from the Fiscal Year 2016 approved budget of \$105,676,000. This funding supports 554.5 FTEs, which does not represent a change from the Fiscal Year 2016 approved level.

Intra-District Funds: The Mayor’s proposed budget is \$344,000, which does not represent a change from the Fiscal Year 2016 approved budget. The funding does not support any FTEs, which is the same as in Fiscal Year 2016.

Committee Analysis and Comments

Agency Accomplishments: DYRS has continued to find success under the leadership of Director Clinton Lacey. DYRS recently opened the MLK Achievement Center, its second such facility. In addition, DYRS will soon open space at the New Beginnings Youth Development Center to young women, which will be the first time that young women have been able to utilize that facility.

DYRS continues to see many successful outcomes for youth in its care. According to the statistics provided to the Committee, the re-arrest rates for committed youth declined from 33.1% in Fiscal Year 2014 to 27.6% in Fiscal Year 2015.³⁰ The agency also maintained an abscondence rate of 5% in Fiscal Year 2015.³¹ Given the long period of time needed to capture recidivism data, it is harder to track current trends. According to the most recent complete data from Fiscal Year 2013, however, there has been an increase from prior years. The Committee will continue to monitor recidivism closely to see if recent programming changes are having a positive impact. While the agency’s performance shows signs of progress, the available data also reflects that the agency continues to have much work to do.

<i>Recidivism Rate for DYRS Committed Youth Cohort³²</i>			
<i>(Rate Calculated After One Year in the Community)</i>			
FY11	FY12	FY13	FY 14
30%	34%	36%	21% (awaiting complete data)

The agency’s mission encompasses more than just improving public safety, however. It also includes providing committed youth an opportunity to become more productive citizens. In Fiscal Year 2015, the agency verified that 5 of their committed youth received their high school diploma or a GED, that 128 youth earned professional certificates, that 10 youth retained subsidized employment for more than 3 months, and that 17 youth retained unsubsidized employment for more than 3

³⁰ See DYRS Performance Oversight Hearing Responses, Tracking Youth Success, page 4, located at http://dccouncil.us/files/user_uploads/budget_responses/TrackingYouthSuccess_1234578.pdf.

³¹ *Id.*

³² *Id.* at 5.

months.³³ Finally, 3 youth were accepted to college in Fiscal Year 2015, with 24 youth enrolled in college at some point during the fiscal year.³⁴ Each of these outcomes reflects a success for the agency. However, given that 528 youth were committed to DYRS during Fiscal Year 2015, the Committee is concerned about the fate of the young people that did not make reported progress toward reaching their educational or employment goals.³⁵

DYRS youth continue to benefit from a wide range of services and supports. In Fiscal Year 2015, 46% of committed youth received mentoring services, 29% were assisted by a tutor, 10% received family counseling, 4% received substance abuse treatment, 61% received a health screening, and 4% received mental health services.³⁶ The Committee hopes that planned changes to D.C. YouthLink will enable the agency to provide a more diverse and individualized array of services to committed youth.

Adjusting to a Declining Population of Committed Youth: DYRS has continued to see declines in the youth population served by the agency. The committed population declined from 669 youth committed in Fiscal Year 2014 to 528 youth committed in Fiscal Year 2015.³⁷ In many ways, this decline reflects the successful use of diversion programs, including the Alternative to Court Experience program operated by the Department of Human Services. For DYRS, however, the declining population has resulted in both challenges and opportunities.

<i>DYRS Aggregate Committed Youth Population</i>			
FY12	FY13	FY14	FY 15
1,149	896	669	528

The declining population has resulted in both reduced need for facilities and reduced need for funding. As of March 29th, 2016, the New Beginnings Youth Development Center housed only 37 youth in a 66-bed facility.³⁸ On the same day, the Youth Services Center, designed for 88 young people, held only 78 youth.³⁹ In prior years, the Center held as many as 156 young men and women at a time.⁴⁰ This newly available capacity has allowed DYRS the flexibility to house young women at

³³ *Id.* at 7.

³⁴ *Id.*

³⁵ See DYRS Performance Oversight Hearing Responses, Tracking Youth Success, page 1, located at http://dccouncil.us/files/user_uploads/budget_responses/TrackingYouthSuccess_1234578.pdf.

³⁶ *Id.* at 7.

³⁷ *Id.*

³⁸ DYRS Youth Population Snapshot, located at <http://dyrs.dc.gov/page/youth-snapshot>.

³⁹ *Id.*

⁴⁰ *Id.*

New Beginnings and to move more young people back to the District of Columbia from out-of-state placements. The Mayor's proposed Fiscal Year 2017 budget specifically anticipates a further 10% reduction in the number of young people in residential placements.⁴¹ If the agency's population continues on its current trajectory, excess capacity at the secure facilities should allow the agency to consider housing Title 16 youth in addition to detained and committed juveniles.

The reduced population of juveniles served by DYRS has also resulted in financial savings. Some of these savings have been reinvested by the agency in innovative new programming including the Credible Messenger program and the new MLK Achievement Center. In Fiscal Year 2017, the Mayor's proposed budget would provide \$2,024,711 for the Credible Messenger program and \$1,683,093 for the MLK Achievement Center.⁴² Even with these increasing investments, the agency only spent \$94,967,000 in local funds in Fiscal Year 2015, out of a revised budget of \$98,104,000.⁴³ The proposed supplemental budget for Fiscal Year 2016 would remove \$5,000,000 from DYRS's Fiscal Year 2016 approved budget due to the declining population.⁴⁴ This trend also allows for a 3.9%, or \$4,147,000, reduction in the proposed budget for Fiscal Year 2017 from the Fiscal Year 2016 approved budget.

Restructuring of D.C. YouthLink: D.C. YouthLink is a District initiative that pairs D.C. youth with community-based organizations to provide them the supports and services they need to transition into responsible adulthood. The current model operates as a partnership between DYRS and the D.C. Children and Youth Investment Trust Corporation. The initiative operates through two Lead Agencies, each of which is responsible for serving youth based on their location in the city. DYRS provides referrals and programmatic oversight of the Lead Agencies, while the Trust provides payment and fiscal oversight. The Lead Agencies in turn manage a coalition of community-based organizations that provide individual services to DYRS youth, including mentoring, parenting, educational support, job training, physical health, substance abuse, civic engagement, and arts education, among others.

While D.C. YouthLink has served as a national model for the provision of community-based services to juveniles, the Committee has heard substantial concern from the agency leadership, staff, service coalition members, advocates, and juveniles about how the model has developed over time. The multiple layers of administration have resulted in a telescoping bureaucracy and increased administrative costs. According to a recent review of the D.C. Auditor, 29% of the program expenses for

⁴¹ DYRS Responses to DYRS Budget Hearing Follow-Up Questions, page 2.

⁴² *Id.*

⁴³ See Comprehensive Annual Financial Report 2015, page 182, located at http://app.dc.gov/pdf/FY_2015_DC_CAFR.pdf.

⁴⁴ See Bill 21-666, the "Fiscal Year 2016 Second Revised Budget Request Temporary Adjustment Act of 2016".

D.C. YouthLink was expended for administrative costs and overhead.⁴⁵ In addition, the disconnect between the agency and service providers has resulted in short and unpredictable contracts, unreliable funding, and a lack of communication and support. The model's focus on outcomes has had the unintended consequence of setting unreasonable expectations, while encouraging cookie-cutter solutions. Finally, DYRS case managers have been disempowered and disconnected from the youth they serve due to the plethora of organizations involved.

To address these concerns, DYRS has signaled that it intends to restructure D.C. YouthLink in Fiscal Year 2017. This restructuring will result in fewer administrative layers, more direct oversight of service providers, and a more involved role for DYRS case managers. It is the hope of the Committee that this restructuring will also result in a more reliable and consistent funding stream for service providers, reduce administrative costs, and produce a more individualized basket of services for committed youth. The Committee notes that consistent oversight will be critical in ensuring that services are provided effectively once they are brought in-house at the agency.

Elimination of the Strategic Planning and Performance Division: In addition to restructuring D.C YouthLink, DYRS also proposes to restructure its own administration in Fiscal Year 2017. To simplify the agency's administration, DYRS intends to eliminate the Strategic Planning and Performance Management Division. The Division will be largely absorbed into the Agency Management Division. This restructuring will consolidate contracting and professional development in a single division, while removing the need for an additional Deputy Director. The Committee will be tracking this transition carefully to ensure that it does not reduce the agency's focus on improving the availability of data and tracking outcomes.

Technical Change Requested by the Mayor: In the Mayor's Errata letter for the Fiscal Year 2016/217 Budget Submission, she noted that \$150,000 was erroneously placed in the wrong budget activity code. The Committee recommends that this funding be shifted to the appropriate code to address the error.

c. Mayor's Proposed Fiscal Year 2017-2022 Capital Budget

Proposed Capital Budget Summary

PEPCO SECONDARY FEEDER. Full Funding Cost: \$5,000,000:

This project would allow the installation of a secondary Pepco backup power line to reduce security issues associated with power outages and eliminate the need for generator dependency.

⁴⁵ See "DYRS Can Strengthen the Management of D.C. YouthLink, Community-Based Residential Facilities, and Performance Reporting", Office of the District of Columbia Auditor, March 17, 2016

Committee Analysis and Comments

While the Committee recognizes that power outages have been a challenge at DYRS facilities in recent years, the Committee has concerns about the ability of the agency to forecast the reliability of the existing Pepco feeder six years in advance. Given the utility's focus on improving reliability, the Committee is concerned that these funds will ultimately prove unnecessary and will not be expended in that fiscal year.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Department of Youth Rehabilitation Services, as proposed by the Mayor, with the following modifications:

1. *Reduce* CSG 50 (Subsidies and Transfers), Program 9000 (Youth and Family Programs), Activity 9040 (Residential Services), by \$150,000, as recommended in the Mayor's Errata Letter.
2. *Increase* CSG 50 (Subsidies and Transfers), Program 9000 (Youth and Family Programs), Activity 9050 (Health and Wellness Services), by \$150,000, as recommended in the Mayor's Errata Letter.

b. Fiscal Year 2017-2022 Capital Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017-2022 capital budget for the Department of Youth Rehabilitation Services, as proposed by the Mayor, with the following modification:

1. *Reduce* the available allotment for Project #SH632C (Replacement of Yes! to Famcare) by \$14,283 and transfer to the Committee on Transportation and the Environment for a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.
2. *Reduce* the proposed Fiscal Year 2022 allotment for Project #BRM02C, the Pepco Secondary Feeder project, by \$5,000,000.

c. Policy Recommendations

1. On March 17, 2016, the D.C Auditor released a detailed report entitled "DYRS Can Strengthen the Management of D.C. YouthLink, Community-Based Residential Facilities, and Performance Reporting." The report included a

series of recommendations, many of which the agency has either implemented or is in the process of implementing. The Auditor highlighted, in particular, the need for greater transparency and consistency in the reporting of public safety metrics. The Committee recommends that the agency should continue to improve the availability and quality of data on public safety metrics, as well as on other outcomes. Robust outcomes data should be regularly and predictably reported to the public using consistently applied definitions.

2. The Committee encourages DYRS to continue to expand the availability of gender-specific programming for young women. The percentage of the committed population that is female has steadily increased, with 17% of the committed population being female in Fiscal Year 2015. The Committee particularly applauds the agency's initiative in opening space at New Beginnings as an alternative for young women who are to remain in secure confinement for longer periods of time. Nonetheless, DYRS staff have reported to the Committee that more work is needed to reduce tensions among the female population and to better address the trauma that committed young women have often experienced.
3. The Committee received substantial feedback from DYRS employees regarding the need for more specific, in-house training for front-line personnel. While professional development has been a focus for the agency, DYRS has seen further reductions in the number of staff members fully dedicated to training, while more training has been provided by outside contractors. The Committee recommends that the agency examine its training practices to ensure that staff are provided with specific, applicable training that reflects the unique needs of the population that DYRS serves.
4. The identification and treatment of mental health needs continues to be a challenge for DYRS. DYRS staff have reported to the Committee that severe, untreated mental health needs among the committed population have directly resulted in increased assaults on staff and juveniles. Meanwhile, in Fiscal Year 2015, DYRS reported that only 4% of committed youth received mental health services. DYRS staff have also reported that mental health specialists that serve the DYRS population are over-worked and unequipped to handle the needs of the population. The Committee recommends that DYRS review the existing system for identifying and treating mental health needs. In particular, DYRS should renew its engagement with the Department of Behavioral Health services, or, in the alternative, should further develop its own resources. At no point should punitive measures and increased room confinement be used in lieu of effective mental health treatment.
5. The Committee encourages DYRS to renew its existing Memoranda of Understanding with the Public Defender Service for the District of Columbia and with Parent Watch. Both organizations have been long-time partners for the agency and provide vital services to juveniles and their families. Any renewed agreements should ensure that both organizations retain their

existing office space at the secure facilities and that both organizations are granted reasonable access to the young people and their families.

6. The Committee recommends that DYRS explore the potential of expanding the reach of the D.C. YouthLink service coalition by partnering with other youth-serving agencies to provide similar services to young people who are not committed to or detained by DYRS. Such a partnership could provide much needed services in the community, reduce administrative burdens on service providers, provide economies of scale in the wake of a declining committed youth population, and improve inter-agency coordination. In addition, the Committee recommends that DYRS consider establishing additional Achievement Centers in new areas of the city through co-location with existing youth-serving facilities.

K. DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

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.⁴⁶ The DMPSJ's role has also historically included oversight of and 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).⁴⁷ In last year's budget, the Office of Justice Grants Administration and the Office of Victim Services were combined to form the Office of Victim Services and Justice Grants, and this agency was administratively separated from DMPSJ. 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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 budget proposal for the Office of the Deputy Mayor for Public Safety and Justice is \$1,605,425, an increase of \$759,598, or 47.3%, over the Fiscal Year 2016 approved budget of \$845,827. The proposed budget would support 11.0 FTEs, an increase of 5.0 FTEs, or 100%, over the Fiscal Year 2016 approved level. The agency's budget is composed entirely of local funds.

Committee Analysis and Comments

In 2015, DMPSJ launched the Community Stabilization Program, intended to provide immediate intervention to victims of violent crime, their families, and neighborhoods. In the agency's March 2, 2016, performance oversight hearing, Deputy Mayor Donahue stated that the Program had been deployed 32 times and served approximately 180 individuals. While the Committee supports efforts to intervene in and immediately respond to violent crime, this particular Program has not been structured or utilized to achieve its full potential. The Program does not support local community-based organizations, subject-matter experts, or neighborhood "credible messengers" as *they* work with crime victims. Instead, the Program substitutes such evidence-based best practices for a government-based, time- and resource-limited intervention. The Committee has concerns that DMPSJ's decision not to outsource such a sensitive program will prove ineffective. In addition, the Program has "served" a very limited number of individuals, and the Committee

⁴⁶ D.C. Official Code § 1-301.191(c).

⁴⁷ D.C. Official Code § 1-301.191(c)(5)(A).

is concerned about the lack of standardized evaluations of its metrics and outcomes. The Committee strongly encourages the Executive to utilize the services of established crime prevention experts like the Cure Violence model and to *support* community-based organizations and residents as *they* work to reduce and intervene in crime prevention efforts.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Office of the Deputy Mayor for Public Safety and Justice, as proposed by the Mayor, with the following modifications:

1. *Delete* 4 new vacant FTEs from Program 1000 (Administrative Management), Activity 1090 (Performance Management) in the following amounts: CSG 11 (Regular Pay – Continuing Full Time) by \$343,962 and CSG 14 (Fringe Benefits – Current Personnel) by \$68,972: *total PS reduction = \$412,754.*
2. *Increase* CSG 11 (Regular Pay – Continuing Full Time) by \$70,342 and CSG 14 (Fringe Benefits – Current Personnel) by \$12,169 for 1 new FTE to fund the crime data collection FTE required by Section 210 of the “Neighborhood Engagement Achieves Results Amendment Act of 2016” (D.C. Act 21-356; 63 DCR 4659): *total PS increase = \$82,511*

L. DISTRICT OF COLUMBIA NATIONAL GUARD

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, supports the District of Columbia Emergency Response Plan, and develops community programming. 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: Supports 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; prepares for and responds to requests for National Guard – National Capital Region (JFHQ-NCR).

Community Mission: Maximizes the use of available Department of Defense family and youth programs to support District residents.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 budget proposal for the DCNG is \$13,182,616, a decrease of \$134,029, or -1.0%, from the approved Fiscal Year 2016 budget of \$13,316,645. The proposed budget supports 129.0 FTEs, an increase of 2 FTEs, or 1.6%, from the Fiscal Year 2016 approved level of 127 FTEs.

Local Funds: The Mayor's proposed local funds budget is \$5,019,621, a decrease of approximately \$6,641, or a -0.1%, over the Fiscal Year 2016 approved budget of approximately \$5,026,262. This funding supports 39.5 FTEs, the same amount supported in the Fiscal Year 2016 approved budget.

Federal Payments: The Mayor's proposed federal payments budget is \$450,000, an increase of \$15,000, or 3.4%, over the Fiscal Year 2016 approved federal payments budget of \$435,000. This funding does not support any FTEs.

Federal Grant Funds: The Mayor’s proposed federal grant funds budget is \$7,712,995, a decrease of \$142,388, or 1.8%, over the Fiscal Year 2016 approved federal grant funds budget of \$7,855,383. This funding supports 89.5 FTEs, an increase of 2 FTEs, or 2.3%, over the Fiscal Year 2016 approved level.

Committee Analysis and Comments

District Emergency Requests: One of DCNG’s top priorities is to monitor and provide an action plan for all District emergency requests. During winter storm Jonas, DCNG supported DCFEMS and MPD by utilizing their HMMWVs to transport emergency services and police officers to inaccessible locations. DCNG also utilized their resources and equipment to transport supplies to shelters for individuals experiencing homelessness and warming centers.

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 residents. Youth Challenge uses a quasi-military model and emphasizes academics, physical training, and discipline. The program includes a 22-week residential phase followed by a one-year, non-residential phase. The Youth Challenge program has increased its visibility within the District by partnering with other District agencies who serve at-risk disengaged youth. Partnering agencies include the Metropolitan Police Department, District of Columbia Public Schools, and the Department of Youth Rehabilitation Services.

DCNG still endeavors to increase the recognition of the program and enrollment. Despite agency partnerships, the Academy is facing challenges with recruitment. There were 152 Cadets and 96 residential students in the Youth Challenge program compared to 125 cadets and 11 residential in fiscal year 2015. As of February 2016, there are 38 cadets and 38 residential students in the Youth Challenge program.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the District of Columbia National Guard, as proposed by the Mayor, with the following modification:

2. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Agency Management), Activity 1030 (Property Management), by \$102,000 for improvements to the District of Columbia National Guard’s Oak Hill facility.

M. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Fire and Emergency Medical Department (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. FEMS 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.

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 District, 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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's proposed Fiscal Year 2017 gross budget is \$254,449,706, which represents a \$22,652,184, or 9.8%, increase over its Fiscal Year 2016 approved gross budget of \$231,797,522. This budget increases FTEs by 36.0. Field Operations, which includes Fire Rescue Operations, Emergency Medical Services Operations and Special Operations, increased by \$11,740,000 in "one-time funding to support the FY 2017 projected costs for a third-party Emergency Medical Services provider contract for ambulance services. The program was authorized by the District Council in FY2016."⁴⁸

Local Funds: The Mayor's Fiscal Year 2017 proposed local funds budget is \$250,002,561, representing an increase of \$19,725,039, or 8.6%, over the Fiscal Year 2016 approved local funds budget of \$ 230,277,522. This budget would support 2,062 FTEs, a decrease of 6.0 FTEs, or 0.3%, over the Fiscal Year 2016 approved level. Specifically, in Fiscal Year 2017, the Mayor proposes to reduce FTEs for Employee Preparedness – Specialized Training by 11.0 FTEs, Field Operations – Special

⁴⁸ Budget Book at C-21

Operations by 3.0 FTEs, Policy and Planning – Office of Equity and Diversity by 1.0 FTE, and the State Safety Oversight Program - State Safety Oversight Program by 2.0 FTEs. In other programs, FTEs increase, including in Field Operations – Fire/Rescue Operations by 8.0 FTEs and Fire Prevention and Education – Inspections by 1.0 FTE.

Special Purpose Revenue Funds: The Mayor’s Fiscal Year 2017 proposed special purpose revenue funds budget is \$1,025,000, representing a decrease of \$495,000, or 32.6%, over the Fiscal Year 2016 approved special purpose revenue funds budget of \$1,520,000. This budget does not support any FTEs.

Federal Resources: The Mayor’s Fiscal Year 2017 proposed federal resources budget is \$3,022,145. In Fiscal Year 2016, this budget did not include any funds. The increase in federal funding increases the total FTEs by 42.0. Funds for the *Staffing for Adequate Fire and Emergency Response* (SAFER) federal grant were renewed after being eliminated in Fiscal Year 2016. Federal funds include “\$2,591,122 to support projected salary costs and \$431,023 to support Fringe Benefits.”⁴⁹

Committee Analysis and Comments

EMS Status: In Fiscal Year 2016, FEMS leadership and the public at-large raised serious concerns about a seemingly eroded emergency medical services (EMS) system. Consequently, on October 1, 2015, the Committee held a robust roundtable discussion on the state of EMS in the District. During the roundtable, FEMS indicated that the Office of Unified Communications receives more than 500 calls for EMS service daily. Furthermore, FEMS indicated that the “decreased functional and reserve units as a result of deficient maintenance program [causes] strains to system transports by 9:00 a.m.”⁵⁰ Furthermore, FEMS assists in mutual aid more often than it had in the past which can also exacerbate limited transport resources and EMS personnel.⁵¹ The distance between health care facilities can also aggravate a complicated and eroding EMS system.⁵²

Moreover, at the hearing, Chief Dean testified that 2008 was the last year that FEMS conducted an EMS review, and when “comparing FY 2015 to FY 2008, EMS calls have increased by 35,645 (or 28.2%) while patient transports have increased by 33,299 (or 40.6%).”⁵³ However, he warned that “trying to keep pace with this growing demand places incredible pressure on our people, vehicles and equipment, not easily

⁴⁹ Budget Book at C-20.

⁵⁰ Presentation to the Council.

⁵¹ *Id.*

⁵² *Id.*

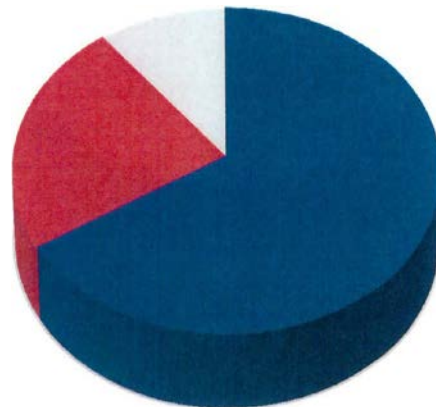
⁵³ *Fire and Emergency Medical Services: Public Hearing on the State of Emergency Medical Services in the District of Columbia and Bill 21-0290, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2015”* (Oct 1, 2015) (written testimony of Chief Gregory Dean, Fire and Emergency Medical Services Department).

resolved by simply expanding service capacity.”⁵⁴ To address the influx of calls for service, FEMS, under Chief Dean’s leadership, has placed paramedic officers in three hospitals. This change in protocol was intended to assist ambulances to return to service faster and transport patients quickly.⁵⁵ Since implementation, FEMS testified that the average time ambulances spend at one hospital has reduced by 14 minutes (or 26%) after patients are transported.⁵⁶

Basic LifeSupport (BLS):
65.97% of calls

Advanced Life Support (ALS):
23.31% of calls

NoTransport:
10.6% of calls do not require transport



57
BLS Calls
ALS Calls
NoTransport Calls

The Committee also discussed the recommendations of the Task Force on Emergency Medical Services that was formed as the result of an unfortunate incident in 2006. At that time, David Rosenbaum, a District resident, was assaulted and sustained a severe head injury. FEMS responded and transported Mr. Rosenbaum to Howard University Hospital, where he later died. Consequently, the Task Force on

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Fire and Emergency Medical Services Department, *Fire and Emergency Medical Services Department Third Party Provider Contract Council Staff Briefing* (2016).

Emergency Medical Services (Rosenbaum Task Force) was appointed by Mayor Adrian Fenty, and in 2007, the Task Force published its recommendations.

The Committee also examined the implemented and unimplemented recommendations outlined in the District of Columbia Auditor's June 2015 report entitled "Review of District of Columbia's Compliance with the Recommendations of the Task Force on Emergency Medical Services (The Rosenbaum Task Force)". The Auditor found that of the six directives, there are 36 recommendations; 11 were implemented, 15 were not implemented, four were implemented and later rescinded, and six were partially implemented. The Committee reviewed the report and conclusions and why FEMS did not implement the remaining recommendations.

In an effort to improve EMS and spur reform, the Committee considered the Mayor's proposed emergency legislation, the "Emergency Medical Services Contract Authority Emergency Amendment Act of 2015". The stated purpose of this measure is to authorize, on an emergency basis, FEMS to contract with third parties to provide supplemental pre-hospital medical care and transportation for Basic Life Support calls for service. On September 29, 2015, the Mayor, Chief Dean, and then-Medical Director Saussy presented a high-level overview of the plan to the Council.

While the Committee agrees that the District must immediately respond to our pressing fleet, personnel, and reliability challenges, there were a number of unanswered questions about the proposal to privatize Basic Life Support services. The Executive argued that the plan would result in decreased hospital drop times, more time for personnel training, morale improvement, relief of stresses on fleet, and improved response times, but the Committee sought to properly review the program including a discussion on privatization instead of reinvesting in the Department, impacts on labor, billing, cost, exposure to legal liability, and oversight – particularly as the Mayor sought to move forward on an emergency basis.

As a result of the hearing, the Committee and other interested Councilmembers crafted supplemental questions which were transmitted to FEMS and answered. In response to the Executive's responses, the Council included a number of reporting requirements in the emergency legislation scheduled for Council-wide consideration at the October 6, 2015, legislative meeting. The Council considered and unanimously approved the emergency legislation. A further discussion of the status of this authority and the effective contract is below in the section "American Medical Response". The Mayor's Errata Letter dated April 27, 2016, contains a Budget Support Act Subtitle that would, on a permanent basis, authorize FEMS to contract with a third party vendor for basic life support.

Chief of Fire and Emergency Medical Services Department: Prior to joining FEMS, Chief Gregory Dean served the residents of Seattle, Washington, for forty-four years as a member of the Seattle Fire Department (SFD). Notably, Chief

Dean previously served as the Fire Chief of the SFD for ten years, where he led 1,150 employees with a \$175 million budget. He also served as the Assistant Chief of Administration, where he managed the Department's finances and developed human resources policies that affected the hiring, termination, and promotion of SFD personnel. In this role, he negotiated contracts and managed apparatus purchases for SFD. Further, he served as an assistant chief/fire marshal where he implemented the Fire Facilities Levy program. This program included a \$175 million renovation of SFD stations and buildings. Additionally, during his tenure as Assistant Chief/Fire Marshal, he collaborated with other public safety agencies to establish the life safety criteria for tunnels, building access response routes, and water availability for the Sound Transit Light Rail Project.

Medical Director: On November 3, 2015, the Committee confirmed Dr. Juliette Saussy as the Medical Director of FEMS. She resigned from the post on January 29, 2016.

Prior to joining FEMS as its Medical Director, Dr. Saussy created an international clinical education team as the Medical Director for Clinical Affairs with Telefax, Incorporated. From 2004 to 2010, she served the residents of New Orleans, Louisiana, as the Medical Director for New Orleans EMS. Director Saussy's responsibilities focused on repairing a challenged EMS system and required a precise and aggressive approach to "new medical protocols, new equipment, and revenue generation for EMS transports." In 2005, New Orleans suffered catastrophic damage during Hurricane Katrina, and Dr. Saussy organized and managed the coordinated EMS response. Following Dr. Saussy's leadership during Hurricane Katrina, she became the Chief Medical Officer for Homeland Security for the City of New Orleans.

A medical director should improve the quality of EMS through training, efficient EMS protocol, and effective strategies for disaster relief. During Hurricane Katrina, Dr. Saussy coordinated with jurisdictions in the southeastern region and local public safety agencies to ensure that 911 call holding times were eliminated.⁵⁸ She also ensured that New Orleans personnel were "expeditiously dispatch[ed] by ground, high water vehicle, and boat ... to the various addresses and calls for help during emergencies."⁵⁹

Dr. Saussy resigned in a four-page letter dated January 29, 2016. In the letter, Dr. Saussy alleged that the Department's culture is highly toxic to the delivery of quality pre-hospital patient care.⁶⁰ She claimed that sending fire apparatus on every call "has no basis in medicine, science or patient outcomes."⁶¹ She further alleged

⁵⁸ CNN Live Today (CNN television broadcast Sept. 9, 2005) (transcript on file with CNN).

⁵⁹ *Id.*

⁶⁰ Letter from Dr. Juliette Saussy to the Executive Office of the Mayor (January 29, 2016) (on file with the Committee).

⁶¹ *Id.*

that “EMS policy, deployment and practice decisions are being made in ways that negatively impact the delivery of medicine, are not medically sound or scientifically driven, and are not tolerable for [her] when a clear alternative exists.”⁶² Within the letter one of the most glaring indictments on FEMS’ leadership and operation was that there was “no proper assessments were made to measure competency.”⁶³ Dr. Saussy went on to say that the “National Registry of Emergency Medical Technicians and the D.C. Department of Health require a "skill competency" of over 700 medics, including both basic EMTs and Paramedics.”⁶⁴ Furthermore, she indicated that she,

[C]ould not complete this task because there is no valid indication that they have received any form of real training or continuing education. The Training Academy is not staffed with the proper number of quality educators necessary to assure that providers are "competent." There is a lack of accountability at all levels and major infractions result in virtually no discipline and the "practice of medicine" is "overseen" by people with no authority, no medical expertise or teeth to drive change. Holding providers accountable for answering their radios and not "disappearing" while at hospitals would dramatically increase the number of units available and, perhaps, buy more time to train and educate medics. The organizational chart and the lines of authority are not reflective of the work that is done daily.⁶⁵

The better part of FEMS’ performance oversight hearing centered on this topic.

FEMS appointed an Interim Medical Director – Dr. Robert P. Holman – on February 16, 2016. Dr. Holman serves as the Internal Medicine Discipline Director at the Unity Health Care/Brentwood Health Center and is Board certified in Internal Medicine and Infectious Diseases.⁶⁶ FEMS indicated that Dr. Holman was previously a professor at Georgetown University School of Medicine for more than 20 years.⁶⁷ Dr. Holman has 13 years with the National Board of Medical Examiners where he “develop[ed] and edit[ed] the United States Medical Licensing Exam, an exam and assessment that physicians are required to undergo to obtain licensure.”⁶⁸ However, FEMS continues to conduct a national search for a permanent Medical Director and is the process of retaining an Assistant Medical Director.

FEMS Objectives: Chief Dean’s performance oversight hearing testimony focused on what the Department has accomplished along four broad areas: (1) hiring

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Fire and Emergency Medical Services Department, *Fire and Emergency Medical Services Department Third Party Provider Contract Council Staff Briefing* (2016).

⁶⁷ *Id.*

⁶⁸ *Id.*

and apparatus; (2) training, safety and development of the Department's employees; (3) reforming the delivery of EMS; and (4) accountability, transparency and customer service.⁶⁹ FEMS testified that the it does not have the necessary level of resources to respond to its current call volume.⁷⁰ To underscore the current status of the Department, FEMS testified that:

We need to do a better job educating the public on EMS initiatives. We need to invest more resources in the provision of pre-hospital medical care and EMS training. We need to do a better job supervising and evaluating our employees' provision of EMS. We need to cultivate stronger leaders; and our employees like the team members they work with, and they believe that our mission makes them feel that their jobs are important.⁷¹

To address training deficiencies, FEMS testified that the priority of Fiscal Year 2016 was to focus on a revised EMS training agenda.⁷² FEMS, during the tail end of 2015, entered into a partnership with the University of the District of Columbia (UDC) to provide EMS Captains with training on intubation, a life-saving Advanced Life Support (ALS) EMS technique.⁷³ Through the Continuous Quality Improvement (CQI) process and the UDC partnership, FEMS acknowledged that personnel needs additional focus on these subject areas.⁷⁴ FEMS is participating in this partnership to fulfill its Fiscal Year 2016 initiative to "improve the quality of emergency medical care provided for "time-sensitive" illnesses and injuries[. This includes] cardiac arrest, STEMI,⁷⁵ stroke and life-threatening traumatic injuries."⁷⁶ The Committee has been encouraged by a higher incidence of successful intubations since the training was given.

FEMS indicated that great Advance Life Support starts with great Basic Life Support (BLS). On March 21, FEMS began the new training academy program which included training for the BLS providers and focused on "high performance CPR" training for firefighter EMTs...."⁷⁷ However, witnesses during the agency's budget hearing challenged FEMS to increase EMS training opportunities and argued that the agency was woefully deficient in its approach to pediatric training. The Committee followed up with the witness who made this assertion and is encouraged

⁶⁹ Fire and Emergency Medical Services Department: Fiscal Year 2016 Performance Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary (Feb. 17, 2016) (oral testimony of Chief Gregory Dean, Fire and Emergency Medical Services).

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ ST Segment Elevation Myocardial Infarction.

⁷⁶ *Supra* note 62.

⁷⁷ *Id.*

that FEMS not only followed up but has provided a draft schedule of pediatric training. The Committee looks forward to receiving information that confirms that this training is scheduled, funded and completed by relevant FEMS personnel.

Hiring: In June of 2015, FEMS offered an entrance exam which was the first offered since 2007.⁷⁸ On November 3, 2015, FEMS posted a hiring registry of 3,774 candidates.⁷⁹ FEMS also testified that the first class of 30 resulting from the registry was scheduled to begin training at the Training Academy in late February 2016.⁸⁰ FEMS also intends to begin another class of 30 in Fiscal Year 2016.⁸¹ The Department testified that in Fiscal Year 2015 through the first quarter of Fiscal Year 2016, 58 firefighter EMTs (including 32 cadets) and 17 firefighter paramedics graduated from the Academy.⁸² The federal funding award enables the Department to hire 42 firefighter paramedics.⁸³ FEMS intends to begin training the first class of 30 firefighter paramedics in April 2016 and will begin training 12 additional recruits in the tail end of 2016, while accepting applications for the Fiscal Year 2017 cadet class in the summer.⁸⁴

Fleet/Certification: FEMS' fleet remains at the top of the Department's priority list. The Fiscal Year 2016 capital improvement plan afforded the agency the opportunity to focus on fleet maintenance. FEMS testified that,

[I]n FY 2015, FEMS placed into service one of the seven ladder trucks currently on order, which allowed us to have 16 ladder trucks (our full operational complement) in service for the first time since September 2014. The FEMS' capital budget for FY 2016 and FY 2017 was substantially increased to allow for additional emergency vehicle purchases on a replacement schedule that is consistent with the recommendations of the BDA Global "Audit and Assessment" report completed during November 2013.⁸⁵ So far in FY 2016, FEMS has received three new ladder trucks and six new supervisor "buggy" vehicles. During the remainder of this fiscal year, FEMS will receive an

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ 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.

additional 16 refurbished ambulances, 18 new ambulances, four ladder trucks and two engines.⁸⁶

However, the fleet maintenance division currently has vacancies. Additionally, the Operations Support – Inventory management line item is reduced by \$282,000. Operations Support – Field Infrastructure FTEs are reduced by 3.0. To address this, the Committee is working with the Committee of the Whole to implement within the Transportation Academy of the UDC Community College's Workforce and Lifelong Learning Division, a training for residents to become certified as Emergency Vehicle Technicians.

In explaining its ability to support this program, the Community College stated that:

This program would build upon the foundation set by our existing Automotive Technology course that meets the National Automotive Technicians Education Foundation (NATEF) requirements and prepares students to take the Automotive Service Excellence (ASE) certification exam. This program is eight months long and prepares individuals for employment with automobile dealerships and fleet operators in the DC Metropolitan area. We have been successful in providing employment opportunities for a number of students through this effort. At our Transportation Academy, we always seek to ensure that the coursework we offer meets an existing market need, whether in the city, the region or the nation.⁸⁷

The Committee identified five certification tracks offered in an EVT program. The Certification includes the following: (1) Ambulance technician; (2) Fire Apparatus Technician; (3) Airport Rescue and Fire Fighting (ARFF) technician; (4) Law Enforcement Vehicle technician; and (5) Management certification. The last Management certification would be available to shop forepersons and supervisors. Establishing a program addresses all five tracks at the outset is not plausible, but UDC-CC can establish a program that can eventually encompass all certification tracks. The obvious starting point is the Ambulance Technician Certification.

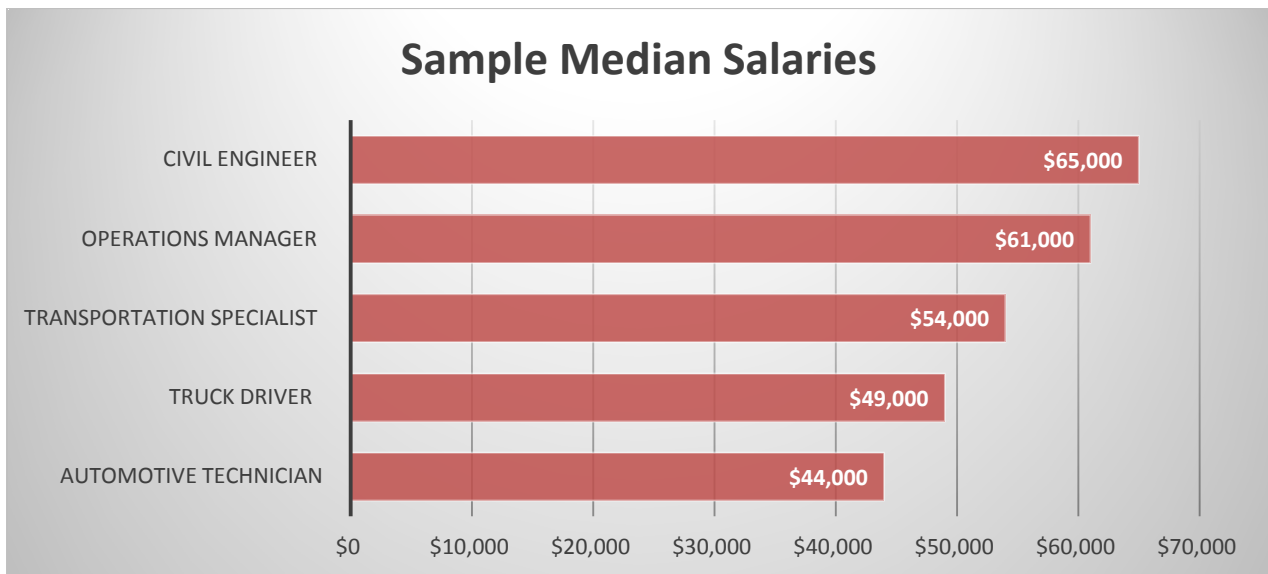
The charts below reflect employment data relating to various professions within the transportation industry.⁸⁸

⁸⁶ *Supra* note 52.

⁸⁷ Memorandum on *Pilot Program Proposal Transportation Academy*, from Stephen Blake, Director of the Transportation Academy, University of the District of Columbia Community College, to Kenyan R. McDuffie, Chair of the Committee on the Judiciary (Mar. 1, 2016) (on file with the Committee).

⁸⁸ Email from Stephen Blake, Director of the Transportation Academy, University of the District of Columbia Community College, to the Committee on the Judiciary (Mar 25, 2016) (on file with the Committee).

Chart 1: Sample Median Salaries by Profession



Transportation Sectors in Report

Trucking transportation

Transit and ground passenger transportation

Air transportation

Highway construction and maintenance

Rail transportation

Maritime transportation

Workforce Trends

The transportation industry faces major demographic challenges with job growth, retirement and turnover.

Transportation industry employers will need to hire approximately 4.6 million workers, an equivalent of 1.2 times the current transportation employment between 2012 and 2022.

Transit and ground passenger transportation have the highest percentage of total job openings at 133 percent.

Projected annual job openings are 68 percent larger than the number of students who are completing related educational programs annually across selected transportation occupational groups.

For every future job opening in central services or construction in the transportation industry, there will be an estimated two jobs in maintenance and 21 in operations.

Thirteen out of the top 20 highest demand transportation jobs pay above the median wage.

Because union density in most transportation subsectors is much higher than in the general economy, many of these jobs include strong benefits in addition to good wages.

Source: University of the District of Columbia Community College

Thus, it is the Committee's goal to establish a preventative maintenance educational program on an "as needed" basis. This program would create a career, with the opportunity for growth, for young people in District of Columbia Schools and UDC. Additionally, the program would address long-standing preventative maintenance needs of the Department. FEMS is currently grappling with uncertified personnel staffing the maintenance shop and operating a shop without annually certificating the Department's apparatus.

Overtime: In Local funds, FEMS' proposed budget reflects a net increase of \$3,054,550 to support adjustments made to Fringe Benefits and Overtime across multiple programs.⁸⁹ Specifically, the personal services increase of \$198,000 is a "shift from Operations to reflect where overtime is actually spent (previously all budgeted in Operations)."⁹⁰

On October 24, 2015, at the FEMS Training Academy, Mayor Bowser and Ed Smith, President of the DC Fire Fighters Association, IAFF Local 36, signed a settlement agreement, ending a 14-year lawsuit between the Union and the District government over overtime payments.⁹¹ Beginning in the October 18, 2015, pay period, the District began compensating union members time and one-half for time worked over 42 hours in a week. Union members impacted were awarded back pay, dating back to September 23, 2001. By the end of the year, payments were made to the vast majority of affected members.⁹² The total cost of the settlement was approximately \$45 million dollars. Funds were allotted through surplus revenue in Fiscal Year 15.⁹³

Fire & EMS Reform Legislation

B21-0506 - Establishment of the Community Health Emergency Link Paramedicine Pilot Program Act of 2015: On December 1, 2015, Councilmember McDuffie introduced Bill 21-0506, the "Establishment of the Community Health Emergency Link Paramedicine Pilot Program Act of 2015". On March 22, 2016, the

⁸⁹ Office of the Chief Fin. Officer, *Fiscal Year 2017 Proposed Budget and Financial Plan Agency Budget Vol. 2*, pg. C-20 (2016).

⁹⁰ Email from Gregory Dean, Chief, Fire and Emergency Services Department, to the Committee on the Judiciary (Apr. 8, 2016) (on file with the Committee).

⁹¹ Press Release, Executive Office of the Mayor, *Mayor Bowser Signs Settlement Agreement with Local 36, Resolving 14-Year Overtime Lawsuit Mayor's* (Oct. 24, 2015) (on file with the Committee).

⁹² *Id.*

⁹³ *Id.*

Committee held a public hearing on the bill. The legislation was introduced to achieve the following:

1. Help address historic high call volume and FEMS' ability to respond to all emergencies;
2. Better coordinate the spectrum of medical services available in the community;
3. Centralize and better coordinate public services for both urgent and non-emergency needs otherwise overburdening the emergency medical system; and
4. Serve as a community hub where community partners, government agencies, and residents can meet for critical medical information.

The bill would establish a pilot community paramedicine program under the supervision of the FEMS Medical Director and operated by emergency medical services providers. The program would not compete with other community health care services but is intended to identify and fill gaps, create a hub for medical resources and care, eliminate silos of patient care, and create working partnerships and collaboration with existing health care providers.

Proponents of paramedicine programs claim that one advantage of the program is a reduction in 911 call center call volume. Many of the frequent 911 callers requesting FEMS service make up a good portion of the call volume. Additionally, some callers are unaware of urgent care resources and other options within the community. By addressing the needs of the frequent 911 users, pre-hospital and post-hospital, the District can mitigate the use of 911 before it happens. One such mitigating approach is the MedStar Fort Worth model which uses a mobile bus to educate and triage residents with chronic illnesses through the medical healthcare system.⁹⁴ In fact, the District has a potential partner in United Medical Center (UMC). UMC currently utilizes a bus that could be better connected with FEMS personnel. In making the connection, FEMS could expose patients who are only familiar with 911 resources to an alternative resource for care. Furthermore, a Resource Access Program Coordinator could coordinate all of the efforts of community partners (such as UMC or Mary's Center), government social services, the Department of Health, and FEMS. Innovative, efficient, and collaborative approaches like paramedicine can affect patient outcomes, high emergency department (ED)

⁹⁴ Kenneth W. Kizer, Betty Irene Moore, Karen Shore & Aimee Moulin, MD, *Community Paramedicine: A Promising Model for Integrating Emergency and Primary Care*, UC Davis Institute for Population Health Improvement, available at: https://www.ucdmc.ucdavis.edu/iphi/publications/reports/resources/IPHI_CommunityParamedicineReport_Final%20070913.pdf (2013).

admittance, high cost of transport to the hospital, and patients' costs from medical care. Moreover, the MedStar Fort Worth model reduced patient costs by \$39,000.⁹⁵

Children's National Medical Center (Children's) testified that in support of the bill. Specifically, Children's would participate in a paramedicine program as an opportunity to interface with young/new parents or focus on one chronic illness like asthma. Children's did however recommend that the program have a robust training component and begin with one chronic illness for pediatric care. Further, Local 3721 would like pediatric doctors to participate in ride-alongs or staff a stationary medical facility with the paramedicine team from time to time.

Bill 21-0506 calls for a better collaboration with social services. Additionally, the paramedicine program could be used to follow-up with residents to ensure that they get important social and medical services before being admitted to the ED or after they have been released. Sometimes the 911 call center is the only available, or only known available, social service after hours.

B21-0290 – Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2015: According to the American Heart Association (AHA), “less than eight percent of people who suffer cardiac arrest outside the hospital survive.” Additionally, AHA highlights that 32% of cardiac arrest victims receive cardiopulmonary resuscitation (CPR) from a bystander.⁹⁶ As the Chair of the Committee on the Judiciary, Councilmember McDuffie recognized the importance of District-wide CPR training. On October 1, he coordinated with the Emergency Medical Services Advisory Committee (EMSAC) to be trained with his staff in CPR. The Committee also partnered with At-Large Councilmember Elissa Silverman on this effort.⁹⁷

Bill 21-0290, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2015”, was introduced by Councilmembers Kenyan R. McDuffie and Brianne Nadeau on June 30, 2015. The stated purpose of the bill, as introduced, is to require Metropolitan Police Department officers and FEMS firefighters and emergency medical service providers to complete joint training

⁹⁵ Kenneth W. Kizer, Betty Irene Moore, Karen Shore & Aimee Moulin, MD, *Community Paramedicine: A Promising Model for Integrating Emergency and Primary Care*, UC Davis Institute for Population Health Improvement, Available at: https://www.ucdmc.ucdavis.edu/iphi/publications/reports/resources/IPHI_CommunityParamedicineReport_Final%20070913.pdf (2013).

⁹⁶ *CPR Facts and Stats* Heart Association, CPR & First Aid Emergency Cardiovascular Care, http://cpr.heart.org/AHA/ECC/CPRAndECC/AboutCPRFirstAid/CPRFactsAndStats/UCM_475748_CP_R-Facts-and-Stats.jsp.

⁹⁷ Following the introduction of the Committee's legislation, the Mayor announced the Hands on Heart initiative, a partnership between FEMS, ServeDC, the American Heart Association of Greater Washington (AHA), the American Red Cross, and other entities that offers free, 20-minute classes on hands-only CPR and AED awareness.

classes with Office of Unified Communications (OUC) public safety telecommunicators [call-takers and dispatchers]; to require OUC to provide continuing education classes, training and certification on an annual basis in accordance with national recommendations; to require OUC to implement a smartphone application that can alert and summon citizens trained in cardiopulmonary resuscitation to begin resuscitation efforts while medical services providers are en route to an emergency event; and to require OUC and FEMS to conduct a resident District-wide cardiopulmonary resuscitation training program for District students, employees and residents.⁹⁸

The Committee includes this bill as a proposed Budget Support Act subtitle, and incorporates three related bills: B21-0243, B21-0379, and one section of B21-0426.

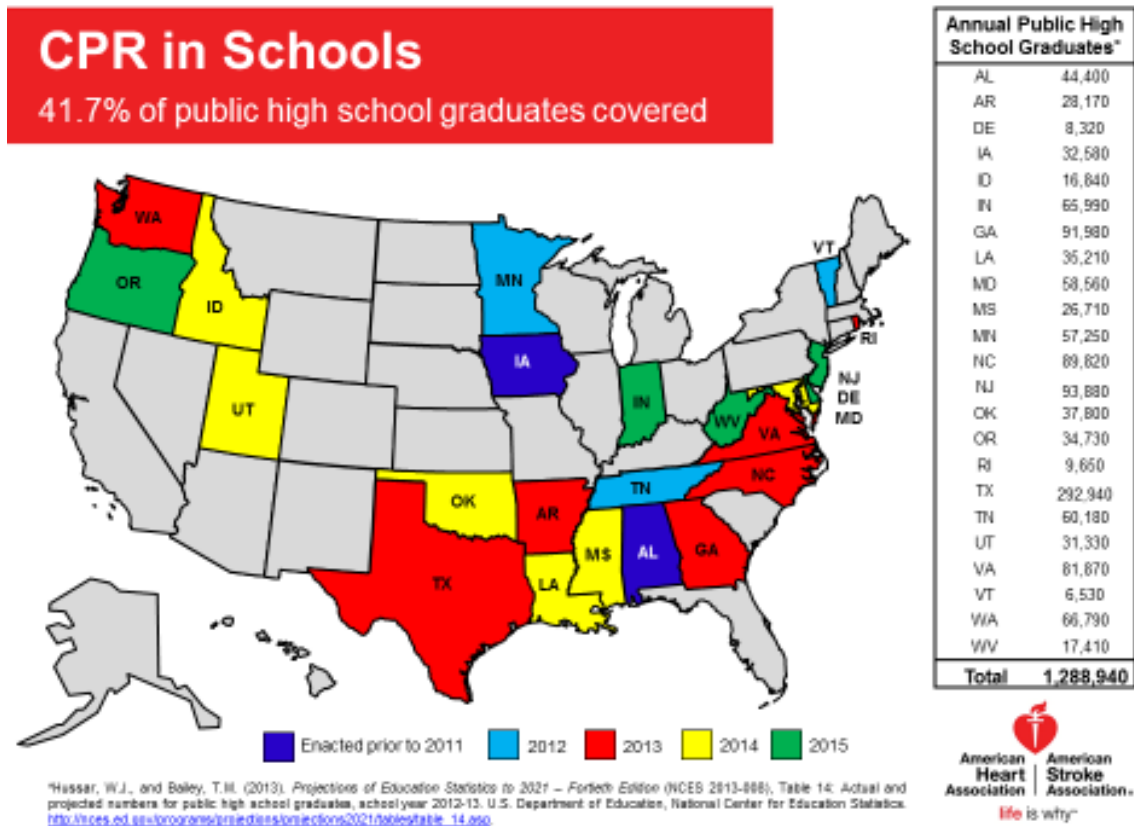
The stated purpose of Bill 21-0243 is to amend the Public Access to Automated External Defibrillator Act (AED) of 2000 to require each school to have a certain number of automated external defibrillators that can be used on both children and adults in the school; to require specific employees of each school to complete a training program on cardiopulmonary resuscitation and the operation and use of an automated external defibrillator; to require the Mayor to establish guidelines for these training programs; and to require the Mayor to approve all training programs offered pursuant to the act. The bill, as amended by the Committee, creates and modifies CPR and AED requirements within schools in the District and modifies the law regarding AED registration. It mandates that an AED be located at every school in the District and requires AED maintenance and testing. It further requires, within 60 days of being hired, every athletic coach, trainer, school nurse, and any expected AED user to be trained in AED use and CPR. Someone trained in AED use must be at the school during school hours and other events. Bill 21-0243 is being incorporated into the Committee's proposed subtitle, with amendments.

Bill 21-0379, the "Citizen Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) Amendment Act of 2015", removes restrictions on building owners and tenants from operating an AED. District law presently requires all AED users to be trained and certified in the use of AEDs. This bill clarifies that only the individual who purchases the AED is required to receive training and certification. Furthermore, the bill repeals the statutory provision requiring entities teaching AED programs to register and receive a certificate from FEMS as a prerequisite to carry out such a program. Finally, the bill authorizes FEMS to issue citations if an individual or entity acquires or removes an AED without notifying FEMS. The American Heart Association supports this change and indicated that it:

⁹⁸ B21-0290, the "Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2015", introduced by Councilmember McDuffie on June 30, 2015, <http://lims.dccouncil.us/Download/34175/B21-0290-Introduction.pdf> .

[S]upport[] its inclusion. As drafted, [B21-0379] promote[s] “training” rather than certification for most residents. [Especially since] 20 minute hands-only training covers the basics of CPR and AED use. This bill and its many provisions will be important policy to create a community of lifesavers, prepared to intervene during a cardiac emergency.”⁹⁹

Figure 1: CPR Offerings in Schools



Source: American Heart Association

The Committee’s proposed subtitle also requires FEMS and OUC to create a phone application that would “alert people trained and certified in CPR that someone nearby is going into cardiac arrest.”¹⁰⁰ The app permits a resident trained in CPR to

⁹⁹ Email from Stuart Berlow, Director, Government Relations (DC), to the Committee on the Judiciary (Apr. 13, 2016) (on file with the Committee).

¹⁰⁰ Alexander Howard, *D.C. Development: App Saves Lives By Connecting People With CPR Training To Cardiac Arrest Victims*, Huffington Post (Oct 10, 2015), http://www.huffingtonpost.com/entry/pulsepoint-app-cpr-cardiac-arrest_us_5616d199e4b0e66ad4c70d43.

arrive and treat a victim of cardiac arrest before medical professionals.¹⁰¹ Studies show that this type of assistance increases the chances of the victim's survival.¹⁰²

The Committee's proposed subtitle has a strong training component. The subtitle would require both FEMS and OUC to training jointly. It also requires strict telecommunicator training to eliminate misinterpretations of operating requirements by national trainers. National training teams, while useful for specific purposes, do not have knowledge of local protocol and nuances.

When drafting the subtitle and the bill as introduced, the Committee was attentive to issues relating to legal liability. However, the Committee concluded that performing CPR on individuals, including individuals notified by a mobile phone application, would be covered D.C. Code § 7-401.¹⁰³ Furthermore, the Committee's proposed subtitle provides explicit language on that point.

The subtitle additionally codifies the public duty doctrine. On October 6, 2015, the Council unanimously approved Bill 21-0426, the "Emergency Medical Services Contract Authority Emergency Amendment Act of 2015." The corresponding temporary bill, the "Emergency Medical Services Contract Authority Temporary Amendment Act of 2015", was unanimously approved at second reading on November 3, 2015. This legislation authorized the Executive to enter into short-term contracts for emergency medical (third-party ambulance) services for basic life support services. During deliberation on the emergency legislation, the Council unanimously approved an amendment which required that each third-party contractor that enters into a contract for ambulance services shall, for the duration of the contract, provide a quarterly report to the Department and to the Council on its activities. Moreover, the Council approved language recognizing liability protection for the District. Subsection (b) ratifies the interpretation and application of the public duty doctrine as stated by the Court of Appeals up through *Allen v. District of Columbia*, No. 1 O-CV-1425 (September 25, 2014), and additionally specifies that the doctrine protects the District from liability for the acts of these third party contractors and their employees to the extent that it protect the District from the acts of its own employees; imposes reporting requirements on the third party contractors, FEMS, and OUC; and defines "Basic Life Support" to mean support provided at the basic emergency level in accordance with applicable national standards.

The public duty doctrine is a defense to a claim of negligence or gross negligence. Under the doctrine, the District has no duty to provide public services to

¹⁰¹ *Id.*

¹⁰² *Id.* See also American Heart Association News, *Mobile phones should be used to speed help to cardiac arrest victims, guidelines say*, American Heart Association, (Oct. 16, 2015) <http://news.heart.org/mobile-phones-should-be-used-to-speed-help-to-cardiac-arrest-victims-guidelines-say/>.

¹⁰³ D.C. Official Code § 7-401.

any particular citizen unless there is an exception or a special relationship between District personnel — including police officers, firefighters, and emergency medical technicians (EMTs) — and an individual.¹⁰⁴ In order to establish a special relationship an individual must allege and demonstrate certain things; by way of example: (1) a direct or continuing contact between the injured party and a governmental agency or official, and (2) justifiable reliance on the part of the injured party.¹⁰⁵ To show justifiable reliance an individual must specifically act, or *refrain from acting*, in such a way as to exhibit particular reliance upon the actions of the government.¹⁰⁶ Similar to a number of other jurisdictions, the Committee recommends codifying this doctrine in its proposed subtitle as was codified in the temporary version of the legislation.

B21-0459 - Fire and Emergency Medical Services Memorial Designation Act of 2015: On November 3, 2015, Councilmember McDuffie, along with all his Council colleagues, introduced the “Fire and Emergency Medical Services Memorial Designation Act of 2015”. The bill was referred to the Committee of the Whole and would designate and maintain a memorial to living and deceased Department members.

B21-0029 - Failure to Yield for Emergency Vehicles Amendment Act 2015: On January 20, 2015, Councilmember McDuffie introduced the “Failure to Yield for Emergency Vehicles Amendment Act of 2015” to promote clear passageways to and from emergencies for public safety vehicles.

Currently, the fines for drivers who fail to pull to the curb or yield the right-of-way to an emergency vehicle are only published in the District of Columbia Municipal Regulations. The “Failure to Yield for Emergency Vehicles Amendment Act of 2015” would codify the infractions. The bill will not only encourage cautious driving practices but will also align the District of Columbia with virtually every other jurisdiction.

Drivers who do not yield to or pull over for emergency vehicles impede emergency vehicles from timely arriving at the scene of an emergency and can make it unnecessarily difficult to arrive at the hospital. Specifically in these cases, this minor impediment can sometimes mean the difference between life and death for injured individuals who require transportation. The bill was referred to the Committee on Transportation and the Environment, which held a hearing in December 2015.

¹⁰⁴ *Allen v. District of Columbia*, 100 A.3d 63 at 71 (D.C. 2014).

¹⁰⁵ *Id.*

¹⁰⁶ *Allen*, 100 A.3d 63 at 73.

B19-0616 – “Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012”: During the Fiscal Year 2017 Budget Oversight Hearing for FEMS, a witness discussed his painful story. He is a 27-year veteran of FEMS and at 53 years old, is battling pulmonary fibrosis. The witness’ story addressed presumptive disability, legislation passed by the Council in 2012 that is subject to appropriations.

The stated purpose of Law 19-311, the “Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012”, is to amend the Fire and Police Medical Leave and Limited Duty Amendment Act to create a presumption that Fire and Emergency Medical Services’ personnel who are diagnosed with diseases enumerated in the act have an occupational disease that was suffered in the line of duty and are thus entitled, upon meeting qualifications, to work in a limited-duty status or to non-chargeable medical leave and administrative pay.¹⁰⁷

On March 3, 2016, the Office of the Chief Financial Officer (OCFO) issued a revised fiscal impact statement for the bill as passed in 2012. Initially, the OCFO indicated that that the Fiscal Year 2013 through Fiscal Year 2016 budget and financial plan could not support implementation of the measure.¹⁰⁸ The analysis of the OCFO specifically suggested that “[t]he bill could increase the cost of the Police and Fire Clinic contract by up to \$11.1 million in FY 2013 and \$80.8 million over the four-year financial plan.”¹⁰⁹ Furthermore, the OCFO stated that

[T]he “actual cost of the bill will depend on the contractual arrangements between the District and the Police and Fire Clinic. These arrangements are not known at this time. The implementation of the bill is subject to its inclusion in an approved budget and financial plan.”¹¹⁰

This accuracy of the fiscal impact statement has been challenged for several years. To that end, the OCFO generated a revised on March 3, 2016.¹¹¹ This revised statement indicated that,

Funds are not sufficient in the fiscal year 2016 through fiscal year 2019 budget and financial plan to implement the law. Implementation of the

¹⁰⁷ Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012, effective May 1, 2013 (D.C. Law 19-0311; D.C. Official Code § 5-651 *et seq.*).

¹⁰⁸ Fiscal Impact Statement on *B19-616 “Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012”*, from Natwar Gandhi, Chief Financial Officer, to the Council of the District of Columbia (June 29, 2012), http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FISFireandEmergencyMedicalServicesAmendmentActof2012.pdf.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ See http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20-%20FEMS%20Employee%20Presumptive%20Disability%20Amendment%20Act.pdf.

law beginning on October 1, 2016, will increase the District's expenditures by \$6.9 million fiscal year 2017 and \$30.1 million over the FY 2017 through FY 2020 financial plan period.

The Committee, while it enthusiastically supports the law, could not have funded the original fiscal impact. However, with the revised fiscal impact, the Committee is now able to accept funds from the Committee on Transportation & the Environment to cover one aspect of the law: cancer treatment costs, in the amount of \$562,872 in Fiscal Year 2017. Reducing the enumerated occupational diseases would also assist in making the fiscal impact more manageable. Additionally, clarifying that the current pre-screening treatment is sufficient and does not require additional funding or testing would also reduce the fiscal impact. To that point, the Committee supports refining the statutory language to explain that all existing members are not required to be retroactively screened in order to raise this presumption. Consequently, the fiscal impact would reduce as well. The Committee supports this approach and funds the law for that subset of cases.

Budget Clarifications: Documents provided to the Committee indicate that the only FTE reductions in Fiscal Year 2017 are to administrative positions that have already been frozen in Fiscal Year 2016 to enable FEMS to make other priority hires.¹¹² FEMS seeks to eliminate five vacant/frozen program support assistant positions in the Office of the Fire Chief and two vacant/frozen positions in the State Safety Office.¹¹³ The reduction in the State Safety Office is the result of unnecessary positions since the District's Streetcar has launched and the State Safety Office is only doing ongoing oversight over operations.¹¹⁴

The Committee questioned FEMS about the shifts in FTEs for the training program during its budget oversight hearing. This line of questioning was especially critical because the Committee and some residents have expressed concern about this program in particular. Furthermore, "Table FBO-4" on page C-15 the *Fiscal Year 2017 Proposed Budget and Financial Plan Agency Budget Vol. 2*, (2016) includes several right-sized programs that are not net reductions in FTEs "above and beyond the seven actual reductions."¹¹⁵ Specifically, the original submission detailed an 11-FTE reduction in "Specializing Training (4200)", which is actually a movement of 11 cadets who were moved to fire/rescue operations in Fiscal Year 2016.¹¹⁶ For background, cadet FTEs are categorized in the agency's *Schedule A* within the

¹¹² Email from Gregory Dean, Chief, Fire and Emergency Services Department, to Committee on the Judiciary (Apr. 8, 2016, 17:34 EST) (on file with the Committee).

¹¹³ Email from Gregory Dean, Chief, Fire and Emergency Services Department, to Committee on the Judiciary (Apr. 8, 2016, 17:34 EST) (on file with the Committee).

¹¹⁴ Email from Gregory Dean, Chief, Fire and Emergency Services Department, to Committee on the Judiciary (Apr. 8, 2016, 17:34 EST) (on file with the Committee).

¹¹⁵ *Id.*

¹¹⁶ *Id.*

Training Academy line until they graduate and enter operations.¹¹⁷ FEMS indicated that the Agency Fiscal Officer provided more clarification on the training budget for Fiscal 2017, stating that,

Both FY16 and FY17 are budgeted for 7 staff with “training,” “preceptor,” “supervisor,” or “instructor” in the position title under the Specialized Training program, no change from FY16 to FY17 for dedicated training staff.¹¹⁸

Furthermore, there are two additional errors in the *Fiscal Year 2017 Proposed Budget and Financial Plan Agency Budget Vol. 2*, (2016) highlighted by the OCFO listed below:

- Page C-19, Table 5, \$600,000 enhancement for LifePak 15 and AED 1000 replacement units erroneously lists 40 units. It should read 20 units.
- Page C-21, “Mayor’s Proposed Budget” references the purchase of “1,000 LifePak 15 and AED units.” It should read 20 units.¹¹⁹

Third Party-Vendor (American Medical Response): As stated in an earlier section of this report, on October 6, 2015, the Council unanimously approved Bill 21-426, the “Emergency Medical Services Contract Authority Emergency Amendment Act of 2015.” The corresponding temporary bill, the “Emergency Medical Services Contract Authority Temporary Amendment Act of 2015”, was unanimously approved at second reading on November 3, 2015. This legislation authorized the Executive to enter into short-term contracts for emergency medical (third-party ambulance) services for basic life support (BLS) services. The temporary legislation is set to expire on September 11, 2016. On February 12, FEMS entered into an emergency letter contract with American Medical Response (AMR) for the transport of BLS patients. The emergency procurement is effective for 120 days. The definitized AMR contract has been developed and was transmitted to Council for passive review on April 13, 2016.¹²⁰

FEMS took six weeks to mobilize the program before beginning operations on March 28, 2016. During that period, FEMS and implicated agencies coordinated the following¹²¹:

¹¹⁷ *Id.* The 11 cadets from Fiscal Year 2016 were moved from 4200 Specializing Training into 3200 Fire/rescue operations. Of the additional 50 FTEs added to activity/program 3200, 11 FTEs represent the cadets shifted to from activity/program 4200.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ Fire and Emergency Medical Services Department, *Fire and Emergency Medical Services Department Third Party Provider Contract Council Staff Briefing* (2016).

¹²¹ *Id.*

- AMR preparing to deploy up to 29 ambulances
- AMR hiring and training up to 170 employees
- OUC Computer-Aided Dispatch (CAD) to AMR CAD integration and testing
- AMR work space at OUC - Safety Pad integration
- FEMS training all operational employees on third party guidelines
- FEMS working with hospitals
- Public education: FEMS leadership at community meetings in all 8 wards; PSAs on radio and cable TV

As described by FEMS, the third-party provider will:

[R]espond to calls for Basic Life Support (BLS) EMS transports during the District's highest call volume hours, from 7 a.m. to 1 a.m. DCFEMS will continue to respond to all calls to 911 for pre-hospital medical care and transportation. This may be a fire truck or an ambulance. All responding units will be staffed by personnel who are medically trained and certified at the Emergency Medical Technician or Paramedic level, depending on the call. DCFEMS members who are medically trained and certified at the Emergency Medical Technician or Paramedic level will evaluate the patient to determine the level of medical care and resources required, including how the patient will be transported to the hospital. All patients have the right to request or refuse transport to the hospital after evaluation by FEMS personnel. During the District's high call volume hours (7 a.m. to 1 a.m.), FEMS only will take patients who are experiencing life threatening or time sensitive injuries or illnesses to the hospital for additional medical treatment.¹²²

FEMS further indicated that the \$12 million investment in the third party provider contract in Fiscal Year 2017 will allow FEMS to “dedicate more existing FTEs and resources to improving our training program in FY 16 and FY 17.”¹²³ FEMS intends to continue training on a regular basis in Fiscal Years 2016 and 2017.¹²⁴

Members of the Council have publicly expressed concern regarding a private entity conducting what ought to be an exclusively governmental function. The Committee is mindful that when additional layers of program administration are added, oversight becomes increasingly challenging. Further, neither of the labor representatives supported a long-term contract. Still, other opponents of the program

¹²² *Id.*

¹²³ Email from Gregory Dean, Chief, Fire and Emergency Services Department, to Committee on the Judiciary (Apr. 8, 2016, 17:34 EST) (on file with the Committee).

¹²⁴ Email from Gregory Dean, Chief, Fire and Emergency Services Department, to Committee on the Judiciary (Apr. 8, 2016, 17:34 EST) (on file with the Committee).

challenged its efficacy and desired data that the public could review to subsequently determine the program's usefulness.

In the original submission of B21-0669, the "Fiscal Year 2017 Budget Support Act of 2016", the Mayor did not include a permanent version of B21-0426. However, the Mayor included the subtitle in her Errata Letter dated April 27, 2016. The Committee does not recommend inclusion of the Mayor's subtitle, given the late notice, but knowing it was the Mayor's intent to include the language in the Budget Support Act, the Committee prepared it separately and included it in its EMS reform subtitle, with amendments.

As the emergency legislation provided, the Committee includes reporting requirements. This enables the Council and the public to review data and determine the efficiency of the private ambulance program. However, the Committee recommends a sunset provision which will authorize FEMS to contract with private transport vendors for no more than three years. Further, in light of this drastic change in program administration, the District's inability to retain permanent medical directors, and public concern about EMS training and competence, the Committee will consider – in the future – establishing an independent oversight entity. This entity would guide FEMS, recommend best practices, verify all personnel is satisfying the robust new training schedule FEMS proposes, field complaints about the private ambulance program, and ensure and report on the seamless operation of the third party program.

c. Mayor's Proposed Fiscal Year 2017-2021 Capital Budget

RELOCATION OF ENGINE COMPANY 26 (Ward 5) Full Funding Cost: \$9,007,000:

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.¹²⁵

FIRE APPARATUS Full Funding Cost: \$83,300,000:

This project will purchase pumpers, ladder trucks, heavy rescue trucks, ambulances, and large support vehicles. Existing vehicles need to be

¹²⁵ Office of the Chief Fin. Officer, FY 2017 - FY 2021 Capital Improvements Plan (2016).

replaced at the rate that meets NFPA standards and as they wear out and surpass their economic retention levels.¹²⁶

NEW HARBOR PATROL FACILITY \$20,500,000

A new harbor facility is a joint project of FEMS and MPD. The new facility is needed with the expansion of development along the Southwest waterfront (Washington Channel) and the Anacostia River. Additional resources are necessary for the security and safety of people and property along the river frontage.¹²⁷

ENGINE COMPANY 23 RENOVATION (Ward 2) \$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.¹²⁸

FEMS SCHEDULED CAPITAL IMPROVEMENTS \$24,889,000

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....¹²⁹

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 2017-2022 capital budget for the Fire and Emergency Medical Services Department, as proposed by the Mayor.

¹²⁶ Office of the Chief Fin. Officer, FY 2017 - FY 2021 Capital Improvements Plan (2016).

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Office of the Chief Fin. Officer, FY 2017 - FY 2021 Capital Improvements Plan (2016).

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget of the Fire and Emergency Medical Services Department, as proposed by the Mayor, with the following modifications:

1. *Recognize* \$592,500 in vacancy savings from Program 3000 () in the following amounts: CSG 11 (Regular Pay – Continuing Full-Time) by \$500,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$92,500: *total PS reduction = \$592,500.*
2. *Increase* CSG 50 (Subsidies and Transfers), Program 4000 (Employee Preparedness), Activity 4200 (Specialized Training), by \$197,000 to fund an Ambulance Technician Certification Pilot Program through a Memorandum of Understanding between the Department and the University of the District of Columbia – Community College (see the Committee’s recommendation on the Mayor’s proposed Title III, Subtitle H, the “Fire and Emergency Medical Services Reform Amendment Act of 2016”).
3. ***Recommend*** that the Committee of the Whole increase CSG 40 (Other Services and Charges), Program 3000 (Field Operations), Activity 3400 (Emergency Medical Services Operations) by \$338,780 to fund the purchase and upkeep of AEDs (see the Committee’s recommendation for a new Budget Support Act subtitle, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2016”).

b. Fiscal Year 2017 Capital Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017-2022 capital budget for the Fire and Emergency Medical Services Department, as proposed by the Mayor, with the following modifications:

1. *Reduce* the available allotment for Project #LE337C (Engine 5 Complete Renovation) by \$3,019 and transfer to the Committee on Transportation and the Environment for a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.
2. *Reduce* the available allotment for Project #LB737C (Engine 16 Complete Renovation) by \$3,791 and transfer to the Committee on Transportation and

the Environment for a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.

N. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the 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 human-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 composed 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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for the Homeland Security and Emergency Management Agency is \$134,529,443, an increase of \$1,785,871, or 1.3%, from the Fiscal Year 2016 approved budget of \$132,743,592. The proposed budget supports 105.0 FTEs, an increase of 13.0 FTEs, or 14.2%, over the Fiscal Year 2016 approved level of 92.0 FTEs.

Local Funds: The Mayor has proposed a local funds budget of \$4,667,223, an increase of \$115,698 or 2.5%, from the Fiscal Year 2016 approved local funds budget

of \$4,551,525. This funding supports 28.0 FTEs, an increase of 1.5 FTEs, or 5.7%, from the Fiscal Year 2016 approved level of 26.5 FTEs.

Federal Resources: The Mayor has proposed a federal resources budget of \$129,862,220, an increase of \$1,670,153, or 1.3%, from the Fiscal Year 2016 approved federal resources budget of \$128,192,067. This funding supports 77.0 FTEs, an increase of 11.5 FTEs, or 17.6%, over the Fiscal Year 2016 approved level of 65.5 FTEs. The federal resources budget is composed entirely of federal grant funds.

Committee Analysis and Comments

During HSEMA's budget hearing, the agency indicated that the "FY2017 proposed budget also includes funding to sustain the Community Events Fund, budgeted at \$120,000."¹³⁰ The fund provides community-based organizations with public safety assistance from agencies such as the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the District Department of Transportation, and the Department of Public Works for public events.¹³¹ The events only qualify for funding when they are "planned and/or sponsored by a registered DC-based 501(c)3."¹³² The amount of HSEMA support is calculated by a standard formula set by the agency and supplements expenses associated with public safety agencies that are required to keep these events safe for the participants and public at-large.¹³³

In addition to sustaining the Community Events Fund, HSEMA highlighted the following areas as focal points for Fiscal Year 2017:¹³⁴

- HSEMA will continue to build out the District Preparedness System by identifying priority emergency preparedness capabilities, refining the District's emergency plans, and conducting training and exercises to validate capabilities.
- Additionally, in Fiscal Year 2017, HSEMA will complete the certification of two type-three incident management support teams which will improve District Emergency Operations Center response operations.
- HSEMA will improve the disaster logistics capability to ensure that incident needs are quickly identified and addressed.

¹³⁰ *Homeland Security and Emergency Management Agency: Fiscal Year 2017 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary* (Apr. 12, 2016) (oral testimony of Chris Geldart, Director, Homeland Security and Emergency Management Agency).

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

- To improve situational awareness, the agency will continue to integrate the National Capital Region Information Collection and Coordination Center capabilities into the Emergency Operations Center and the daily activities of the Joint All Hazards Operations Center.
- Lastly, HSEMA will continue to provide Incident Command System training to the District Consequence Management Team and District Emergency Liaison Officers.

On January 22 to 24, 2016, the District experienced a severe snow event. HSEMA mobilized agency services and the Mayor declared a state of emergency at 9:30 a.m. on January 22.¹³⁵ The Weather Channel reported that “[t]he storm total of 17.8 inches at Reagan-National Airport tied Feb. 5-6, 2010 as the fourth heaviest snowstorm dating to 1884.”¹³⁶ The Mayor, through the City Administrator, described the snow storm as “significant and severe.”¹³⁷ Through a conference call, the City Administrator relayed to the Council the coordination efforts of HSEMA during the snow emergency.

HSEMA, along with the Office of the City Administrator, coordinated a “snow team” consisting of D.C. Water, the Department of Corrections, the Department of General Services, and the Department of Parks and Recreation, reporting important city services through snow.dc.gov. Mayor Bowser activated the emergency operations center, HSEMA headquarters, at 6:00 a.m. on January 22. Essential staff worked on 12-hour shifts.¹³⁸ Road and alley pretreatment and trash were managed by emergency strategies established and coordinated by HSEMA. The Committee commends the agency for its organization during the snow event.

2. COMMITTEE RECOMMENDATIONS

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Homeland Security and Emergency Management Agency, as proposed by the Mayor, with the following modification:

1. *Increase* CSG 40 (Professional Services Fees), Program 2000 (Plans and Preparedness), Activity 2010 (Planning) by \$1,968,631.25 in federal grant authority. This is a technical correction requested by the AFO.

¹³⁵ 63 D.C. Reg. 4 (Mayor’s Order 2016-0006) (Jan. 22, 2016), <http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=5838641>.

¹³⁶ *D.C. Development: Winter Storm Jonas: Where Does it Rank Historically?* The Weather Channel (Jan. 24, 2016), <https://weather.com/storms/winter/news/winter-storm-jonas-rank-in-history>.

¹³⁷ Snow Preparedness Conference Call (Jan. 22, 2016) (oral communication of City Administrator, Rashad Young, Office of the City Administrator).

¹³⁸ *Id.*

b. Policy Recommendations

1. When the unfortunate attack in Paris, France took place on November 13, 2015, many medical professionals highlighted the highly functional mass trauma plan as the reason for an efficient emergency response. When asked HSEMA indicated that the District's plan, including collaboration with the Department of Health, FEMS and Emergency Room stakeholders needed improvement. The Committee recommends that HSEMA prioritize this plan in Fiscal Year 2017.

O. JUDICIAL NOMINATION COMMISSION

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Judicial Nomination Commission (JNC) is comprised of seven members appointed pursuant to D.C. 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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for the Judicial Nomination Commission is \$275,000, representing a \$5,000, or 1.8% increase from the Fiscal Year 2016 approved budget of \$270,000. The proposed budget supports 2.0 FTEs, representing no change from the current fiscal year.

Federal Resources: The Mayor's Fiscal Year 2017 budget is composed entirely of federal payments.

Committee Analysis and Comments

Agency Activities: JNC discussed outreach, application modernization efforts and judicial vacancies during the agency's performance oversight hearing.¹³⁹ Specifically, JNC indicated that the amount of outreach activities decreased in Fiscal Year 2015 as the agency was occupied with a search for a new Executive Director. However, outreach activities were renewed in Fiscal Year 2016, including an "informational brochure, available on the Commission website, and [the agency] has held one and scheduled two more outreach events within the legal community."¹⁴⁰ Furthermore, JNC now uses social media (Twitter and Facebook) inform the public of judicial vacancies.

¹³⁹ *Judicial Nomination Commission: Fiscal Year 2015-2016 Performance Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary* (Feb. 18, 2016) (oral testimony of The Honorable Emmet G. Sullivan, Chair, Judicial Nomination Commission).

¹⁴⁰ *Id.*

JNC indicated that during Fiscal Year 2015, the agency “launched a listserv that is now used to announce judicial vacancies.”¹⁴¹ There are at least 200 subscribers that receive the vacancy notifications. JNC also updated the Committee on the status of the online Judicial Application System (JAS). JAS was beta-tested, and JNC researched the systems used by similar judicial nomination commissions across the United States.¹⁴² However, JNC warned that “the recent security breaches of the Anthem Blue Cross database and the United State Office of Personnel Management’s security clearance database placed a renewed focus on database security issues.”¹⁴³ To underscore its security concerns, JNC testified that “the application questionnaire requests detailed personal and professional information from each candidate including, currently, social security numbers.”¹⁴⁴ JNC also testified that to ensure that the JAS has “regular testing and update[s] of JAS security, the Commission would need to contract with a vendor to regularly test functionality.”¹⁴⁵ As an interim solution, “JNC built (at no cost) a limited-access website to provide JNC access to certain applicant materials: these include letters of support, evaluations, and basic background materials such as applicant resumes.”¹⁴⁶ The JAS will be supported by the Office of the Chief Technology Officer in enabling applicants to secure remote access to all applicant materials for pending vacancies during the first phase and providing applicants with a portal for applicants to submit application materials. JNC testified that funds in JNC’s Fiscal Year 2016 budget and Fiscal Year 2017 proposed budget are sufficient to complete the two phases.

Judicial Vacancies: During the agency’s performance oversight hearing, Judge Sullivan testified that there were four vacancies on the District of Columbia Courts.¹⁴⁷ However, JNC did also report that in early Fiscal Year 2016, the Senate confirmed nominees for four of these vacancies to the Superior Court.¹⁴⁸ The Committee notes that JNC testified that judicial vacancies that remain vacant for an extensive amount of time “have an adverse impact on the administration of justice and negatively [affect] more than 650,000 District of Columbia residents.”¹⁴⁹

¹⁴¹ *Judicial Nomination Commission: FY 2015-2016 Performance Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary* (Feb. 18, 2016) (oral testimony of Chair, Emmet G. Sullivan, Judicial Nomination Commission).

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Judicial Nomination Commission, as proposed by the Mayor.

b. Policy Recommendations

1. The Committee recommends that JNC continue to conduct outreach to potentially interested candidates.
2. The Committee recommends that JNC continue to prioritize security measures while it expands the JAS infrastructure.

P. MAYOR'S OFFICE OF LEGAL COUNSEL

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".¹⁵⁰ 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.¹⁵¹

The MOLC consists of a small staff of attorneys, headed by a Director. The office also includes a Chief of Staff, Deputy Director, Associate Directors, a Special Assistant, and two Staff Attorneys.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for the Mayor's Office of Legal Counsel is \$1,641,664, representing an increase of \$45,576, or 2.9%, over the Fiscal Year 2016 approved budget of \$1,596,088. The proposed budget would support 10 FTEs, a decrease of 1 FTE, or 9.1% over the Fiscal Year 2016 approved level. The agency's budget is composed entirely of local funds.

¹⁵⁰ Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013 (D.C. Law 20-60; D.C. Official Code § 1-608.51a *et seq.*).

¹⁵¹ D.C. Official Code § 1-608.51a(b)(1).

Committee Analysis and Comments

Agency Activities: The Committee is pleased that the structural differences of opinion that arose around the time of the MOLC's creation have largely settled. The office's main activities involve counseling the Mayor, reviewing legislation, supporting agency counsels, and reviewing Freedom of Information Act requests submitted to the Mayor and proposed donations to the Executive agencies. This is not to say that the MOLC and the Office of the Attorney General (OAG) do not negotiate their interrelated roles from time to time, but the relationship between the two is collegial.

The Committee notes that it is supportive of the numerous legal training opportunities that the MOLC has offered to agency counsel and OAG attorneys and encourages the office to work collaboratively with the union representing employees of both agencies to survey employees for future desired topics. The Committee additionally recommends that the MOLC establish a strong working relationship with union leadership, and vice versa.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Mayor's Office of Legal Counsel, as proposed by the Mayor.

Q. METROPOLITAN POLICE DEPARTMENT

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 polices 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 (DCPS). 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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 budget for the Metropolitan Police Department is \$553,133,739, an increase of \$11,601,350, or 2.1%, above the Fiscal Year 2016 approved budget of \$541,532,389. The proposed budget supports 4,663.0 FTEs, an increase of 43 FTEs, or 0.9%, from the Fiscal Year 2016 approved level of 4,620.0 FTEs.

Local Funds: The Mayor's proposed local funds budget is \$516,662,149, an increase of \$10,825,265, or 2.1%, above the Fiscal Year 2016 approved local funds budget of \$505,836,884. This funding supports 4,641.0 FTEs, an increase of 43 FTEs, or 0.9%, from the Fiscal Year 2016 approved level of 4,598 FTEs.

Special Purpose Revenue Funds: The Mayor's proposed special purpose revenue funds budget is \$7,863,978, a decrease of \$70,001, or 0.9%, from the Fiscal Year 2016 approved special purpose revenue funds budget of \$7,933,979. This

funding does not support any FTEs, representing no change from the Fiscal Year 2016 approved level.

Federal Resources: The Mayor’s proposed federal resources budget is \$3,229,460, an increase of \$163,247, or 5.3%, from the Fiscal Year 2016 approved federal resources budget of \$3,066,213. This funding supports 13.0 FTEs, representing no change from the Fiscal Year 2016 approved level. This budget is composed entirely of federal grant funds.

Intra-District Funds: The Mayor’s proposed intra-District funds budget is \$25,378,153, an increase of \$682,840, or 2.8%, from the Fiscal Year 2016 approved budget of \$24,695,313. This funding supports 9.0 FTEs, representing no change from the Fiscal Year 2016 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 \$56.4 million – 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 maintenance; and information technology.¹⁵²

Of the local budget, only \$2.2 million, or less than half of one percent, is not tied up in salaries, benefits, or major contracts and programmatic spending.¹⁵³ This \$2.2 million covers a wide variety of operating expenditures, such as canine supplies and food, tuition reimbursement for cadets and other employees, and mandatory language access translations. The Mayor’s proposed Fiscal Year 2017 budget includes a 2.1% increase in the local budget.

The NEAR Act: The “Neighborhood Engagement Achieves Results Act of 2016” or “NEAR Act”, which takes a public health approach to crime prevention, intervention, and response, included the following subtitles related to MPD:

1. Title I, Subtitle C: Establishes the Metropolitan Police Department Community Crime Prevention Team Pilot Program to ensure that MPD can refer persons who might be experiencing homelessness or mental or behavioral health challenges to available services at the Department of Behavioral Health (DBH) or the Department of Human Services (DHS);
2. Title II, Subtitle D: Amends the offense of Assault on a Police Officer (APO) and creates a separate Resisting Arrest offense;

¹⁵² *Metropolitan Police Department: Budget Oversight Hearing before the Committee on the Judiciary* (April 7, 2016) (written testimony of Cathy Lanier, Chief of Police, Metropolitan Police Department).

¹⁵³ *Id.*

3. Title II, Subtitle E: Requires MPD to develop continuing education for sworn officers on community policing, prevention of bias-based policing, use of force, limitations on the use of chokeholds and neck restraints, mental and behavioral health awareness, and linguistic and cultural competency;
4. Title II, Subtitle G: Expands data collection and reporting requirements for stops and use of force incidents; and
5. Title II, Subtitle K: Makes permanent the Private Security Camera Incentive Program, which provides subsidies to residents, businesses, nonprofits, and religious institutions to install outdoor security camera systems and register the system with MPD.¹⁵⁴

Title I, Subtitle C, requires MPD to have five crime prevention teams comprised of mental health clinicians, outreach specialists, and MPD officers. MPD will not need to hire additional staff, however, DBH and DHS have asserted that they will need to hire personnel to staff these teams. The projected fiscal impact of this subtitle – as marked up by the Committee – is shown in the table below and assumed a March 2016 start date.

<i>Projected Fiscal Impact of Title I (C) – the Community Crime Prevention Team Pilot Program</i>					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16*	FY17	FY18	FY19	Total
DBH Clinical Psychologists	\$283,667	\$500,874	\$515,900	\$531,377	\$1,831,819
DHS Social Workers	\$249,984	\$441,401	\$454,643	\$468,283	\$1,614,311
Total Fiscal Impact	\$533,651	\$942,275	\$970,544	\$999,660	\$3,446,130

Source: Office of the Chief Financial Officer¹⁵⁵

Title II, Subtitle G, requires MPD to modify its data collection system in order to meet the data reporting requirements of the subtitle. The Task Force on 21st Century Policing, which President Obama appointed on December 18, 2014, strongly encouraged local governments to allocate infrastructure and IT staff expertise to

¹⁵⁴ See, Neighborhood Engagement Achieves Results Amendment Act of 2016, <http://lims.dccouncil.us/Download/34496/B21-0360-SignedAct.pdf>.

¹⁵⁵ See, Fiscal Impact Statement for Bill 21-0360, Neighborhood Engagement Achieves Results Act of 2016, located at http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20-B21-360%20Neighborhood%20Engagement%20Achieves%20Results%20Amendment%20Act%20of%202016.pdf.

support law enforcement reporting on activities implementing their recommendations. This included making public all relevant policies and procedures, records, and open data sets available. The Task Force noted that, “Data collection, supervision, and accountability are also part of a comprehensive systemic approach to keeping everyone safe and protecting the rights of all involved during police encounters.”

These recommendations on open data led to the launching of the White House’s Police Data Initiative (PDI) on May 18, 2015. This Initiative mobilized twenty-one leading jurisdictions across the country to take action on concrete deliverables responding to the Task Force recommendations in the areas of data and technology. The District was not among them. As a result, the Committee is funding this subtitle. Not only does open data institutionalize a culture of transparency and accountability, it also increases opportunities for community participation and collaboration in policing. The projected fiscal impact of this subtitle is shown in the chart below.

<i>Projected Fiscal Impact of Title II (G) – Improving Stop and Frisk and Use of Force Data Collection</i>					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16	FY17	FY18	FY19	Total
Contracts and Other Services	\$150,000	\$0	\$0	\$0	\$150,000
Total Fiscal Impact	\$150,000	\$0	\$0	\$0	\$150,000

Source: Office of the Chief Financial Officer

There is no cost associated with subtitles D, E, and K, and no impact on the District’s budget and financial plan. Unfortunately, funding for the Community Crime Prevention Team Pilot Program and Improving Stop and Frisk and Use of Force Data Collection was not allocated in the Fiscal Year 2017 proposed budget. The Committee is concerned that, without this allocation, individuals experiencing homelessness or mental or behavioral health challenges and who are frequent utilizers of District government services will lack assistance to connect them with available services.

Title II, Subtitle B, reestablishes the Homicide Elimination Strategy Task Force to develop a comprehensive plan to eliminate murder in the District. The Task Force will have twenty members, half appointed by the Mayor and half appointed by the Council. The Task Force will hold at least three public meetings and produce a report on its recommendations. The projected fiscal impact of this subtitle is shown in the chart below.

<i>Projected Fiscal Impact of Title II (B) – Re-establishment of the Comprehensive Homicide Elimination Strategy Task Force</i>					
Fiscal Year 2016 through Fiscal Year 2019					
	FY16	FY17	FY18	FY19	Total
Homicide Elimination Task	\$270,000	\$0	\$0	\$0	\$270,000
Total Fiscal Impact	\$270,000	\$0	\$0	\$0	\$270,000

Source: Office of the Chief Financial Officer

Staffing: The Fiscal Year 2017 budget proposes a total increase of 43.0 FTEs. As had been widely publicized, the Department is facing a sworn officer 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. At the end of Fiscal Year 2016, half of the Department’s command staff, two-fifths of its captains, one-quarter of all lieutenants, and one-fifth of the sergeants and detectives will be eligible to retire.

Table 1: Cumulative Retirement Eligibility by End of Fiscal Year

<i>Rank</i>	<i>Total as of January 6, 2016</i>	<i>FY16</i>	<i>FY17</i>	<i>FY18</i>	<i>FY19</i>	<i>FY20</i>
Assistant Chief	6	4	4	5	6	6
Commander	18	9	10	12	13	13
Inspector	6	1	1	2	4	4
Captain	34	13	17	22	24	26
Lieutenant	114	31	43	56	70	77
Sergeant	405	82	115	133	160	180
Detective Grade 1	26	13	22	25	26	26
Detective Grade 2	265	42	62	76	92	98
Officer	2872	254	345	432	537	587
Total	3746	449	619	763	932	1017
Assistant Chief	6	67%	67%	83%	100%	100%
Commander	18	50%	56%	67%	72%	72%
Inspector	6	17%	17%	33%	67%	67%
Captain	34	38%	50%	65%	71%	76%
Lieutenant	114	27%	38%	49%	61%	68%
Sergeant	405	20%	28%	33%	40%	44%
Detective Grade 1	26	50%	85%	96%	100%	100%

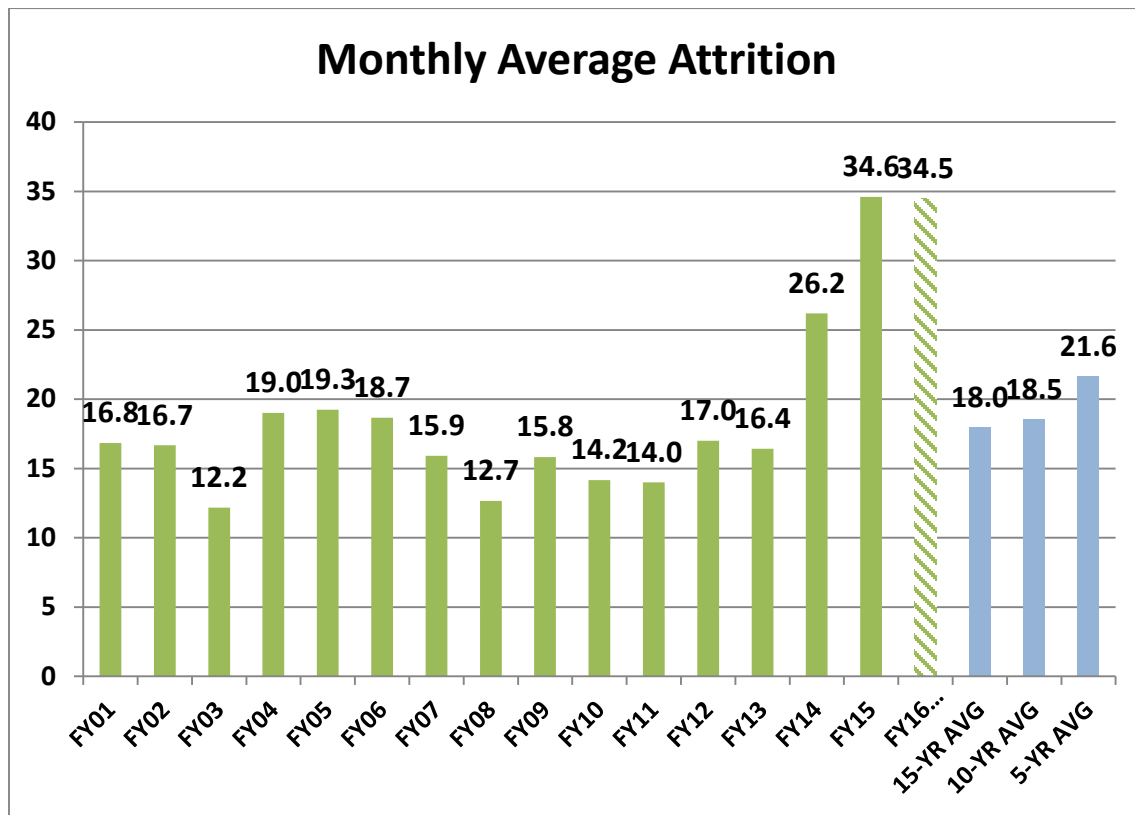
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Rank	Total as of January 6, 2016	FY16	FY17	FY18	FY19	FY20
Detective Grade 2	265	16%	23%	29%	35%	37%
Officer	2872	9%	12%	15%	19%	20%
Total	3746	12%	17%	20%	25%	27%

Source: Metropolitan Police Department

As Chief Lanier noted during MPD’s Fiscal Year 2016 Performance Oversight hearing, the success of the Department depends on maintaining an appropriately staffed sworn police force. The Department estimates that it 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 for sworn officers has increased from 16.4 in Fiscal Year 2013, to 25.8 in Fiscal Year 2014, to 34.6 per month in Fiscal Year 2015, and 34.5 in the first six months of Fiscal Year 2016. The Mayor’s proposed budget would fund an additional 60 officers. The Committee supports this proposal. Although there is no “magic number” associated with an appropriately staffed force, this addition will help curb the retirement bubble (provided that the Department is able to hire them in Fiscal Year 2017).

Table 2: Monthly Average Attrition at MPD



Note: Annual averages exclude the partial year data for Fiscal Year 2016.

Source: Metropolitan Police Department

Recruitment: MPD’s Recruiting Division has conducted numerous outreach efforts during Fiscal Year 2015 and Fiscal Year 2016, to date. The recruiting strategy is focused on face-to-face conversations and web-based advertisements. The advertisements have targeted national publications and local outlets, which is geared toward our diverse local community.¹⁵⁶ MPD’s Recruiting Division has also attended outreach and career fairs in the tri-state area and other nearby East Coast states. In addition, the Division has also made connections with area employment offices. The Division has provided information to these offices for interested candidates to apply for police officer positions. The Outreach Unit has also visited more than two dozen local fitness centers to distribute flyers and literature pertaining to police officer vacancies. The Committee is pleased with MPD’s local and national efforts to increase the number of new recruits.

¹⁵⁶ See, MPD’s Submitted Performance Oversight Responses, located at [http://dccouncil.us/SUBMITTED_Pre-Hearing Questions 2016 MPD %28%2Battachments%29 02 19 16 1630 hours.pdf](http://dccouncil.us/SUBMITTED_Pre-Hearing_Questions_2016_MPD_%28%2Battachments%29_02_19_16_1630_hours.pdf).

Additionally, the Committee applauds MPD's effort to hire lateral officers. On March 1, 2016, the Council unanimously passed the "Metropolitan Police Department Officer Retention and Recruitment Incentives Emergency Amendment Act of 2016".¹⁵⁷ This legislation mirrored permanent language included in the "Neighborhood Engagement Achieves Results Amendment Act of 2016", or NEAR Act, to allow the Department to grant Fair Labor Standards Act-exempt time off for work performed in excess of an 80-hour biweekly pay period to experienced police officers in command staff positions. Additionally, the legislation amended the "Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000" by lowering eligibility for appointment as a sworn member from three years to two years on active duty for an applicant who has served in the Armed Forces and from five years to three years for an officer in full-duty status with a full-service police department in a municipality or state within the United States. The Fiscal Year 2017 proposed budget includes an additional \$2.5 million due to enactment of this legislation so that the Department can launch a recruitment effort aimed at lateral officers. This program, entitled the Experienced Officer Training Program, will allow experienced officers from other jurisdictions to join MPD as new recruits, but with a shorter training program that focuses on the District community and unique features of policing in the District. The Committee is pleased that the total budget includes funds to hire 360 officers: 300 new recruits and 60 laterals.

¹⁵⁷ See, Bill 21-0639, Metropolitan Police Department Officer Retention and Recruitment Incentives Emergency Amendment Act of 2016, located at <http://lims.dccouncil.us/Download/35394/B21-0639-SignedAct.pdf>.

Table 3: Cost to Hire Additional Sworn Officers

<i>Additional Hires</i>	<i>Total Additional Cost</i>	<i>Salaries</i>	<i>Fringe</i>	<i>Equipment (Prog - 070D/ Obj - 0703)</i>	<i>Uniform/Supplies (Prog - 5130/ Obj - 0207)</i>	<i>Recruiting (Prog - 6320/ Obj - 0408)</i>	<i>Police and Fire Clinic (Prog - 6340/ Obj - 0409)</i>
10	728,992	511,029	90,963	15,000	58,000	31,000	23,000
15	992,656	681,372	121,284	23,000	87,000	46,000	34,000
20	1,243,778	841,068	149,710	31,000	115,000	62,000	45,000
25	1,470,818	979,472	174,346	39,000	144,000	77,000	57,000
30	1,671,775	1,096,583	195,192	46,000	173,000	93,000	68,000
35	1,847,648	1,192,401	212,247	54,000	202,000	108,000	79,000
50	2,225,770	1,352,097	240,673	77,000	288,000	155,000	113,000

Note: This table is based on adding 5 officers per hiring class starting from the beginning of the year and calculating the additional cost at the various increments. These amounts are based on staggered hiring; the recurring cost would be higher because of the full-year cost of salaries and fringe.

Source: Office of the Chief Financial Officer

Civilianization: The hard work and dedication of MPD’s civilian employees 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 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 Fiscal Year 2017 budget includes \$2.8 million for the civilianization of 35 positions.

Below is a table summarizing the number of civilians hired in Fiscal Years 2014, 2015, and 2016, to date. The table also summarizes the number of civilian separations in Fiscal Years 2014, 2015, and 2016, to date.

Table 4: Civilian Hires and Separations, Fiscal Years 2014-2016

	<i>FY14</i>	<i>FY15</i>	<i>FY16</i>
Starting strength	459	461	512
Separations	48	37	39
Total hires	50	88**	39
Civilianization hires	0	50*	10*
Other hires/backfills	50	30	29
Transfers in	0	8	0
Ending / Current strength	461	512	512

*Notes: *Continuation of Fiscal Year 2015 hires in Fiscal Year 2016 is 7
 ** Includes 8 transfers from OAG with citywide realignment*

Source: Metropolitan Police Department

While the Committee believes that the hiring of civilian positions allows the Department to fulfill its mission, the Committee is concerned with the allocation of additional funding for this large number of civilian positions in Fiscal Year 2017. The Fiscal Year 2016 budget included \$2.9 million for the civilianization of 48 positions filled by sworn members. Of the 48 positions that were funded in the budget, approximately three positions are currently filled. The Department currently has 128 civilian vacancies. Given the Department’s hiring of 88 civilians in 2015 and 39 thus far in 2016, it would be nearly impossible for the Department to hire the total number of civilian members proposed. Given these numbers, the Committee proposes adding 16 additional civilian positions to the Department in Fiscal Year 2017. With funding to hire 360 new sworn officers and 16 new civilian positions, the Committee believes that MPD will be able to maintain its current hiring standards while simultaneously managing the effects of the retirement bubble. The Committee emphasizes that the funds to approve 16 of the new 35 civilian positions are desperately needed and will be used to fund cuts in the proposed budget for crime victim programming.

Police Officer Retention Program: In Fiscal Year 2016, the Department budgeted \$2.5 million to create an education-based incentive program aimed at retaining current officers: the Police Officer Retention Program, or PORP. The program targeted 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 required an obligated service agreement to ensure continued service to the District. Last year, almost three-quarters of all new hires had a bachelor’s or master’s degree.¹⁵⁸ Thus, the Department argued that the incentive for this group was repaying some of their college debt which would in turn

¹⁵⁸ *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).*

encourage them to continue to invest more time with the District. For officers eligible to retire, the educational incentive was career development opportunities. MPD created opportunities for bachelor's or graduate certificates for officers eligible to retire in the next few years.

Unfortunately, of the \$2.5 million allocated for this program in Fiscal Year 2016, only \$500,000 (a total of 40 officers) has been used by the Department due to a lack of interest in the program. As a result, the Committee is reallocating \$1.1 million from this program, which leaves a remaining balance of \$900,000. In using these remaining funds, the Committee hopes that MPD will solicit feedback from current officers about incentive-based programs and implement programming in Fiscal Year 2017 that aligns with the interests of officers prior to appropriating money for such purposes.

Automated Traffic Enforcement Program: The Fiscal Year 2017 budget includes an increase of \$4.9 million to support the Automated Traffic Enforcement Program (ATE program). The funding will cover the direct costs of increased ticket issuance and additional maintenance costs of the cameras. Last year, declining revenues in the ATE program contributed to a budget shortfall. However, this year, the program has generated \$365,000 and is expected to net a total of \$1.9 million by the end of Fiscal Year 2016. The Committee looks forward to the Department choosing a single vendor to manage the entire program in Fiscal Year 2017. The ATE program is an integral program of the District's public safety strategy.

Community Policing in the Department: On July 14, 2015, the Committee held a public roundtable entitled, "The President's Task Force on 21st Century Policing Final Report". At the roundtable, the Committee heard from scholars, key government and non-profit stakeholders, and MPD on the recommendations included in the report. The Committee is pleased with MPD's efforts to expand its community policing initiatives in Fiscal Year 2016. In 2015 alone, the police districts estimate that they reached more than 30,000 youth and adults through events such as National Night Out, Beat the Streets, movie nights, Halloween Safe Haven, Holiday parties, Senior Bingo and Play Streets.¹⁵⁹ At the end of Fiscal Year 2016, the Department will launch an Academy of Public Safety at Anacostia High School in partnership with the Washington, D.C., Police Foundation. The Academy will prepare students for career opportunities in law enforcement by offering a rigorous academic curriculum, mentoring by cadets in the MPD Cadet program, and paid summer internships in the law enforcement field. The Committee looks forward to the success of this program as it will provide more District youth with access to employment opportunities and secondary education.

¹⁵⁹ See, MPD Submitted Performance Oversight Hearing Responses, located at http://dccouncil.us/SUBMITTED_Pre-Hearing_Questions_2016_MPD_%28%2Battachments%29_02_19_16_1630_hours.pdf.

However, the Mayor's proposed budget does not fund Title II, Subtitle A, of the "Neighborhood Engagement Achieves Results Amendment Act of 2016". This subtitle requires the Department to convene a working group to examine national best practices in community policing and make recommendations. The working group is to be comprised of no fewer than 10 representatives appointed by the Chief from the government, nonprofit and community organizations, and academic institutions. The bill requires the working group to submit a report of its recommendations to the Mayor and Council no later than July 1, 2017. The Committee is extremely disappointed that the Department does not intend to examine the role of community policing in its practices through the working group. Given the national climate as it relates to community policing, the extensive work of the White House in this area, and the District's own challenges with police-community relations, it is surprising that the Department is not taking every opportunity to solicit feedback on best practices and suggestions for its improvement. This recalcitrance does not serve the Department or District residents.

Use of Force Reengineering: On January 28, 2016, the D.C. Auditor released a report entitled, "*The Durability of Police Reform: The Metropolitan Police Department and Use of Force, 2008-2015*".¹⁶⁰ The review was conducted by The Bromwich Group, led by Michael R. Bromwich, who previously served as Monitor for a Memorandum of Agreement (MOA) between the District and the Department of Justice initiated by former Mayor Anthony Williams and former Chief of Police Charles Ramsey, and in effect from 2001 to 2008. Due to time and resources, the report focused on the adequacy of MPD's use of force policies; MPD's use of force investigations; the operations of MPD's Use of Force Review Board (UFRB); MPD's systems for dealing with at-risk officers; and the operations of MPD's Office of Risk Management (ORM), the Department's internal oversight entity. In addition, the report reviewed three officer-involved fatal shooting cases and examined issues related to the alleged use—and potential abuse—of charges for alleged assaults on police officers. The review concluded that the Department and its overall policies on use of force "continues to be consistent with best practices in policing" and with the provisions of the earlier MOA.

At MPD's Fiscal Year 2016 Performance Oversight hearing, Chief Lanier noted that the Department will reengineer its use of force policy and associated trainings, standard operating procedures, and investigations. The Committee looks forward to the changes the Department will make, as they will help protect the safety of both the public and police officers while aligning practices and procedures with evolving legal standards for use of force.

The Committee notes that the Executive, despite the generally positive conclusions of the report, did not fund the use of force data collection provisions of the

¹⁶⁰ See, "The Durability of Police Reform: The Metropolitan Police Department and Use of Force, 2008-2015", available at http://www.dcauditor.org/sites/default/files/Full%20Report_2.pdf.

NEAR Act. Again, despite movement on the city, state, and national levels to prioritize data transparency in policing, the Department is not undertaking any significant efforts on the topic.

SAVRAA: Effective from November 20, 2014, the “Sexual Assault Victims’ Rights Amendment Act of 2014” (SAVRAA) set out to bring coherence to the continuum of sexual assault services, empower survivors, and clearly set forth the obligations of government agencies. SAVRAA gives survivors the right to have an advocate present at various stages of the sexual assault process. It also imposed certain requirements on MPD. Under the Act, MPD must: 1) inform survivors of their toxicology results and findings of their sexual assault forensic kit examination; 2) make reasonable attempts to notify survivors of MPD’s intent to communicate with the suspect before communicating with the suspect and alerting the suspect of the allegations; and 3) prepare an annual report on the agency’s response to sexual assault reports.¹⁶¹ SAVRAA also created a new position for an Independent Expert Consultant required to review training for all personnel and advanced training for MPD’s Sexual Assault Unit detectives; internal policies and procedures related to sexual assault including standard operating procedures and general orders; complaints and feedback from the public; and a random sample of case files.

On February 25, 2016, the Committee held a public oversight roundtable entitled, the “Implementation of the Sexual Assault Victims’ Rights Amendment Act of 2014”. At the roundtable, the SAVRAA Independent Expert Consultant, Elisabeth Olds, noted that:

“While the findings and recommendations in these reports are too numerous to discuss here, the overwhelming majority of the recommendations made are being implemented by nearly all parties involved. The evaluation of MPD found that the Sexual Assault Unit (SAU) is now functioning from a victim-centered philosophy in their daily work and has truly adopted the spirit of SAVRAA. The letter of the law is being applied, though processes will continue to be refined to ensure consistency. The SAU is creating a training curriculum that will cover all of the topics recommended in the evaluation, and have implemented internal processes for unit supervisors to track and adherence to SAVRAA in each case.”¹⁶²

The Committee applauds MPD’s willingness to improve the sexual assault continuum of care through increased training and policy-related changes. The

¹⁶¹ See, Bill 20-0417, “The Sexual Assault Victims Rights Amendment Act of 2014”, located at <http://lims.dccouncil.us/Download/29573/B20-0417-SignedAct.pdf>.

¹⁶² *Committee on the Judiciary Public Oversight Roundtable on the Implementation of the Sexual Assault Victims’ Rights Amendment Act of 2014* (February 25, 2016) (written testimony of Elisabeth Olds, SAVRAA Independent Expert Consultant).

Committee recommends that the Department continue to prioritize training and work-life balance initiatives for Sexual Assault Unit personnel. The Committee is also concerned that funding to implement many of Ms. Olds' recommendations was swept by the Administration from the Crime Victims Assistance Fund, which is discussed in the Office of Victim Services and Justice Grants' budget chapter below.

Synthetic Drugs: Synthetic drugs – and in particular, synthetic marijuana – are increasingly prevalent in the District. Last summer, the prevalence of synthetic drugs led to a large number of overdoses. To combat this problem, the Council passed the “Sale of Synthetic Drugs Amendment Act of 2015”.¹⁶³ This legislation enabled the District government to suspend or revoke the business license of any business engaged in the buying or selling of a synthetic drug. For a first violation, the Mayor must fine a business licensee \$10,000, and the Chief of Police would have the authority to seal the premises for up to 96 hours. Any subsequent violations would allow the Mayor to fine a business licensee \$20,000, and the Chief of Police would have the authority to seal the premises for up to 30 days. The legislation also designated the sale of synthetic drugs as a *per se* imminent danger to the health or safety of District residents and provides for an administrative hearing after the sealing of the premises. The hearing process occurs in collaboration with the Metropolitan Police Department, the Office of Administrative Hearings, and the Office of the Attorney General, which will defend the District.

On September 16, 2015, the Committee held a public hearing entitled, “Beyond 100 Homicides: Violent Crime in the District of Columbia and Bill 21-0621, the Sale of Synthetic Drugs Amendment Act of 2015”. At that hearing, Chief Lanier testified that the Department of Consumer and Regulatory Affairs (DCRA) had conducted 37 inspections of businesses referred by MPD and only one of those businesses was found to be in possession of synthetic drugs by the time of inspection.¹⁶⁴ Public discussion and media coverage, according to the Administration, drove many operations out of storefronts.

Due to the nature of synthetic drugs and the requirements that the courts have regarding these drugs, possession cases are very difficult for law enforcement to make. However, to date in Fiscal Year 2016, MPD's Narcotics and Special Investigation Division (NSID) has made 136 arrests for the Distribution of Synthetic Drugs. MPD/NSID has also made 18 arrests for Distribution of Synthetic Drugs.¹⁶⁵

¹⁶³ See, Bill 21-0259, “The Sale of Synthetic Drugs Amendment Act of 2015”, located at <http://lims.dccouncil.us/Download/34097/B21-0259-SignedAct.pdf>.

¹⁶⁴ See, *Public Roundtable on “Beyond 100 Homicides: Violent Crime in the District of Columbia and Bill 21-0621, the Sale of Synthetic Drugs Amendment Act of 2015”*, (written testimony, Cathy Lanier, Chief, Metropolitan Police Department).

¹⁶⁵ See, MPD Fiscal Year 2016 Submitted Performance Oversight Hearing Responses, 77, http://dccouncil.us/SUBMITTED_PreHearing_Questions_2016_MPD_%28%2Battachements%29_02_19_16_1630_hours.pdf.

Violent Crime: Last summer was an extremely difficult summer for all residents, in every neighborhood across the city. Many residents communicated their feelings of grief, fear, and helplessness to the Committee. The damage continued past the summer with shootings, near-misses, and violent crimes of all types. As communities tried to heal, residents were left searching for answers.

While the motives for homicides are typically not identified until after the case is closed, MPD has been able to identify trends in recent years. In 2014, 19 fatal incidents of domestic violence and child abuse claimed lives.¹⁶⁶ In September of 2015, 31 percent of known motives were related to robberies and 17 percent were domestic-related homicides.¹⁶⁷

The safety of residents and visitors to the District continues to be the Department's top priority, and MPD continues to focus on preventing and responding to homicides and other violent and non-violent crimes. To provide additional context for last year's crimes, while assaults with dangerous weapons (-3%) and sex assaults (-7%) were down significantly from 2014, homicides and robberies were up 54 % and 5% respectively.¹⁶⁸ That said, robberies are still historically low, and the 5% increase in 2015 followed an 18% reduction in 2014.¹⁶⁹ Indeed, there were 22% fewer robberies in 2015 than in 2007 – despite the fact that the District's population grew 12 percent during that time.¹⁷⁰ Nevertheless, the number is still unacceptable. Below are several charts that highlight citywide violent and nonviolent offense-totals from 1998 through 2015 to provide historical context.

¹⁶⁶ *Supra*, note 29.

¹⁶⁷ *Id.*

¹⁶⁸ *See*, MPD Fiscal Year 2016 Submitted Performance Oversight Hearing Responses, 46, located at [http://dccouncil.us/SUBMITTED_Pre-Hearing Questions 2016 MPD %28%2Battachments%29_02_19_16_1630 hours.pdf](http://dccouncil.us/SUBMITTED_Pre-Hearing_Questions_2016_MPD_%28%2Battachments%29_02_19_16_1630_hours.pdf).

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

Violent Offense Totals: 1998-2007

Violent Offense	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Homicide	260	241	242	232	262	248	198	196	169	181
Sex Abuse	190	248	251	181	262	273	218	165	155	142
Robbery	3606	3344	3553	3777	3731	3836	3057	3052	3997	4447
Assault with a Dangerous Weapon	4932	4616	4582	5003	4854	4482	3863	3854	3418	3195

Violent Offense Totals: 2008-2015

Violent Offense	2008	2009	2010	2011	2012	2013	2014	2015
Homicide	186	144	131	108	88	104	105	162
Sex Abuse	156	134	149	174	259	302	321	296
Robbery	4402	4390	4017	4207	4304	4085	3296	3447
Assault with a Dangerous Weapon	2843	2625	2615	2213	2312	2323	2490	2424

Nonviolent Offense Totals: 1998-2005

Non-Violent Offense	1998	1999	2000	2001	2002	2003	2004	2005
Burglary	6361	5067	4745	4947	5167	4670	3943	3571
Larceny/Theft	24,321	21,673	21,637	22,274	20,903	17,362	13,756	14,162
Theft from Motor Vehicle	6501	6652	6600	7970	9168	9549	8136	7467
Arson	119	105	108	104	109	126	81	61

Nonviolent Offense Totals: 2006-2015

Non-Violent Offense	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Burglary	3958	3913	3751	3670	4212	3948	3689	3375	3182	2544
Larceny/ Theft	8849	8598	9031	9238	9044	10,206	12,515	12,938	14,666	14,166
Theft from Motor Vehicle	7792	7633	8968	8602	6978	7839	9502	10,166	11,406	11,155
Arson	51	46	44	58	44	39	35	35	26	18

Source: Metropolitan Police Department

As noted by Chief Lanier during MPD’s Budget Oversight Hearing:

“While the uptick in robberies was small, I saw that the trend in robberies was significant because it generated a loss sense of security not only in our communities, but because of where and when these robberies are occurring, in particular for residents and visitors that rely solely on public transportation.”¹⁷¹

As a result, MPD testified that it employed additional strategies to address these crimes, including analyzing information on crimes and offenders, working to remove illegal weapons from the street, and deploying patrol and special unit resources to best address areas with known issues. The use of overtime was also authorized to sustain increased police staffing in the District’s hardest hit areas.

The Department alleges that it saw success with the Summer Crime Initiative, which focused on four Police Service Areas with high rates of violent crime and with indicators of family instability and economic challenges: PSAs 507, 602, 604, and 702. The Initiative, which ran from mid-April to mid-September, focused operational resources in these areas while involving youth in programs such as Youth Creating Change, which engaged 30 at-risk youth from these communities. The Department alleges that this effort led to a 10 percent reduction in violent crimes in these areas and a 15 percent reduction in property crimes.¹⁷²

¹⁷¹ See, *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).

¹⁷² See, *Public Roundtable on “Beyond 100 Homicides: Violent Crime in the District of Columbia and Bill 21-0621, the Sale of Synthetic Drugs Amendment Act of 2015”* (written testimony, Cathy Lanier, Chief, Metropolitan Police Department).

In June of 2015, MPD launched the Criminal Interdiction Unit (CIU) as part of the Narcotics and Special Investigation Division. The CIU is comprised of specially-trained professional members of the Department who are tasked with targeting crime patterns as they emerge, with a particular focus on violent crime and the evolving modern drug trade. Using intelligence-based strategies and technology, the CIU concentrates on the prevention, enforcement, and suppression of organized pattern crimes and repeat violent offenders. The move to dissolve neighborhood vice units and centralize narcotics and special investigations was not without criticism, as many – including the Committee – were concerned that the expertise developed by the vice squads due to their community-policing style approach would be lost by centralization. The effectiveness of this restructuring remains to be evaluated.

MPD is also engaged in a new multi-agency effort to combat robberies in the District. Earlier this year, the Mayor announced a new Robbery Intervention Task Force. The Task Force targets offenders by attempting to quickly respond to robbery sprees or patterns as they develop. In recent months, MPD has added Criminal Research Specialists to the Command Information Center (CIC). The Criminal Research Specialists work with the technicians, detectives, and officers in the CIC to analyze information that can be used in the field.¹⁷³ The CIC will immediately notify units in the field when a pattern arises so that uniform resources can be quickly and appropriately deployed.¹⁷⁴ Additionally, MPD now has an officer embedded in the Washington Metropolitan Area Transportation Authority that will respond to incidents that occur on the Metro.

Additional collaborative efforts include projects like the Junior Cadet program and the Junior Police Academy, which are aimed at building positive relationships with youth and police.

Body-Worn Camera Implementation: Body-worn cameras can serve several purposes: (1) to foster accountability and enhance performance by law enforcement; (2) to improve police-community relations; (3) to promote the fair administration of justice in civil and criminal proceedings; (4) to create more accurate and transparent records of law enforcement’s interactions with the public; (5) to improve evidence collection; and (6) to discourage and defend against erroneous complaints against law enforcement officials. Effective body-worn camera programs are structured with these specific goals in mind, depending upon the needs of the jurisdiction.

The Committee recognized the importance of enacting legislation that would further these goals. On September 28, 2015, the Committee introduced Bill 21-0351, the “Body-Worn Camera Program Amendment Act of 2015”. The bill contained proposed regulations drafted by the Executive over the summer of 2015 to govern the

¹⁷³ *Supra*, note 36.

¹⁷⁴ *Id.*

MPD's Body-Worn Camera (BWC) Program. Over an eight-month period, the Committee solicited extensive feedback on the topic from local and national advocacy organizations, academics, government officials, and the public. The Committee held two public hearings, where it heard from dozens of witnesses.¹⁷⁵ It also created an advisory group to ensure meaningful input and engagement.¹⁷⁶ The resulting legislation, Bill 21-0351, the "Body-Worn Camera Program Regulations Amendment Act of 2015"¹⁷⁷, strikes a balance between access and privacy, putting the District at the forefront of the issue.

The Mayor's Fiscal Year 2017 budget proposes an enhancement of \$3.14 million for full implementation of MPD's Body-Worn Camera Program. The funding proposed to cover the cost of 2,800 cameras and supports additional spending requirements for personnel and equipment to handle Freedom of Information Act (FOIA) requests. In October 2014, MPD launched Phase I of the Body-Worn Camera Program, focusing on the selection of a model. On June 29, 2015, MPD launched Phase II, with 400 cameras distributed to officers in the Fifth and Seventh Police Districts. This deployment was designed by national researchers who are analyzing the impact of body-worn cameras on citizen complaints and use of force. In mid-March of this year, MPD began the Phase III rollout of the cameras and currently has 700 cameras deployed. Below is a table summarizing the deployment schedule for body-worn cameras.

¹⁷⁵ [Committee on the Judiciary Public Oversight Roundtable](#) on "The Metropolitan Police Department's Body-Worn Camera Program" ("May 7 Roundtable") (May 7, 2015); [Committee on the Judiciary Public Hearing](#) on Bill 21-0351, the "Body-Worn Camera Program Regulations Amendment Act of 2015", Bill 21-0356, the "Public Access to Body-Worn Camera Video Amendment Act of 2015", and Proposed Resolution 21-0327, the "Metropolitan Police Department Body-Worn Cameras Approval Resolution of 2015" ("October 21 Hearing") (October 21, 2015).

¹⁷⁶ The Advisory Group consisted of one representative from the Committee on the Judiciary; the Office of Police Complaints; the Office of Open Government of the Board of Ethics and Government Accountability; the Fraternal Order of Police, D.C. Police Union; the Electronic Privacy and Information Center; the D.C. Coalition Against Domestic Violence; the American Civil Liberties Union of the National Capital Area; the Reporters Committee for Freedom of the Press; the D.C. Open Government Coalition; the Office of the Attorney General; the United States Attorney's Office for the District of Columbia; and the Public Defender Service for the District of Columbia.

¹⁷⁷ See, Bill 21-0351, "The Body-Worn Camera Program Regulations Amendment Act of 2015", located at <http://lims.dccouncil.us/Download/34469/B21-0351-SignedAct.pdf>.

Table 6: Deployment Schedule for Body-Worn Cameras

<i>Phase</i>	<i>Date</i>	<i># BWC Deployed</i>	<i>Running Total</i>
One	Oct 1, 2014 – Jun 12, 2015	168 (taken back at end of phase)	168
<i>Phase</i>	<i>Date</i>	<i># BWC Deployed</i>	<i>Running Total</i>
Two	Jun 28, 2015 - present	400	400
Three	Beginning March 2016	2,400 (planned dates below)	2800
Academy	Beginning July 2016	500	3300

Source: Metropolitan Police Department

The table below provides tentative dates for implementation in each police district. The second distribution will be in December to the rest of the patrol members. Deployment to specialized units will be completed after the first round of patrol deployments.

Table 7: Implementation by Police District

<i>District</i>	<i>1st Round</i>	<i>#BWC</i>	<i>2nd Round</i>	<i>#BWC</i>	<i>Total</i>
3D	15-Mar	138	1-Dec	138	276
1D	29-Mar	123	5-Dec	123	246
1D1	5-Apr	49	5-Dec	49	98
6D	19-Apr	110	7-Dec	110	220
6D1	26-Apr	61	7-Dec	61	122
4D	3-May	100	12-Dec	100	200
4D1	10-May	53	12-Dec	53	106
2D	17-May	120	14-Dec	120	240
5D	14-Jun	100	N/A	200*	300
7D	28-Jun	180	N/A	200*	380

Source: Metropolitan Police Department

In addition to the funding allotted in the Fiscal Year 2017 Budget, MPD received \$1 million from the Department of Justice’s Body-Worn Camera Pilot

Partnership Program. This funding will provide for an additional 500 body-worn cameras to the Police Academy.

The Committee is pleased that the Department is establishing a comprehensive program that will foster accountability and increase transparency in community-police relations. However, the Committee is concerned with the Department's current ability to respond to FOIA requests and the extent to which it overestimated redaction costs in Fiscal Year 2016. Thus far in Fiscal Year 2016, the Department has received three FOIA requests, all of which were denied for no responsive video.¹⁷⁸ Of the five requests received in Fiscal Year 2015, four were denied in full for privacy and one was closed for failure to furnish identification/authorization.¹⁷⁹ The total amount obligated or spent from the total allotment for this purpose in Fiscal Year 2016 of \$2,016,000, was \$250,000. This represents an expenditure of 12.4% of the total budget for this purpose. The Committee, when it moved forward regulations for the body-worn camera program in 2015, made clear that the Department was significantly overestimating both the number of FOIA requests that it would receive and the total cost of redaction. The Committee's earlier view tracks the expenditures from the Fund.

MPD was also unable to redact four of five initial requests due to technical limitations.¹⁸⁰ The Department had engaged a redaction vendor to fulfill redaction requests on demand, however, this vendor went out of business in March of 2016.¹⁸¹ Consequently, the Department is currently developing a request for proposals to contract with multiple vendors to provide redaction services. Due to significant underspending in redaction costs, the Committee is reallocating \$200,000 from the Fiscal Year 2017 body-worn camera redaction funding, leaving a balance of \$816,000. Based on current year expenditures, this will leave more than enough remaining for this purpose. The Committee will continue to closely monitor the Department to ensure that it has the capacity to timely redact body-worn camera footage.

Use of Rewards for Illegal Weapons: On Wednesday, August 19, 2015, MPD relaunched the District's Illegal Gun Initiative, which seeks the public's help to identify violent offenders who carry illegal firearms. MPD previously offered a \$1,000 reward to anyone who had information that could lead the Department to an illegal firearm. With the relaunch of the initiative, MPD announced new reward amounts of up to \$2,500 for a tip leading to an arrest and a seizure of an illegal gun (from \$1,000) and up to \$10,000 for a tip leading to an arrest and conviction in a shooting (from

¹⁷⁸ See, RC21-0076 - *Correspondence from the MPD - Overview of the Metropolitan Police Department Body-Worn Camera Program*, <http://lims.dccouncil.us/Download/35604/RC21-0076-Introduction.pdf>.

¹⁷⁹ Three of the five requests closed in Fiscal Year 2015 have been reopened and are being fulfilled.

¹⁸⁰ *Supra*, note 27.

¹⁸¹ *Id.*

\$1,000). Since relaunching the initiative, MPD has recovered twenty guns.¹⁸² For 14 of the 20 recovered guns, the rewards were funded through the new initiative.¹⁸³ Six recoveries were funded by the existing Crime Solvers program. MPD has distributed a total of \$14,475 in reward money in relation to 19 rewards since the announcement of the Illegal Gun Initiative.¹⁸⁴ The Committee is pleased that MPD has been able to take these additional guns off the streets, thereby improving public safety for District residents and visitors.

c. Mayor’s Proposed Fiscal Year 2017 Capital Budget

Proposed Capital Budget Summary

The Mayor’s proposed capital budget for MPD is \$48,224,000 over the six-year financial plan. The plan includes funding to:

- Maintain the fleet of police vehicles in accordance with the current replacement cycle. The Fiscal Year 2017 allotment for this purpose is \$6,500,000. The total six-year allotment is \$32,474,000.
- Implement infrastructure upgrades and quality of life improvements to community police stations, the Academy, and other police facilities. The Fiscal Year 2017 allotment for this purpose is \$1,500,000, and the projected Fiscal Year 2019 allotment is \$2,000,000. The projected six-year total is \$12,250,000. Facility upgrade priorities are listed in the table below.

Table 8: MPD Scheduled Capital Improvements

<i>PL110 C</i>	<i>MPD Scheduled Capital Improvements</i>	<i>Project Status</i>
7D	7D MDF/IDF Upgrades	In Progress
4D	Cooling Tower, Security Lighting Upgrades, Water Infiltration	In Progress
5D	Security Lighting Upgrades, Water Infiltration, Police Bike Storage	In Progress
3D	Roll Call/Report Writing/Detectives Office Renovations/Ext Lighting	In Progress
PSSB	Station Security Ballistic Upgrades	In Progress
Harbor	Station Security Ballistic Upgrades	In Progress

¹⁸² See, See, MPD Fiscal Year 2016 Submitted Performance Oversight Hearing Responses, located at [http://dccouncil.us/SUBMITTED_Pre-Hearing Questions 2016 MPD %28%2Battachments%29 02 19 16 1630 hours.pdf](http://dccouncil.us/SUBMITTED_Pre-Hearing_Questions_2016_MPD_%28%2Battachments%29_02_19_16_1630_hours.pdf).

¹⁸³ *Id.*

¹⁸⁴ *Id.*

5D	Replacement of Barrier Force Entry Systems (1)	In Progress
4D	Replacement of Barrier Force Entry Systems (2)	In Progress
4D Sub	Officials/Sgts Office Renovations/Security Lighting Upgrades	FY17
1D Sub	Roll Call/Report Writing/Security Lighting Upgrades	FY17
ECD	Exterior Iron Security Fence Upgrades Evidence Impound Lot	FY17
PSSB	Roof Replacement/Repairs/Upgrades	FY17
PSSB	Basement Water Proofing/Stabilization of Parking Area	FY17
7D	Roof Replacement/Stabilization	FY17

Source: Metropolitan Police Department

- Enable timely data mining and analysis through the use of Palantir, which combines a back-end database and server architecture with an intuitive front-end user interface. The Fiscal Year 2017 allotment for this purpose is \$3,500,000. The projected six-year total is \$3,500,000.

Committee Analysis and Comments

Crime Fighting Technology: Currently, members of the Department have to log into numerous systems and manually integrate data to perform an analysis. This process is often time-intensive and subjects the analysis to typical human errors. The Committee is pleased that the Fiscal Year 2017 budget includes \$3.5 million to engage Palantir in the creation of a database that will enable more efficient and effective data analysis.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends approval of the Metropolitan Police Department's Fiscal Year 2017 operating budget, as proposed by the Mayor, with the following modifications:

1. *Delete* 19 new vacant civilian FTEs in the amount of \$1,462,031, including salary and fringe.
2. *Reduce* CSG 40 (Other Services and Charges), Program 1001 (Patrol Services Bureau), Activity 1500 (Patrol Districts), by \$1.1 million to bring forward Fiscal Year 2016 unobligated local funds from the Police Officers Retention and Recruitment Program, leaving \$900,000 remaining for this purpose.
3. *Reduce* CSG 41 (Contractual Services – Other), Program AMPI (Agency Management), Activity 1040 (Information Technology), by \$200,000 of

unobligated body-worn camera redaction local funds, leaving \$816,000 remaining for this purpose.

4. *Increase* CSG 41 (Contractual Services – Other), Program 100C (Executive Office of the Chief of Police), Activity 130C (Office of Research and Analytical Services) by \$270,000 to fund the Comprehensive Homicide Elimination Strategy Task Force required by Title II, Subtitle B, of the “Neighborhood Engagement Achieves Results Amendment Act of 2016” (D.C. Act 21-356; 63 DCR 4659).
5. *Increase* CSG 41 (Contractual Services – Other), Program 100C (Executive Office of the Chief of Police), Activity 130C (Office of Research and Analytical Services) by \$150,000 to fund the stop and frisk and use of force data collection required by Title II, Subtitle G, of the “Neighborhood Engagement Achieves Results Amendment Act of 2016” (D.C. Act 21-356; 63 DCR 4659).
6. *Accept* \$562,872 in recurring local funds from the Committee on Transportation and the Environment to fund the cancer treatment costs of the Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 (D.C. Law 19-331) in the Police and Fire Clinic Contract (Fund 0100; PCA 55190), CSG 41 (Contractual Services – Other), Program 5001 (Corporate Support Bureau), Activity 5500 (Human Resource Management).

b. Fiscal Years 2017-2022 Capital Budget Recommendations

The Committee recommends approval of the Metropolitan Police Departments’ Fiscal Year 2017-2022 capital budget, with the following modifications:

1. *Reduce* the available allotment for Project #PEQ22C (Specialized Vehicles) by \$230,334 and transfer to the Committee on Transportation and the Environment for a new project to provide programming at the North Capitol Street and Florida Avenue, N.E., Triangle Park.

c. Policy Recommendations

1. The Committee is pleased that the Department of General Services has identified space at 2850 New York Avenue, N.E., to relocate MPD headquarters from the Henry Daly building. 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, air quality issues are common. The Committee has been troubled by these reports and the impact such disruptions have on public safety. In the near future, MPD CIC and Executive staff will relocate to this

facility, followed by additional units after related build-out needs are completed.

2. In recent months, there has been a spate of robberies and assaults occurring on the Metropolitan Branch Trail (MBT). There are currently four mountain bike officers assigned to patrol the MBT. Nonetheless, the increase in violent crimes along the MBT is of concern to the Committee. Residents should feel comfortable walking, biking, or running on the MBT without fear of being victimized. The Committee recommends that MPD reconsider its staffing deployment along the MBT as the District heads into the summer months to ensure consistent visibility. The Committee urgently recommends that the Department take concrete steps, in coordination with the District Department of Transportation and the Office of Unified Communications, to install emergency lighting and callboxes at ¼-mile intervals along the Trail.
3. The Fifth District Police Station is in need of infrastructure upgrades. The glass on the front door has been fractured for the last several months, and the Committee has received concerns about accessibility for individuals with disabilities. The Committee is pleased that current capital upgrades include replacement of barrier force entry systems for the Fifth District Station but recommends that MPD consider additional infrastructure upgrades for the station.
4. The Committee recommends that MPD consider providing officers with uniform, preprinted business cards. Last year, the Office of Police Complaints issued a policy recommendation entitled, “*Business Cards Revisited: Improving Identification Requirements for MPD Officers*”.¹⁸⁵ This report highlighted that while MPD implemented OPC’s 2006 recommendation to provide officers with business cards, in the eight and-a-half years since that was issued, OPC has received nearly 400 complaints and inquiries alleging MPD officers failed to identify themselves in some way. In order to address this concern, MPD should provide uniform, preprinted business cards that officers can distribute during police-citizen interactions.
5. The Committee recommends that MPD examine disparate enforcement of the D.C. Taxi Code by Ward. Several recent articles have been published citing concerns about the over-ticketing of taxi drivers in certain areas of the District. According to a recent WAMU article, officers in MPD’s Fifth District were responsible for writing 1,368 tickets to taxi drivers from January through October 2015, more than three times the 394 tickets written in the District’s other six police districts combined.¹⁸⁶ While traffic safety is of the utmost

¹⁸⁵ See, Report and Recommendations of the Police Complaints Board, “*Business Cards Revisited: Improving Identification Requirements for MPD Officers*”, located at <http://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/5.20.15%20FTID%20Policy%20Recommendation%20FINAL.pdf>.

¹⁸⁶ See, http://wamu.org/news/16/01/11/dc_taxi_drivers_accuse_police_of_harassment_in_barrage_of_tickets.

importance in a busy, urban environment, the Committee believes that MPD should examine the current enforcement strategy to ensure that each district conducts ticketing of taxi drivers in the same manner.

6. The Committee recommends that MPD assess its capacity to restore midnight shifts for the Special Liaison Division (SLD). The SLD consists of the Latino Liaison Unit, the Deaf and Hard of Hearing Liaison Unit, the Lesbian, Gay, Bisexual, and Transgender Liaison Unit, the Asian Liaison Unit, and the newly-created African Liaison Unit. At the end of Fiscal Year 2015, staffing in the SLD went from 20 members to 15 members due to four retirements and one transfer. This, in turn, led MPD to discontinue midnight shifts for the SLD. At present, SLD operates on two tours of duty based on the general level of demand for response to calls for service and attendance at community meetings. If a critical incident occurs on midnights, the call is assigned to SLD affiliates or the on-call core SLD member. While the Committee understands MPD's decision to end midnight shifts, as noted by Stephania Madhi, the Chair of the D.C. Anti-Violence Project:

“The midnight shift has often been the unit’s busiest time period. Higher rates of violent crime and domestic violence occur during late night hours.”¹⁸⁷

Given these concerns, the Committee believes that MPD should conduct an analysis of its ability to restore the midnight shift for members of the SLD, as it provides an integral level of support to the community members they serve.

¹⁸⁷ *Metropolitan Police Department: Budget Oversight Hearing before the Committee on the Judiciary* (April 7, 2016) (written testimony of Stephania Madhi, Chair, DC Anti-Violence Project).

R. OFFICE OF ADMINISTRATIVE HEARINGS

1. COMMITTEE ANALYSIS AND COMMENTS

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, 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 the 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 Energy and 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 currently 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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for the Office of Administrative Hearings is \$10,631,930, an increase of \$411,819, or 4%, over the Fiscal Year 2016 approved budget of \$10,220,111. The proposed budget would support 83.25 FTEs, which is the same as the Fiscal Year 2016 approved level. The majority of the proposed increases in the agency's operation budget are for Personal Services (PS) and include an increase in local funding (\$121,391) and intra-District funds (\$290,428).

Local Funds: The Mayor's proposed local funds budget is \$8,926,440, an increase of \$121,391, or 1.4%, over the Fiscal Year 2016 approved local funds budget of \$8,805,049.

Federal Resources: The Mayor's proposed federal resources budget is \$60,000, the same as the Fiscal Year 2016 approved level. This budget is composed entirely of federal Medicaid payments.

Intra-District Funds: The Mayor's proposed intra-District budget is \$1,645,490, an increase of \$290,428, or 21.4%, from the Fiscal Year 2016 approved

intra-District budget of \$1,355,062. This funding supports 10.0 FTEs, which is an increase of 2.0 FTEs, or 25%, from the Fiscal Year 2016 approved level of 8.0 FTEs.

Committee Analysis and Comments

New Leadership and Direction: On July 14, 2015, the Council confirmed Eugene Adams as the new 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, 2015.¹⁸⁸

The OAH Advisory Board (Advisory Board)¹⁸⁹ met 3 times in Fiscal Year 2016.¹⁹⁰ The last time the OAH Advisory Board had met previously was in 2013. The Advisory Board included Administrative Law Judges, the Mayor's General Counsel, Council representatives, staff attorneys and administrative personnel. There, board members and OAH staff discussed Council changes in policy, public outreach efforts, and modifications in management and operations.

At OAH oversight hearings during Council Period 21, the Committee heard testimony that parties waited unreasonable lengths of time to receive final determinations. The Committee funded law clerks (6 FTEs) in Fiscal Year 2016 to assist OAH to better dispose of cases and render final determination. OAH did not use the funding to hire law clerks. However, the Chief announced a new organization of workload for efficiency and timely case adjudication¹⁹¹:

¹⁸⁸ Vol. 62 No. 18. D.C. Reg. 005551 (May, 1, 2015).

¹⁸⁹ Pursuant to D.C. Code § 1-1831.17(e), "The Advisory Committee shall:

- (1) Advise the Chief Administrative Law Judge in carrying out his or her duties;
- (2) Identify issues of importance to Administrative Law Judges and agencies that should be addressed by the Office;
- (3) Review issues and problems relating to administrative adjudication;
- (4) Review and comment upon the policies and regulations proposed by the Chief Administrative Law Judge; and

(5) Make recommendations for statutory and regulatory changes that are consistent with advancing the purposes of this chapter."

¹⁹⁰ Memorandum on *Office of Administrative Hearings: Fiscal Year 2017 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, from Eric Rice, Executive Director, Office of Administrative Hearings to Kenyan R. McDuffie, Chair of the Committee on the Judiciary (April 21, 2016) (on file with the Committee).

¹⁹¹ *Office of Administrative Hearings: Fiscal Year 2017 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (written testimony of Chief Administrative Law Judge, Eugene Adams).

Table 1: Fiscal Year 2017 New Workload

<i>Office of Administrative Hearings</i>				
<i>Jurisdiction</i>				
	<i>ENFORCEMENT AND LICENSING)</i>	<i>PUBLIC ASSISTANCE AND BENEFITS</i>	<i>RENTAL HOUSING AND DCPS</i>	<i>EMPLOYMENT</i>
<i>Agencies</i>	All NOIs/ NOVs (Deny/Hearing, AWE, and Default) and Licensing/Certification Matters: CFSA DCRA DDOE DDOT DISB DOH DSLBD FEMS MPD OP OSSE OTR TAXI (non- NOI)	Eligibility and coverage appeals and overpayment appeals: DBH DDOE (LIHEAP) DDS DHCF DHS DOH (facility resident appeals) HBX SHELTER CSSD (asset seizure)	DHCD DCPS	DOES (UI) DOES (Wage and Hour) DOES (Universal Paid Leave) DOES (Public Workers Comp)

Source: Office of Administrative Hearings

Budget Clarifications: In the agency’s budget chapter under the sub-heading “Agency Budget Submission”, the text indicates that OAH’s proposed Intra-District funds budget increased by \$281,882 for two FTEs shifted from local funds, based on a Memorandum of Understanding for legal services with the Department of Employment Services (DOES). To provide more context to this funding increase, OAH indicated that that the positions are Administrative Law Judge (1) and Legal Assistant (1).¹⁹² The authority to contract with DOES for purposes of Workers Compensation adjudication arises from B21-669, “Fiscal Year 2017 Budget Support Act of 2016” Title I, Subtitle G. However, on April 27, 2016, the Mayor transmitted an errata letter she requested that the Subtitle be removed from the BSA.¹⁹³ The Mayor concluded that the Subtitle should be removed after discussion with “impacted stakeholders.”¹⁹⁴

¹⁹² The Memorandum of Understanding between DOES and OAH, is the purpose of adjudicating of lower level unemployment compensation appeals. (Memorandum on *Office of Administrative Hearings: Fiscal Year 2017 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, from Eric Rice, Executive Director, Office of Administrative Hearings to Kenyan R. McDuffie, Chair of the Committee on the Judiciary (April 21, 2016) (on file with the Committee).

¹⁹³ Errata Letter from Mayor of the District of Columbia, Muriel Bowser, to the District of Columbia Council (April 27, 2016) (on file with the Committee).

¹⁹⁴ *Id.*

Table-2 (“Federal Resources”) of the agency’s budget chapter indicates that in Fiscal Year 2015, OAH received \$100,000, but in Fiscal Year 2016, OAH received \$60,000. While the fiscal year is not over, OAH indicated that funds are sufficient to adjudicate Medicaid cases. Specifically, OAH suggested that “FY2015 OAH received \$100,000 from the Department of Health Care Finance (DHCF) due to a higher indirect cost recovery (IDCR) rate of 58.4%.¹⁹⁵ ...In FY2016, the indirect cost recovery rate is 40.3%.¹⁹⁶ However, in Fiscal Year 2017, OAH is prepared to request additional budget authority if the IDCR happens to increase above their initial projections.¹⁹⁷

Under the sub-heading “Agency Budget Submission”, the text indicated that “[I]n local funds, the proposed budget reflects a net decrease of \$130,656 as a result of reallocating resources, primarily within the judicial program. OAH indicated that “[t]he adjustments reduced funding primarily for IT assessments for the Office of the Chief Technology Officer.” This decreased funding will affect the public portal for filings. This portal allows the public to file motions and complaints on-line.” Furthermore, when asked, OAH indicated that this reduction in funding would affect OAH’s ability to upload final order determinations online.¹⁹⁸

Title I, Subtitle D, of the “Fiscal Year 2017 Budget Support Act of 2016” – “DC Government Award of Interest and Interest Rate Amendment”: See the Committee’s recommendations for this subtitle in Section IV of this report.

Title I, Subtitle G, of the “Fiscal Year 2017 Budget Support Act of 2016” – “Public Sector Workers Compensation Budget Technical Amendment”: Title I, Subtitle G, of the “Fiscal Year 2017 Budget Support Act of 2016” includes language that would amend the District’s Administrative Procedure Act by requiring OAH to conduct workers compensation hearings instead of DOES. OAH indicated that it could absorb this additional workload but that it would continue to monitor the cases litigated within this jurisdiction – ensuring that their current personnel is not overwhelmed by this new responsibility.

Further, the subtitle would limit attorney’s fees for workers compensation attorneys. The Committee inquired whether attorneys begin to further distance themselves from representing clients needing workers compensation and whether this would be an impediment to the administration of justice.¹⁹⁹ OAH indicated that

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ “Transportation Reorganization Amendment Act of 2015,” transmitted to the Mayor on April 19, 2016 (D D.C. Law 14-137; D.C. Official Code § 50-921.01 et seq.). Page (2) Line 15: “If a person utilizes the services of an attorney-at-law in the successful prosecution of his or her claim under section 2324(b) of the Act (D.C. Official Code § 1 -623.24(b)) or before any court for review of any action, award, order, or decision, the claimant shall be entitled to apply in the manner described in

as an executive independent office, tasked with adjudication, OAH had no policy opinion to offer. However, the agency did feel confident that attorneys would fill gaps in representation if any were made. As noted in the section entitled “Budget Clarifications”, this Subtitle was removed from the Council’s consideration by the Mayor’s errata letter dated April 27, 2016.²⁰⁰

Future Reorganization of the Agency: OAH was implicated in several measures before the Council in Fiscal Years 2015 and 2016, including measures passed on an emergency basis and Budget Support Act subtitles the Committee and the Council are considering for Fiscal Year 2017.

The Council’s Committee on Transportation and the Environment, through Bill 21-0313, the “Transportation Reorganization Amendment Act of 2015” (TRA)²⁰¹, requested that executive agencies produce a report on the appropriate means to reorganize all transportation entities. This reorganization would remove parking and minor ticket violation adjudications from the Department of Motor Vehicles to the Office of Administrative Hearings. In a memorandum to the Committee, OAH indicated the following preferred OAH agency reorganization:

Several months ago, Chief Administrative Law Judge (CALJ) Eugene Adams met with Lucinda Babers, Director of the D.C. Department of Motor Vehicles (DMV). Ms. Babers asked OAH to consider whether it would be willing to assume responsibility for deciding traffic violations (approximately 300,000 per year), currently within the jurisdiction of the DMV Adjudication Services Branch (ASB). To that end, Director Babers proposed that all functions of the DMV’s ASB be transferred to OAH, along with the current staff of Hearing Examiners and support personnel... [A]dditional staff is needed to address the caseload increase to the ASB... OAH estimates that an additional 5-8 Hearing Examiners and 2-4 support staff would be needed in order for the ASB to handle the adjudication of DCTC Infractions and DPW Violations along with its the current volume of traffic infractions. Transfer of these DCTC and DPW

subsection (e)(1) for an award, in addition to the award of compensation, of a reasonable attorney's fee, not to exceed 20% of the actual retroactive benefit secured and without regard to any costs or expenses incurred by the attorney-at-law or the claimant in connection with the hearing, which fee award shall be paid directly by the Mayor or his or her designee to the attorney for the claimant in a lump sum within 30 days after the exhaustion of all appeals of the order awarding attorney's fees.".

²⁰⁰ Errata Letter from the Mayor of the District of Columbia, Muriel Bowser, to the District of Columbia Council (April 27, 2016) (on file with the Committee).

²⁰¹ See Sec. 110. Study of parking infraction adjudication.

"Before January 2, 2017, the Mayor shall transmit to the Chairperson of the Council committee with oversight of transportation a report and recommendation as to whether the adjudication of parking infractions should be transferred from the Department of Motor Vehicles to a different entity, such as the Office of Administrative Hearings or District Department of Transportation The report shall review best practices in other jurisdictions and examine issues such as staffing levels, timeliness of decisions, caseloads, and qualifications of hearing examiners."

matters to Hearing Examiners will allow ALJs to focus time and effort on more complex cases and give OAH more bandwidth to accept new areas of responsibility, as the city enacts new laws and increases enforcement efforts in existing areas. For example, the current Council session has already shown an institutional desire to transfer additional adjudication functions to OAH: several emergency bills have been passed recently providing expedited hearing processes at OAH, including the city's synthetic drug legislation and amendments to the Homeless Services Reform Act. Furthermore, significant additions to OAH's jurisdiction have been proposed in the Universal Paid Leave Act, and District officials have approached OAH about the possibility of assuming jurisdiction for public sector worker's *[sic]* compensation appeals. The re-allocation of DPW and DCTC matters to Hearing Examiners will free up ALJ resources, and thus reduce the demand for additional resources when OAH is assigned new jurisdictional areas.²⁰²

Acknowledging the changes in jurisdiction and caseload, the Committee expects status updates on the management of all OAH cases: those that are federally funded, those that historically have been adjudicated by OAH, and those recently added to the agency's jurisdiction.

The Committee notes that during OAH's Performance Oversight Hearing, the D.C. Preservation League provided recommendations to improve the agency's operations. Specifically, the organization suggested that the agency's case management system permit the public and other agencies to interface with OAH's case determinations, allowing the public to be notified of agency behavior deemed impermissible via OAH determinations or resident behavior now prohibited because of an OAH determination.²⁰³ During the testimony, the D.C. Preservation League noted that, "[p]rogress in these areas is critical to providing useful public information on cases arising from DCRA and HPO enforcement efforts [and that t]he lack of a public docket at OAH is contrary to the principle of open public hearings, conveys the misimpression that hearings are not open, and discourages public participation."²⁰⁴ The Committee recommends that OAH establish a system by which any policy changes effecting agency operation should be formally transmitted to the agency. Furthermore, the affected agency should provide to OAH confirmation that the policy changes are implemented within an established and reasonable timeline.

²⁰² Memorandum on *Consolidation and Reorganization of Adjudication Functions Within OAH* from the Office of Administrative Hearings to Kenyan R. McDuffie, Chair of the Committee on the Judiciary (Dec 1, 2015) (on file with the Committee).

²⁰³ *Office of Administrative Hearings: Fiscal Year 2017 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (written testimony of Fay Armstrong, D.C. Preservation League).

²⁰⁴ *Id.*

Requests for Additional Funding by the Agency: During the Fiscal Year 2015 Performance Oversight Hearing, OAH testified that, “[t]he Open Government Act requires that “[f]inal opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases” issued by any D.C. agency be made available on that agency’s website.”²⁰⁵ At that time, OAH indicated that it was researching “a publicly available database of OAH orders and decisions.”²⁰⁶ OAH also cautioned that,

[T]he large number of cases heard by OAH over the course of several years, and the confidentiality requirements applicable to certain litigants, the creation and maintenance of such a database will require the dedication of significant IT resources either through OCTO or through an outside vendor.²⁰⁷

As a start, the Acting Chief Judge spoke to the improvements to the agency’s case management database during the Fiscal Year 2016 budget hearing.²⁰⁸ He stated that “efforts of my colleagues and OCTO... [have] successfully increased the server capacity of for ECOURT, [the] electronic case management system.”²⁰⁹ Furthermore, OAH testified that,

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.²¹⁰

OAH now requests \$153,229 reoccurring funding to make enhancements to the Case Management System (eCourt).²¹¹ OAH indicated that they have entered into a contract with Journal Technologies to conduct annual maintenance, upgrade and support with a fee of \$103,229.²¹² The agency expects to enhance its case management

²⁰⁵ *Office of Administrative Hearings: Fiscal Year 2015 Performance Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (written testimony of Acting Chief Administrative Law Judge, Wanda Tucker).

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Office of Administrative Hearings: Fiscal Year 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (written testimony of Chief Administrative Law Judge, Eugene Adams).

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ Memorandum on *Office of Administrative Hearings: Fiscal Year 2017 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, from Eric Rice, Executive Director, Office of Administrative Hearings to Kenyan R. McDuffie, Chair of the Committee on the Judiciary (April 21, 2016) (on file with the Committee).

²¹² *Id.*

system for a public portal, e-filing, and online payment of fines.²¹³ It estimates that additional funding would cost approximately \$50,000.²¹⁴ More specifically, OAH seeks to outfit a functional case management “system that will allow it to track and manage the life cycle of cases as well as...review[] ...documents.”²¹⁵

Funding for the eCourt system should be identified within the agency’s current Fiscal Year 2017 budget. Not only was it the Committee’s expectation that this project would be completed with funds currently appropriated to the agency, but the Committee also notes two other agency actions that influences this recommendation. First, the Committee funded law clerks (6 FTEs) in Fiscal Year 2016 to assist OAH in more efficiently disposing of cases and rendering final determination. OAH did not use the funding to hire law clerks. OAH instead reclassified the FTEs “to use them more strategically.”²¹⁶ The agency is able to do the same here.

Furthermore, without additional funding, OAH is not completely inhibited from reaching transparency goals. The Committee recommends that the agency research interim procedures to make determinations publicly available; even considering uploading the current fiscal year’s determinations to its website.²¹⁷ This minor change in procedure would not likely overload its website’s space and capacity. This interim approach would also fill a gap in transparency that continues to disadvantage the public. Moreover, it would indicate that the agency is committed to making determinations available. Funding to complete the eCourt project is not infinite, and OAH should demonstrate that its commitment to transparency is not restrained by vendors’ ever-changing contract terms and ability.

OAH also requested an increased budget for personal services funding. Specifically, this request arises from an “executed MOU between OAH, and the American Federation of State, County and Municipal Employees. This contract increases the salaries of unionized Clerk’s Office staff and paralegals.²¹⁸ Documents transmitted to the Committee indicate that the technical adjustment includes \$143,870 that fully subsidize the increased salary for Legal Assistants (19), Legal

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ Memorandum on *Office of Administrative Hearings: Fiscal Year 2017 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, from Eric Rice, Executive Director, Office of Administrative Hearings to Kenyan R. McDuffie, Chair of the Committee on the Judiciary (April 21, 2016) (on file with the Committee).

²¹⁶ *Office of Administrative Hearings: Fiscal Year 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, (written testimony of Chief Administrative Law Judge, Eugene Adams).

²¹⁷ See the Committee Report’s agency budget chapter on the Judicial Nomination Commission (JNC). JNC also struggled with technical difficulties but created an interim system to address its needs.

²¹⁸ *Id.*

Specialist (6), Paralegal Specialists (4), and a Customer Service Coordinator.²¹⁹ At this time, OAH should evaluate the current Fiscal Year 2017 budget to fund this request.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends approval of the Fiscal Year 2017 operating budget for the Office of Administrative Hearings, as proposed by the Mayor.

Policy Recommendations

1. The Committee recommends that OAH establish a system by which any policy changes effecting agency operation should be formally transmitted to the agency. Furthermore, the affected agency should provide to OAH confirmation that the policy changes are implemented within an established and reasonable timeline.
2. The Committee recommends that the agency continue to analyze decision completion timelines in an effort to provide better service to the public.
3. The Committee recommends that OAH research interim procedures to make determinations publicly available – even considering uploading the current Fiscal Year’s determinations to its website. This minor change in procedure would not likely overload the agency’s website’s space and capacity. This interim approach would also fill a gap in transparency that continues to disadvantage the public.

²¹⁹ Email from Eric Rice, Executive Director, Office of Administrative Hearings, to Kenyan R. McDuffie, Chair of the Committee on the Judiciary (May 02, 2016) (on file with the Committee).

S. OFFICE OF CAMPAIGN FINANCE

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, legal defense committees, and constituent service and statehood fund programs to maintain public trust in the integrity of the election process and government service. OCF is organized into three major divisions which operates under the direction of the Office of the Director: the Public Information and Resources Management Division (PIRM); the Reports Analysis and Audit Division (RAAD); and the Office of the General Counsel (OGC). During an election year, proper execution of OCF's duties are critical, particularly with respect to auditing filings and ensuring compliance with the District's campaign finance laws.

OCF processes and facilitates the public disclosure of financial reports, which are required by law to be filed with the agency; performs desk reviews and develops statistical reports and summaries of 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 agency's website; and enforces the Act through audits, investigations, and the informal hearing process.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's proposed fiscal year 2017 gross fund budget for the Office of Campaign Finance is \$2,792,105, an increase of \$87,846 or 3.2% from its fiscal year 2016 approved budget of \$2,704,259. This funding supports 30.0 full time equivalents (FTEs) – a level number – and is composed entirely of local funds.

Committee Analysis and Comments

Agency Activities: In Fiscal Year 2015, OCF monitored the November 4, 2014, General Election and the April 29, 2015, Special Election for Wards 4 and 8. There were 14 filing deadlines associated with the two Fiscal Year 2015 elections. OCF diligently enforced reporting requirement violations and invoked informal and formal hearings to address violations. PIRM reported 217 reporting entities to OGC for late or failure to file and 46 reporting entities for the failure to comply with requests for additional information. OGC issued 316 Notices of Hearings and imposed \$111,800 in fines for 14 cases. At the end of Fiscal Year 2015, OCF filed 38 petitions before the

Board of Elections for the enforcement of outstanding fines due in total of \$59,200. During Fiscal Year 2015, RAAD initiated 29 periodic random audits and issued 27 audit reports, in which RAAD found substantial compliance in most audits.

OCF will monitor the campaign operations for the June 14, 2016, presidential primary election. Since October 1, 2015, the agency has held mandatory training conferences for newly registered candidates and treasurers of committees. Each major division will continue to monitor financial reporting and audit committees for the presidential primary election and general election in November.

Campaign Finance Reform and Transparency Amendment Act of 2013:

In response to numerous changes to the District's campaign finance laws in the "Campaign Finance Reform and Transparency Act of 2013" (effective February 22, 2014, and applicable January 31, 2015), OCF must now ensure that all filers are able to file financial disclosures online. The agency must additionally publish all information submitted under the Act online within 24 hours. Due to these changes, OCF found it necessary to enhance its electronic filing system and redesign its e-filing applications and website.

The agency maintains that as a consequence of these improvements and upgrades, the annual maintenance costs for e-filing and its disclosure system have substantially increased, as reflected in "Other Services and Charges". The proposed FY 2017 budget allocates \$56,092.86 for this purpose, but the agency stated in the Committee's performance oversight hearing that it requires \$97,451.00 to cover these costs. OCF estimates the procurement for annual maintenance services for e-filing and its disclosure system at \$51,744; annual recruitment and staffing support services from the Department of Human Resources at \$15,000; annual fleet services from the Department of Public Works at \$9,954; annual copier maintenance at \$3,500; and annual managed support services from the Office of the Chief Technology Officer for the agency's website and applications at \$17,253. The agency has requested an additional \$41,358.14 to cover all of these costs.

OCF Accomplishments: Since October 1, 2015, OCF has held mandatory training conferences for all newly registered candidates and treasurers of political committees. OCF provided certificates of completion to all program participants. Beginning in February 2016, the agency resumed educational seminars for candidates and treasurers of political committees and constituent services and statehood fund programs. OCF plans to launch an online survey to evaluate the public's experience with the new designed website and e-filing system.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends approval of the Fiscal Year 2017 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), Activity 1040 (Information Technology) by \$41,358 to provide support for various NPS costs.

b. Policy Recommendations

1. The Committee recommends that OCF continue to develop its online survey to evaluate the public's experience with the newly designed website and e-filing system.
2. The Committee recommends that OCF analyze the effect of the closure of the "LLC loophole" in the "Campaign Finance Reform and Transparency Amendment Act of 2013", including any disclosures of "business contributors" in reports of receipts and expenditures.

T. OFFICE OF HUMAN RIGHTS

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 following: the D.C. Human Rights Act of 1977 (HRA), the Youth Bullying Prevention Act of 2012, the Unemployed Anti-Discrimination Act of 2012, the Fair Criminal Record Screening Amendment Act of 2014, the Reproductive Health Non-Discrimination Amendment Act of 2014, the Protecting Pregnant Workers Fairness Act of 2014, the D.C. Family and Medical Leave Act, the D.C. Parental Leave Act, and Titles VII and VIII of the Civil Rights Act of 1964.

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 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) Office of Human Rights (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 program contains the following eight activities: (1) intake; (2) mediation; (3) investigations; (4) fair housing; (5) research and compliance; (6) public education; (7) bullying prevention oversight; and (8) language access oversight. 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 to individuals who live, work, or conduct business in the District. Finally, the Agency Management program provides administrative support.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's FY 2017 budget proposal for the Office of Human Rights is \$4,222,041, an increase of \$214,149, or 5.3%, over the Fiscal Year 2016 approved budget of \$4,007,892. The proposed budget supports 38.0 FTEs, representing no change from the Fiscal Year 2016 approved level.

Local Funds: The Mayor's proposed local funds budget is \$3,860,091, an increase of \$119,199, or 3.2%, over the Fiscal Year 2016 approved local funds budget of \$3,740,892. This funding supports 34.6 FTEs, representing no change from the Fiscal Year 2016 approved level.

Federal Resources: The Mayor's proposed federal resources budget is \$321,950, an increase of \$54,950, or 20.6% over the Fiscal Year 2016 approved federal resources budget of \$267,000. The funding supports 2.4 FTEs, which is the same as the Fiscal Year 2016 approved level. The federal resources budget is composed entirely of federal grant funds.

Intra-District Funds: The Mayor's proposed intra-District funds budget is \$40,000, a \$40,000 increase over the Fiscal Year 2016 approved intra-District funds budget of \$0. This budget will not support any FTEs.

Committee Analysis and Comments

Increased Caseload: In Fiscal Year 2015, OHR docketed 1,075 cases, an increase of 571, or 114%, from Fiscal Year 2014.²²⁰ OHR mediated 634 cases, a 52% increase over Fiscal Year 2014. Of those cases, 307 were settled, a 65% increase over Fiscal Year 2014, in the amount of \$3.69 million.

A number of the cases alleged violations of the "Fair Criminal Record Screening Amendment Act of 2014" (FCRSA),²²¹ with 488 inquiries in Fiscal Year 2015 leading to 365 docketed cases. Cases alleging violations of this Act in particular have contributed to a growing backlog of cases pending at the agency for more than 180 days. In supplemental responses to the Committee, the agency reported that – as of March 22, 2016 – it had 754 pending cases in its inventory, 313 of which were pending closure for more than 180 days. This represents a 42% backlog rate. 39% of cases pending closure for more than 180 days are FCRSA cases. FCRSA cases take

²²⁰ Individuals filed 2,008 inquiries in FY 2015, up from 1,306 in FY 2014, representing a 54% increase.

²²¹ Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341 *et seq.*).

longer for OHR to process because large numbers of cases are often filed simultaneously. Every case that OHR docketed requires mediation. This puts a strain on the agency's ability to schedule timely mediations. Although the agency responded at its budget oversight hearing that it will be bringing on ten law clerks for this purpose, the Committee is concerned that the Fiscal Year 2017 proposed budget does not allocate sufficient personnel to address the growing backlog, and it therefore funds an additional investigator for this purpose.

Unemployed Anti-Discrimination Act of 2012: In Fiscal Year 2016, the Committee identified funding to implement Law 19-0132, the "Unemployed Anti-Discrimination Act of 2012". The Committee funded 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 that 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. The Committee is disappointed to learn that, although the agency stated that it required two FTEs to implement the Act, *not one complaint* was filed alleging a violation. This leads the Committee to conclude that the agency must prioritize public awareness of the Act's prohibitions in Fiscal Year 2017 (and that those FTEs were desperately needed, as they were assigned cases alleging violations of other human rights laws).

Successful public education campaigns: In Fiscal Year 2016, OHR conducted an educational campaign titled *End the Awkward: Focus on the Person, Not the Disability*, to mark the 25th anniversary of the Americans with Disabilities Act. The campaign engaged 46 businesses and more than 1,700 people and encouraged them to have conversations about respectful ways to interact with people with disabilities. More than 200 participants and businesses shared photos with "End the Awkward" pins using the #EndTheAwkwardDC hashtag.

#SafeBathroomsDC Campaign: Launched in Fiscal Year 2014, this campaign aims to rapidly increase the number of single-occupancy gender-neutral public bathrooms in the District by using an innovative reporting method: social media. Previously, reporting a single-occupancy bathroom that was not compliant with the HRA would require filing an OHR complaint form. 146 complaints were filed in Fiscal Year 2014 – many through Twitter – and the agency alleges that the success of the campaign led to only 84 reports of non-compliance and 49 docketed complaints in Fiscal Year 2015. There were a total of 125 businesses that changed their signage as a result of OHR's #SafeBathroomsDC campaign. In Fiscal Year 2015, specifically, OHR had 58 businesses that changed their signage as a result of the campaign, and currently, in Fiscal Year 2016, there are 17 businesses that are within their 30-day grace period for changing their signage. Outstanding is whether the agency has

collaborated with the Department of Consumer and Regulatory Affairs to ensure that new businesses are compliant prior to opening, as recommended in last year's Committee Report.

#WomenareEqualDC Campaign: This campaign appeared throughout the Washington Metropolitan Area Transit Authority to increase awareness of the District's laws prohibiting sex-based discrimination. This campaign was largely funded by an additional allocation by this Committee in the Fiscal Year 2016 budget. The ads referenced protections provided by several civil rights laws that OHR enforces, including laws that prohibit discrimination based on sex, allow for breastfeeding in all circumstances, and require reasonable accommodations for pregnant women in the workplace. In Fiscal Year 2015, OHR docketed 137 complaints alleging sex-based discrimination.

New Initiatives: Qualified and Transgender: A Report on Results of Employment Discrimination Résumé Testing Based on Gender Identity: In Fiscal Year 2016, OHR released a report indicating that employers appeared to prefer less-qualified cisgender applicants over more-qualified transgender applicants in 48 percent of tests that received a response from the employer. The study is the first government-conducted résumé testing to focus on discrimination against transgender and gender non-conforming job applicants. Enforcement action was initiated against five employers in November 2015 as a result of the survey.

Standing with our Muslim Neighbors: A Workshop for Allies in DC: On March 9, 2016, OHR held this event to combat Islamophobia in the District. The free panel discussion with Muslim faith and community leaders focused on helping residents better understand the Muslim faith, the experiences of the Muslim community in the District, and how to be effective allies to the Muslim community. The Committee congratulates the agency on an important and well-executed program.

Language Access Program: The Language Access Program was created to eliminate language-based discrimination, enabling District residents, workers, and visitors to receive equivalent information and services from the District government, regardless of what language they speak. Program staff supports all District agencies that offer language access services as needed. In Fiscal Year 2015, OHR created a new training toolkit to share best practices with agency language access teams and invested in an electronic reporting system. D.C. Public Charter Schools, the Department of General Services, Department of Health Care Finance, Office of Administrative Hearings, and Office of the Attorney General's Child Support Services Division became "entities with major public contact" that must comply with the Language Access Act of 2004.²²²

²²² Language Access Act of 2004, effective April 20, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

In Fiscal Year 2015, OHR conducted language access field tests with the help of The Equal Rights Center. The outcomes of these tests were mixed. The success rate of the Metropolitan Police Department dropped from 83% to 63%, including an incident where a tester was turned away because the Department could not locate a bilingual employee. The Fire and Emergency Medical Services Department did not follow through with an agreed upon Language Access Plan. The Office of Unified Communications registered no complaints and held training and outreach events. The agency also conducted 46 language access and cultural competency trainings, reaching 1,325 employees across dozens of agencies.

Citywide Youth Bullying Prevention Program: In Fiscal Year 2015, OHR created and disseminated its Bullying Prevention & Intervention in D.C. Educational Institutions Training Toolkit. All but two schools without bullying prevention policies adopted policies, and nearly all met the requirements of the Youth Bullying Prevention Act of 2012.²²³

OHR, the youth-research organization Child Trends, and the Office of the State Superintendent of Education (OSSE), were awarded a \$3.8 million grant from the National Institute of Justice to focus on school climate and bullying prevention in District schools. Thirty-six public and public charter schools will be recruited to participate in the Safe School Certification Program.

Commission on Human Rights: The Commission on Human Rights adjudicates private sector discrimination complaints brought under the HRA. When discrimination is found, the Commission may award a successful complainant injunctive relief, back and front pay, compensatory damages, and/or attorney's fees. In Fiscal Year 2015, 18 new cases were certified to the Commission, up from 6 new cases in Fiscal Year 2014, and 17 cases were pending. 13 cases were closed in the amount of \$594,000 in penalties. The Commission now has its full complement of 15 commissioners, with four members confirmed by the Committee in 2015. Currently, no members serve from either Wards 5 or 8. The Committee encourages the Executive to prioritize geographic diversity on the Commission in future nominations, thus ensuring that the experience of all eight wards is represented.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Office of Human Rights, with the following modifications:

²²³ Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code § 2-1535.01 *et seq.*).

1. *Increase* FTEs by 2, with the accompanying local funds as follows:
 - a. Investigator: create a new position in Program 2000 (Equal Justice), Activity 2030 (Investigations): *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$72,060 and CSG 14 (Fringe Benefits – Current Personnel) by \$16,790: *total PS increase = \$88,850*
 - b. *Restore* an eliminated position at a rate of \$59,334, as recommended in the Mayor’s Errata Letter.
2. *Increase* CSG 20 (Supplies and Materials), Program 1000 (Office of Human Rights), Activity 1040 (Information Technology) by \$50,000 in one-time funds for various NPS needs.

b. Policy Recommendations

1. In 2015, the Unemployment Anti-Discrimination Act took effect when funded by the Committee. The Committee recommends that OHR conduct an outreach campaign on the provisions of the Act.
2. The Committee recommends that the agency update the Committee monthly on the status of its case backlog.

U. OFFICE OF POLICE COMPLAINTS

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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 budget proposal for the Office of Police Complaints is \$2,366,211, an increase of \$74,577, or 3.3%, over the Fiscal Year 2016 approved budget of \$2,291,634. The proposed budget supports 23.2 FTEs, representing no change from the current fiscal year level.

Local Funds: The Fiscal Year 2017 budget is composed entirely of local funds.

Committee Analysis and Comments

Complaint Activity: Fiscal Year 2015 was a significant year of progress for OPC. In Fiscal Year 2015, OPC personnel assisted 1,420 individuals who contacted the agency to inquire about filing a complaint or for other agency services. Of that number, 407 filed a formal complaint.²²⁴ These new complaints, when combined with the 259 complaints that were already open at the beginning of the fiscal year, resulted in the agency addressing a total of 666 complaints over the year—an average of 66 cases per investigator.²²⁵ As part of its work investigating these complaints, OPC investigators conducted more than 769 complaint-related interviews. This included approximately 410 police officer and 359 citizen interviews.²²⁶

²²⁴ *Office of Police Complaints Performance Oversight Hearing before the Committee on the Judiciary* (February 11, 2016) (written testimony of Michael Tobin, Executive Director, Office of Police Complaints).

²²⁵ *Id.*

²²⁶ *Id.*

The Committee is pleased with OPC’s diligent efforts to reduce both the number of open cases and the speed at which investigations are completed. As a result of these efforts, OPC eliminated a long-standing backlog of complaints. As shown in the tables below, OPC closed 526 complaints in Fiscal Year 2015 and finished the year with 140 open complaints. These numbers represent the lowest year-ending total of open complaints since the agency first opened its doors.

Table 1: Disposition of Formal Complaints

<i>Disposition</i>	FY13	FY14	FY15
Adjudicated	21	8	11
Dismissed	259	265	306
Successfully Mediated or Conciliated	20	29	43
Withdrawn by Complainant	26	21	15
Administrative Closures	24	29	50
Referred to MPD	88	77	84
Referred to Other Police Agency	18	13	17
Total Formal Complaints Closed During Fiscal Year	456	442	526

Source: Office of Police Complaints

Table 2: Number of Pending Complaints at Each Fiscal Year End

	FY13	FY14	FY15
Total Complaints Remaining Open at End of Fiscal Year	312	259	140

Source: Office of Police Complaints

Additionally, it is important to highlight that OPC reached record rates of case referrals and resolutions through the mediation process in Fiscal Year 2015. Mediation allows a complainant and subject officer(s) to have a confidential conversation about the events leading to the complaint with the goal of coming to a mutually agreed-upon resolution of the complaint. The chart below highlights OPC’s success in mediating complaints in Fiscal Year 2015.

Fiscal Year 2015 Factual Overview

- 80 complaints referred for mediation
- 55 mediation sessions held
- 42 of the 55 mediations resulted in an agreement that resolved the complaint—a 76% success rate
- Mediations accounted for 10.5 percent of all cases resolved by the agency

Source: Office of Police Complaints

This trend in rapid investigation and complaint resolution has continued into Fiscal Year 2016. For the first half of Fiscal Year 2016, 175 formal complaints were filed with the agency. Of the open cases completed during this time period, 63% of investigations that were resolved through OPC’s investigative process were completed within six months of receipt, and 88% were completed within one year. Additionally, during this time period, OPC investigators have conducted over 314 complaint-related interviews. This includes approximately 138 police officer and 176 citizen interviews. The Committee applauds OPC for its continued improvement of the citizen complaint process.

Policy Recommendations: In 2015, OPC published four reports: (1) “*Ensuring the Accuracy of Address Information in Warrants Executed by MPD Officers*” (April 10), (2) “*Proper and Timely Training of DCHA OPS Officers on Contracts, Stops, and Frisks*” (May 11), (3) “*Business Cards Revisited: Improving Identification Requirements for MPD Officers*” (May 21), and (4) “*Improving MPD’s Policy on the Use of Chokeholds and Other Neck Restraints*” (August 10). The first 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. The second report centered on a questionable stop and frisk conducted by DC Housing Authority Office of Public Safety Officers and recommended that the involved officers receive additional training in the area of contacts, stops, and frisks.

The third report addressed complaints received by OPC alleging that MPD officers failed to identify themselves in some way. The report recommended that MPD issue a directive to its force reiterating the Department’s stance on officer identification and provide officers with uniform preprinted business cards. The final report reviewed MPD’s policies and trainings regarding neck restraints and recommended that MPD modify its policies and trainings in order to comply with current District law.

Community Outreach: To increase public awareness about the services that OPC provides, the agency conducts a host of outreach efforts. During Fiscal Year 2015, the agency conducted 37 outreach events with at least two in each of the District's eight wards. OPC also launched the Community Partnership Program in Fiscal Year 2015, which provides the public with greater access to information about the complaint process. Every partner in the program agrees to make publicly available OPC's complaint brochure and some partners help individuals fill out the complaint form. Agency partners include the Washington Legal Clinic for the Homeless, Covenant House Washington, the DC Anti-Violence Project, and a host of other service agencies in the District. Finally, OPC engaged in the Student Interactive Training Program, which promotes positive interactions between youth and the police through role-play exercises. The Committee looks forward to additional outreach efforts planned by the agency in Fiscal Year 2017.

New Requirements under the "Body-Worn Camera Program Regulations Amendment Act of 2015" and the "Neighborhood Engagement Achieves Results Amendment Act of 2016": The "Neighborhood Engagement Achieves Results Amendment Act of 2016" ("NEAR Act"), increased the statutory authority of OPC in order to improve civilian oversight in the District and enhance community-police relations. This increased authority includes: (1) an additional 45 days in which citizens can file complaints with OPC; (2) expanded jurisdiction over the complaint process; (3) auditing citizen complaints referred to the Metropolitan Police Department (MPD) or the Housing Authority Police Department; (4) referring officers for additional training; and (5) reporting on MPD's use of force, serious injury, and in-custody death incidents.

As noted by Executive Director Tobin during the agency's Fiscal Year 2017 Budget Oversight Hearing:

"The NEAR Act's implementation will have a minor financial impact to our agency's operations. As mentioned in our agency Fiscal Year 2015 performance oversight hearing, OPC will need an additional Full-Time Equivalent (FTE) to serve as a Research Analyst in order to meet the data analysis required by the NEAR Act."²²⁷

As a result, the Committee recommends that a new Research Analyst FTE position be considered in the proposed FY 2017 budget. The total cost for this position is \$82,977.

²²⁷ *Supra*, note 1.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends approval of the Fiscal Year 2017 operating budget for the Office of Police Complaints, as proposed by the Mayor, with the following modification:

1. *Increase* FTEs by 1, and create a new position with the accompanying local funds as follows:
 - b. Research Analyst: in Program 4000 (Policy Recommendation), Activity 4010 (Policy Recommendation), *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$68,294 and CSG 14 (Fringe Benefits – Current Personnel) by \$14,683: *total PS increase = \$82,977*

V. OFFICE ON RETURNING CITIZEN AFFAIRS

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The mission of the Office on Returning Citizen 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 one of five divisions within the Department of Corrections (DOC); in the Mayor's Fiscal Year 2017 proposed budget, it is one of eight activities within the Office of Community Affairs under the Executive Office of the Mayor (EOM). ORCA, however, remains an independent agency.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for the Office on Returning Citizen Affairs is \$490,298, an increase of \$73,930, or 17.8%, from the Fiscal Year 2016 approved budget of \$416,368. The proposed budget supports 5.0 FTEs, which represents an increase of 1.0 FTE from the Fiscal Year 2016 approved budget of 4 FTEs.

Local Funds: The proposed budget is composed entirely of local funds.

Committee Analysis and Comments

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. 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 or triple 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.

In September 2015, the Office of the Inspector General (OIG) published a Report of Inspection.²²⁸ The OIG inspection team concluded that ORCA lacked fundamental organizational mechanisms and resources necessary for successful outreach as well as effective collaboration with District entities that offer post-release services.²²⁹ The team further identified 12 recommendations to improve service delivery to returning citizens and to better align ORCA's operations with the requirements of its enabling legislation.²³⁰ ORCA agreed with seven of the 12 recommendations, including completion of a strategic plan; development of a mechanism to annually review ORCA's performance against its strategic plan; consulting with other District agencies and organizations for technical assistance and training on grant writing; and assessment of whether sufficient services are available and how identified gaps may be filled.²³¹

The Committee hopes that the recent hiring of a reentry-focused FTE in the Office of the Deputy Mayor for Public Safety and Justice will mean a new emphasis on the needs of returning citizens. Given the number of individuals that return each year to the District, resources for this population are woefully inadequate, as is the institutional prioritization on services and effective operational management.

There also 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.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Office on Returning Citizen Affairs, as proposed by the Mayor.

b. Policy Recommendations

1. The Committee recommends that ORCA work closely with the anticipated strategic planner in order to develop clear goals and a substantive plan for achieving those goals.

²²⁸ *Office on Returning Citizen Affairs: Inspections Report*, Office of the Inspector General, September 2015, <http://app.oig.dc.gov/news/view2.asp?url=release10%2FOIG+No15-I-0069+ORCA+Final+ROI+9-23-15%2Epdf&mode=iande&archived=0&month=00000&agency=0>.

²²⁹ *Id.*

²³⁰ D.C. Official Code § 24-1302.

²³¹ *Id.* at fn. 1.

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2. The Committee recommends full engagement with the Commission on Reentry and Returning Citizen Affairs to develop and execute policies and provide recommendations to the Mayor.
3. The Committee recommends that ORCA continue to work diligently towards full implementation of all seven agreed-upon recommendations as issued by the OIG.
4. The Committee recommends that ORCA reconsider certain recommendations as issued by the OIG. In particular:
 - a. Increased data collection that would better track Efforts to Outcomes (ETO); and
 - b. An additional FTE qualified to identify grant opportunities and work with ORCA senior officials to submit comprehensive grant applications. This may be appropriate for the one additional FTE as allocated in Fiscal Year 2017.

W. OFFICE OF THE ATTORNEY GENERAL

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, provide legal services to the District government, and independently and objectively pursue the public interest.

OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District's behalf, has sole jurisdiction over juvenile prosecutions, 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, and various Boards and Commissions; and for determining the legal sufficiency of proposed legislation, regulations, and commercial transactions. In all, the Attorney General supervises the legal work of approximately 277 attorneys and an additional 312 administrative/professional staff.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

The Mayor's Fiscal Year 2017 proposed budget for the Office of the Attorney General is \$89,290,267, an increase of \$5,261,108, or 6.3%, over the Fiscal Year 2016 approved budget of \$84,029,159. The proposed budget supports 589.6 FTEs, a decrease of 2.8 FTEs, or 0.5%, from the Fiscal Year 2016 approved level of 592.4 FTEs.

Local Funds: The Mayor's Fiscal Year 2017 proposed local funds budget is \$59,002,650, an increase of \$1,878,416, or 3.3%, over the Fiscal Year 2016 approved local funds budget of \$57,124,234. This budget would support 401.6 FTEs, a decrease of 6.3 FTEs, or 1.5%, over the Fiscal Year 2016 approved level of 407.9 FTEs.

Special Purpose Revenue Funds: The Mayor's Fiscal Year 2017 proposed special purpose revenue funds budget is \$4,208,741, an increase of \$2,360,008, or 127.7%, over the Fiscal Year 2016 approved special purpose revenue funds budget of \$1,848,733. This budget would support 6.7 FTEs, an increase of 4 FTEs, or 141.1%, over the Fiscal Year 2016 approved level of 2.7 FTEs.

Federal Grant Funds: The Mayor's Fiscal Year 2017 proposed federal grant funds budget is \$22,750,451, an increase of \$573,070, or 2.6%, over the Fiscal Year 2016 approved local funds budget of \$22,177,381. This budget would support 151.8 FTEs, a decrease of 3.8 FTEs, or 2.4%, over the Fiscal Year 2016 approved level of 155.6.

Private Donations: The Mayor’s Fiscal Year 2017 proposed private donations budget is \$456,232, an increase of \$48,662, or 11.9%, over the Fiscal Year 2016 approved private donations budget of \$407,570. This budget would support 7 FTEs, an increase of 0.5 FTEs, or 7.7%, over the Fiscal Year 2016 approved level of 6.5 FTEs.

Intra-District Funds: The Mayor’s Fiscal Year 2017 proposed intra-District funds budget is \$3,052,193, an increase of \$580,952, or 23.5%, over the Fiscal Year 2016 approved intra-District funds budget of \$2,471,241. This budget would support 22.5 FTEs, an increase of 2.8 FTEs, or 14.2%, over the Fiscal Year 2016 approved level of 19.7 FTEs.

Committee Analysis and Comments

Agency Budget Proposal: OAG’s budget chapter reflects a number of structural changes to the agency’s organization: the agency restructures the Civil Litigation Division, part of the Public Safety Division, the Family Services Division, the Office of the Attorney General itself, and the Public Interest Division, and creates a new Office of Consumer Protection.

Agency Budget Priorities: OAG’s proposed budget is organized around three principles:

1. Priority 1: Protecting Taxpayers and Enforcing Honest Government
2. Priority 2: Building Safer Communities
3. Priority 3: Consumer Protection and Community Outreach

OAG identified for the Committee a total enhancement request of an additional \$6,724,433 and 36.2 FTEs, expressing that “the budget for OAG does not take into account the expanded responsibilities that the new independent OAG has to promote the public interest. Continuing to fund OAG as if it were still a subordinate District agency that does not have a public interest mandate, is, respectfully, inconsistent with the desires of the residents of the District of Columbia who overwhelmingly voted in favor of establishing an independent OAG.”²³² The Committee does not have the funding to grant the request, but it supports its intent. Given the Executive’s proposed cuts to victim services and justice programming, the Committee was required to allocate most savings toward those purposes. The agency’s request included a pay disparity reconciliation for its employees in the amount of \$2 million; tax attorneys and a tax paralegal; anti-wage theft attorneys and investigators; civil litigation defense attorneys; and a number of other FTEs in the areas of consumer protection, mental health, and HIPAA.

²³² Fiscal Year 2017 Budget Oversight Hearing for the Office of the Attorney General before the Council Committee on the Judiciary (Apr. 14, 2016) (written testimony of Karl A. Racine, Attorney General for the District of Columbia) (on file with the Committee).

The Committee is, however, able to fund the agency's request for a Victim Witness Specialist for its restorative justice program at Ballou High School. The Committee is pleased that OAG is embracing a crime prevention and intervention approach to juveniles who come into contact with the Office, as appropriate, and is glad to support this program, in particular. The program complements Section 302 of the recently-introduced "Comprehensive Youth Justice Amendment Act of 2016", which would require OAG to develop a program to provide victim-offender mediation as an alternative to the prosecution of juveniles in cases deemed appropriate by OAG.²³³

The Office additionally supported additional funding for the Alternatives to Court Experience Diversion Program (ACE) through the Department of Human Services. The Committee transfers \$150,000 to the Committee on Health & Human Services for this purpose.

The Committee additionally includes the following Budget Support Act subtitles as requested by OAG in Section IV of this report. *See* Section IV for summaries of each subtitle.

1. Title I, Subtitle D. D.C. Government Interest Rate Amendment
2. *New subtitle:* Office of the Attorney General Personnel and Procurement Clarification Amendment
3. *New subtitle:* Prohibition on Government Employee Engagement in Political Activity Amendment
4. *New subtitle:* Notification of Legal Matters Affecting the District Amendment
5. *New subtitle:* Attorney General Litigation Support Fund Amendment

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Office of the Attorney General, as proposed by the Mayor, with the following modifications:

1. *Increase* FTEs by 2, and create news position with the accompanying local funds as follows:

²³³ Bill 21-0683, "Comprehensive Youth Justice Amendment Act of 2016", introduced by Councilmember Kenyan R. McDuffie, <http://lims.dccouncil.us/Download/35539/B21-0683-Introduction.pdf>.

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- a. Victim Witness Specialist: in Program 6100 (Public Safety), Activity 6102 (Juvenile Section), *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$76,082 and CSG 14 (Fringe Benefits – Current Personnel) by \$15,674: *total PS increase = \$91,756; increase* CSG 20 (Supplies and Materials) by \$1,256: *total NPS increase = \$1,256*
- b. Elder Abuse Paralegal: in Program 6100 (Public Safety), Activity 6113 (Office of Division Deputy), *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$61,489 and CSG 14 (Fringe Benefits – Current Personnel) by \$12,667: *total PS increase = \$74,156; increase* CSG 20 (Supplies and Materials) by \$3,500: *total NPS increase = \$3,500*

X. OFFICE OF THE CHIEF MEDICAL EXAMINER

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, 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.

OCME additionally supervises the Child Fatality Review Committee and the Developmental Disabilities Fatality Review Committee, but as of 2016, no longer supervises the Domestic Violence Fatality Review Committee.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed operating budget for the Office of the Chief Medical Examiner is \$11,934,818, an increase of \$1,039,059, or 9.7 percent, over the approved fiscal year 2016. The proposed budget would support 86.0 FTEs, an increase of 13 FTEs, or 17.8%, from the fiscal year 2016 approved level of 73.0 FTEs.

Local Funds: The Fiscal Year 2017 proposed local funds budget is \$11,422,664, representing an increase of approximately \$595,000, or 5.5%, over the current fiscal year approved budget. This proposed local funds budget supports 82.0 FTEs, representing a 9% increase from the fiscal year 2016 approved level of 73.0 FTEs.

Intra-District Funds: The Fiscal Year 2017 proposed intra-District funds budget is \$512,154, an increase of \$456,000, over the current fiscal year approved budget, and supports 4.0 FTEs. These 4 new FTEs would support drug impaired driver toxicology testing (1.0 FTE) in collaboration with the Department of

Transportation; fatality review expertise to the Infant Fatality Board (1.0 FTE); and sexual assault toxicology testing (2.0 FTEs) in collaboration with the Office of Victim Services and Justice Grants.

Committee Analysis and Comments

NAME Accreditation: OCME has achieved full accreditation by the National Association of Medical Examiners (NAME). In 2008, OCME received provisional NAME accreditation but lost its accreditation in March 2011. OCME has worked to achieve NAME accreditation since 2011 and it has been one of the top priorities for the past two years. In August 2015, the Office of the Inspector General (OIG) provided an independent pre-accreditation evaluation of OCME's operations to assist in its efforts to achieve NAME accreditation. OIG's evaluation found that OCME had 21 Phase I deficiencies and 26 Phase II deficiencies. In order to obtain full NAME accreditation, OCME must not have more than fifteen (15) Phase I deficiencies and zero (0) Phase II deficiencies. In February 2016 NAME inspected OCME facilities and only found six (6) Phase I deficiencies its inspection of 351 checklist items. OCME took proactive steps between August 2015 and February 2016 and cured most of its deficiencies.

NAME Accreditation requirements set basic standards for medical examiners offices throughout the country. Among the NAME Accreditation standards are: report turn-around times (including completing 90% of all autopsy reports within 90 days), adequate staffing and facilities, physician board certification (all six of OCME's forensic pathologists are board certified) and quality programmatic practices found in death investigation, toxicology, pathology, histology, identification, and mass fatality management. OCME NAME accreditation is for five (5) years and will be up for renewal in 2021.

Death Investigations: The Forensic Pathology unit within the Death Investigations Division is responsible for performing postmortem examinations and determine the cause and manner of death of decedents. As mentioned above, OCME has successfully hired three (3) board certified forensic pathologist in Fiscal Year 2015 and one board certified forensic pathologist in Fiscal Year 2016, thus far. The successful hires has contributed to OCME maintaining their 90% completion of autopsies in 90 days.

Autopsy Report Completion: OCME is required to complete 90% of all autopsy reports within 90 days in order to obtain full accreditation by the National Association of Medical Examiners. During its Performance Oversight Hearing, OCME testified that it has reached the goal of completing 90% of autopsy reports within 90 days for several months. The Committee looks forward to OCME continuing the meet the requirement of 90% timely completion of autopsy reports.

Forensic Toxicology Lab: The laboratory also administers the District's Breath Alcohol Testing Program which is responsible for calibration and maintenance of the breath alcohol instrumentation (intoximeters) used by MPD. In 2015, the only employee trained to use and test the accuracy of the intoximeter left OCME. This created administrative difficulties for testing for DUIs and providing evidence. In response, a Breath Program Manager was hired and has implemented a short and long term strategic plan. The Forensic Toxicology Laboratory will work to develop a new rapid drug testing methodology that will increase the scope and performance of DUI testing. The new methodology will decrease turnaround time for DUI casework and test for an increased number of impairing drugs in addition to alcohol. OCME continues to train MPD officers in the use of the breath testing instruments and the agency provided expert testimony and litigation and discovery responses for all testing performed on the instruments.

Synthetic Drug Testing: OCME currently conducts the testing of the Synthetic Drug Surveillance Project. OCME has been working with the Department of Health to support the Mayor's Emergency Synthetic Drug Surveillance Initiative. The goal of the initiative is to test individuals who potentially overdose on synthetic marijuana in order to survey possible trends. OCME tested almost 400 specimens collected at various District hospitals and reported the results to the Department of Health. OCME will continue to be responsible for the testing aspect of the program.

Budget Support Act: In the "Fiscal Year 2017 Budget Support Act of 2016, the Mayor introduced Title III, Subtitle C, the "Maternal Mortality Review Committee Establishment Act of 2016". The subtitle creates a Maternal Mortality Review Committee (MMRC) to investigate, examine, and make policy recommendations regarding pregnancy-associated and pregnancy-related maternal deaths in the District and of all District residents. The MMRC would be comprised of various governmental and private sector members. OCME would be required to provide facilities and other administrative support to the MMRC. Dr. Mitchell, the Chief Medical examiner, testified favorably concerning the MMRC and estimates that OCME will not need extra funding other than what was proposed for Fiscal Year 2017. The Committee supports the "Maternal Mortality Review Committee Establishment Act of 2016" and makes minor substantive and technical amendments to ensure that the subtitle agrees with the enabling legislation for the District's other fatality review committees.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 budget for the Office of the Chief Medical Examiner, as proposed by the Mayor.

b. Policy Recommendations

1. The Committee recommends that OCME continue its strategic plan for long-term success in its Breath Alcohol Testing Program.
2. The Committee recommends that OCME maintain the NAME checklist items, such as completing 90% of all autopsies within 90 days.

Y. OFFICE OF UNIFIED COMMUNICATIONS

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's staff is comprised of 311 Call Center Team Leaders, 311 Call Service Specialists, 311 Customer Service Representatives, Assistant Watch Commanders, Universal Call Takers, and Dispatchers.

b. Mayor's Proposed Fiscal Year 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 proposed budget for the Office of Unified Communications is \$50,011,107, representing a \$4,543,489 increase, or 9.9%, over the Fiscal Year 2016 approved budget of \$45,467,618. The proposed budget would support 342.3 FTEs, representing an increase of 31.5 FTEs, or 10.1%, from the Fiscal Year 2016 approved level of 310.8 FTEs.

Local Funds: The Mayor's proposed Fiscal Year 2017 local funds budget is \$31,874,557, representing an increase of \$3,677,667, or 13%, over the Fiscal Year 2016 approved local funds budget of \$28,196,890. This budget would support 336.3 FTEs, representing an increase of 31.5 FTEs, or 10.3%, from the Fiscal Year 2016 level of 304.8 FTEs. The agency's total increase in FTEs is funded by local funds.

Special Purpose Revenue Funds: The Mayor's proposed Fiscal Year 2017 special purpose revenue funds budget is \$17,811,139, an increase of \$839,755, or 4.9%, from the Fiscal Year 2016 approved special purpose revenue funds budget of \$16,971,384. This budget would not support any FTEs, representing no change from the Fiscal Year 2016 approved level.

Intra-District Funds: The Mayor's proposed budget Fiscal Year 2017 intra-District funds budget is \$325,411, representing an increase of \$26,066, or 8.7%, from the Fiscal Year 2016 approved budget of \$299,345. This budget would support 6.0 FTEs, representing no change from the Fiscal Year 2016 approved level.

Committee Analysis and Comments

New Agency Director: On January 27, 2016, Chairman Phil Mendelson, at the request of the Mayor, introduced Proposed Resolution 21-0545, the “Office of Unified Communications Karima Holmes Confirmation Resolution of 2016”. The Committee held a roundtable on the measure on March 22, 2016. The resolution nominates Ms. Holmes to serve as the Director of the Office Unified Communications (OUC) and will be deemed approved next week. OUC lacked permanent leadership from April 2015 to January 2016.

At her confirmation roundtable, Acting Director Holmes testified before the Committee that there were a few areas in particular to which she planned to dedicate resources to effectuate the agency’s mission, referencing operations staffing and adequate coverage, effective and efficient call processing, and community outreach/engagement.

Call Volume: The Committee regularly fields inquiries from District residents concerned about call waiting in the queue for a call for services to be answered. To better understand this issue, OUC highlighted the agency’s ever-increasing call volume. OUC noted that “[c]all volume is dependent on a number of variables including weather and time of day. Therefore, it is difficult to predict when there may be a period of time when there are no available units. However, to address this situational concern, the Operation devised [a procedure].”²³⁴

Table 1: Agency Workload Measures at the Office of Unified Communications

<i>Measure</i>	<i>FY 2012 Actual</i>	<i>FY 2013 Actual</i>	<i>FY 2014 Actual</i>
Total number of inbound 911 calls	1,428,429	1,368,582	1,276,943
Total number of inbound 311 calls	2,070,106	1,272,290	1,201,351
Total number of service requests entered into the customer relationship management system by 311 call takers	355,530	164,427	198,529

Source: Office of Unified Communications

²³⁴ *Memorandum on the Office of Unified Communications’ Pre-Hearing Answers to the Fiscal Year 2015-2016 Performance Oversight Hearing* from Karima Holmes, Director, Office of Unified Communications, to Kenyan R. McDuffie, Chair, Committee on the Judiciary (Feb. 12, 2016) (on file with the Committee).

To address high call volume for 311 calls for service, OUC indicated that “OUC has identified high call drivers and integrated additional 311 service request types into its IVR or call management system.” The additional services include a broken parking meter repair hotline “which enable[s] users to enter a request without having to interact with a 311 agent.”²³⁵ OUC also utilizes the convenience and effectiveness of social media by activating @311DCGov, OUC’s Twitter account, to directly answer questions and educate residents and visitors.²³⁶ Furthermore, OUC’s DMV call tree was streamlined to improve customer service and decrease dissatisfaction related to single call resolution.²³⁷ OUC has also strengthened the utility of online offerings with the “new Salesforce powered CRM to provide varied and convenient access to service through both an improved citizen portal and the mobile application, DC311.”²³⁸

There were 1.4 million 911 calls for service in Fiscal Year 2015. To address high call volume for 911 calls for service, OUC “participates ... [in the] Automated Security Alarm Protocol program (ASAP)... [which] automate[s] 911 alarm call delivery directly to dispatchers thru CAD [computer-aided dispatch], by-passing 911 call takers [and ultimately] ... reduc[ing] call handling time,...call volume,...and potential errors in data entry.”²³⁹

Table 2: Average Call Time, Fiscal Years 2015 and 2016 (Oct. 2015 to Dec. 2015)

<i>Fiscal Year 2015</i> ²⁴⁰						<i>Fiscal Year 2016 (October-December)</i>					
<i>Average Call Time</i> ²⁴¹						<i>Average Call Time</i>					
<i>Agency</i>	<i>Priority</i>	<i>Count</i>	<i>Call to Queue</i>	<i>Queue to Dispatch</i>	<i>Call to Dispatch</i>	<i>Agency</i>	<i>Priority</i>	<i>Count</i>	<i>Call to Queue</i>	<i>Queue to Dispatch</i>	<i>Call to Dispatch</i>
MPD						MPD					
	0	24	2:02	2:47	4:48		0	1	0:01	1:37	1:38
	1	64,836	1:37	1:45	3:22		1	23,366	1:42	1:46	3:28
	2	292,310	1:29	2:58	4:28		2	101,191	1:29	2:51	4:20
	3	241,477	1:20	2:51	4:11		3	82,416	1:25	2:45	4:10
Total		598,647	1:26	2:47	4:14	Total		206,974	1:29	2:41	4:10
FEMS						FEMS					

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ “Priority” indicates the urgency of the call, 1 as the highest, 2 is intermediate, and 3 is the lowest. The number 0 signifies an administrative call.

²⁴¹ “Call to Queue” – The length of time between OUC answering a call to placing the caller in the queue; “Queue to Dispatch” – The length of time between a caller being placed in the queue and when a unit is dispatched; “Call to Dispatch” – The entire length of the call.

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	0	24	1:39	0:30	2:10		0	0	0	0	0
	1	121,399	1:41	0:44	2:24		1	42,051	1:39	0:40	2:20
	2	35,432	1:26	0:48	2:14		2	12,109	1:23	0:46	2:09
	3	36,098	1:35	0:45	2:20		3	11,508	1:39	0:42	2:21
Total		192,953	1:37	0:45	2:22			65,668	1:36	0:42	2:18

Source: Office of Unified Communications

During the remainder of Fiscal Year 2016, OUC will address several Police Service Areas (PSAs) and provide an overview of both the 311 and 911 Operations highlighting Next Generation 911 and 311, which includes a texting component.²⁴²

Community Outreach: Community outreach by the agency and by its sister agencies is critical to ensuring that 911 and 311 are properly utilized. Residents have expressed significant dismay at remaining in the “queue” for long periods of time or waiting on a call taker to answer the call for service. The Committee is concerned that these residents are being misinformed by sister agencies hanging up and calling back will ensure that a call is answered more quickly. However, OUC indicates that this practice actually lengthens the “queue to answer” time. Particularly, as calls are answered in the order in which they are received, thus, hanging up only places the caller in the back of the virtual line. To that end, the Committee has requested information about outreach efforts arranged by OUC to better educate the public about the agency’s offerings and procedures. OUC indicated that,

In FY15 the agency made aggressive efforts to engage with the public via social media, through its website and through participation in nearly 100 community events and activities. Also during the fiscal year, the agency worked with a vendor to secure still images and videos and also to develop scripting and conduct interviews for 3 PSAs; agency overview, 911 Operations and 311 Operations overviews. These PSAs will discuss use and misuse of both numbers. The agency anticipates airing the completed PSAs in FY16.²⁴³

Dispatch: During the agency’s Performance Oversight Hearing, dispatch times were highlighted as an area in which the agency must improve. The dispatch protocol has since been changed with the assistance of OUC’s new Director and FEMS’ former medical director. With the third-party ambulance service newly operating in the District, the dispatch protocol is continuing to evolve and improve. In fact, OUC noted that,

²⁴² *Id.* The Next Generation 911 (NG911) permits residents and visitors to transmit photos, video, and text messages to the 911 network which can then be forwarded to emergency responders. See <http://www.911.gov/911-issues/standards.html> Next Generation 911 (NG911) 911.gov. OUC currently provides Next Generation 311 to 12 agencies and 280 agency-users and has upgraded the platform by improving agency application, service request type, and real time dashboards.

²⁴³ *Id.*

Emergency communications have evolved over the last decade; best practices have been revised and replanted. Enhanced 911 has become the legacy framework and we are now gearing up for Next Generation 911. 911 centers across the globe are encountering a new generation of incoming call types. We are at the onset of the need for rapid location accuracy, better call interrogation and reliable call to dispatch. The ultimate goal is the right balance of expeditiousness and accurate information gathering. As the OUC embraces this transitioning environment, we will take special care to thoroughly evaluate our current methods of call taking and dispatching. As such, we will focus on ensuring that our techniques are in line with national standards and account for the public's expectations about how services should be provided.²⁴⁴

In February 2016, OUC indicated that the details below described the dispatching protocol:

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. In addition to the above notifications [...], dispatchers now also verify the address with the unit over the radio. Also the units are required to repeat the destination address back to the dispatcher to ensure that the unit has the correct address.²⁴⁵

Third-Party Provider/Power Capacity: The Committee hosted two walkthroughs of the OUC "floor", or the call-taking and dispatching center. Several Committees and Councilmembers were represented. The walkthrough permitted the Council to review the proposed and actual changes to the UCC (Unified Command Center) in anticipation, and in full operation of, American Medical Response (AMR), the District's new third-party ambulance provider.

During the first walkthrough, OUC indicated that the UCC was outfitted with technology that was very complicated and that usually takes several months to years to construct. OUC clarified that the technological incompatibility of the platform that transmits patient care reports will not be addressed by the agency. Rather, the third-

²⁴⁴ *Id.*

²⁴⁵ *Id.*

party provider, FEMS, and a vendor who can resolve the compatibility issue, will work collaboratively to ensure that medical reports can soon be transmitted electronically.

During the walkthrough, OUC indicated that restoring its power generator is especially important in the coming fiscal years. Although a power outage did recently occur while OUC and AMR were co-located at the UCC, OUC and AMR were able to successfully exit the UCC and operate from the back-up operation center near the McMillan Reservoir. Soon thereafter, the Committee on Transportation and the Environment questioned the Department of General Services on the cost to fully restore generators at the UCC. The Department of General Services responded as follows:

DGS must clarify that there are no direct issues with the generators at the UCC. The generators are working fine, are well maintained and have not shown any signs of trouble. The generators are 10 years old now and have at least another 10 years in their life span. The recent power outage experienced at the UCC facility was related to surge protection issue. The issue that needs to be addressed immediately is installing a low voltage surge protection system and a critical power monitoring system. The cost associated with these upgrades is approx. \$250,000.

Additionally, there is an ongoing project, implemented by DGS, to install a redundant underground power feeder. PEPCO is extending their underground power feeder along MLK Blvd to serve the UCC facility. When completed, this underground cabling will be the prime power feed for the UCC campus and it will improve the reliability of power as the underground cabling will be shielded from inclement weather and vehicle accidents.²⁴⁶

Projects: As discussed above, OUC will continue to prioritize Next Generation iterations (both 911 and 311) during Fiscal Year 2016. Not only is NG911 reflective of technological innovations, it is also a Federal Communications Commission mandate.²⁴⁷ Furthermore, while OUC improves NG infrastructure and system, OUC has “deployed an interim solution for Text-to-911 through a pilot program with the Big-4 wireless carriers. The Big-4 are AT&T Mobility, Sprint PCS, T-Mobile and Verizon Wireless”.²⁴⁸ For this pilot program, OUC employed a web browser method

²⁴⁶ Response to email from the Chairperson of the Committee on Transportation and the Environment, to Committee on the Judiciary (Apr. 27, 2016, 16:28 EST) (on file with the Committee).

²⁴⁷ *Supra* note 1.

²⁴⁸ *Id.*

which did not require additional funding necessary to deploy.²⁴⁹ During the deployment of the pilot program, OUC was able to “test functionalities of text-to-911 and to assess operational needs to support Text-to-911.”²⁵⁰ The Text-to-911 will be operated through the CAD integrated NG911 call handling solution that will enable text-to-911 and 911 voice calls to be responded in the same ACD (Automatic Call Distributor) queue. Currently, OUC has the capability, and has in fact, transferred items from Text-to-911 to neighboring PSAPs/jurisdictions, and vice-versa.²⁵¹

Vacancies/Adequate Staffing: As of May 5, 2016, OUC had 34 total vacancies. The number is considerably higher than the six vacancies that OUC had in April 2013, the 27 it had as of April 1, 2014, and the 18 it had as of May 7, 2015. However, the vacancies are being filled with essential personnel. This includes 22 call takers, 8 dispatchers, and two assistant watch commanders. The Committee encourages the agency to sustain the prioritization of increased staffing that it saw under the interim leadership of Director Chris Geldart.

Budget Pressures: OUC indicated that the overtime budget, totaling \$506,149, has created budget pressure in Fiscal Year 2016.²⁵² During peak hours, minimum staffing for OUC’s 911 Operations requires 17 call takers and 19 dispatchers per shift.²⁵³ Overtime hours have been being used to support minimum staffing levels. At the end of Fiscal Year 2015, the agency hired 13 call takers that were released to Operations in the second quarter of Fiscal Year 2016. Gaining additional call takers will reduce the need for overtime hours, and OUC has requested of the Executive additional funding to fill the deficiencies in the overtime budget.²⁵⁴

Technology: On February 16, 2016, Councilmember McDuffie introduced Bill 21-0615, the “Notice in Case of Emergency Amendment Act of 2016”, along with co-sponsors Councilmembers Bonds, Alexander, and Cheh. This bill strengthens OUC’s medical information profile program by expanding the means by which residents can register their medical or “Smart Safety” profile. Knowing a resident’s vital medical information prevents a first responder from inadvertently administering medicine that is hazardous to the resident’s health. The Committee held a hearing on the bill on March 22, 2016.

Currently, OUC, through Smart911, can identify and contact a resident’s designated emergency contact person and populate an electronic version of a resident’s Smart Safety Profile. The profile is only available if a resident previously registered their number with OUC’s vendor Smart911. Additionally, the profile is

²⁴⁹ *Id.*

²⁵⁰ *Id.*

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ *Id.*

visible only to first responders. OUC currently has only 3,624 residents enrolled in this program. This bill permits OUC to expand the registration method beyond a telephone number to include the resident's Department of Motor Vehicles (DMV)-issued identification number, home address, social security number, or other means pursuant to written standards developed by OUC. The bill also implements a vehicle and home decal program that alerts first responders that the vehicle glove compartment or the home contains a hard copy of the resident's Smart Safety profile.

Seniors are a population that would greatly benefit from SMART911, however, OUC indicated at the hearing that the electronic registration, enrollment, and updating process can be burdensome for some seniors. Furthermore, a senior's medical profile is currently available only if the telephone number associated with the senior's profile makes the call to 911. This means that bystanders or caretakers' cellphone numbers would not populate the senior's medical profile if the senior experienced an emergency. The bill will address these gaps by making the hard copy easy to update from home and accessible to the first responder regardless of who calls 911.

A hard copy of the medical profile is also useful during a vehicular accident. In that instance, a driver's medical profile would populate only if the telephone number associated with the driver's profile makes the call to 911. Generally, when bystanders see a collision, OUC receives multiple 911 calls, but first responders may miss vital information if the driver is too injured to call. The bill would ensure that the driver's medical profile is available to the first responder in the vehicle's glove box regardless of who calls 911 for service.

Finally, the bill requires DMV and OUC to develop a Smart Safety profile request form that will be made available to residents while taking care of routine tasks at DMV. DMV will transmit the list of residents who wish to create a Smart Safety profile to OUC. OUC can then contact and enroll residents interested in the program.

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.²⁵⁵ Tragically,

²⁵⁵ *Preliminary Report, National Transportation Safety Board: WMATA Smoke and Electrical Arcing Accident in Washington, DC* (Jan. 16, 2015) (on file with the Committee).

the incident claimed the life of Carol Glover. The NTSB is conducting a conference call briefing on May 3, 2016, to update relevant and local agencies on the investigation.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Office of Unified Communications, as proposed by the Mayor, with the following modification:

1. *Increase* CSG 41 (Contractual Services – Other), Program 4000 (Technology Operations), Activity 4040 (Mobile Data Computing) by \$50,000 to fund the licensing and start-up implementation fees for a CPR/AED application (see the Committee’s recommendation for a new Budget Support Act subtitle, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2016”).

b. Policy Recommendations

1. The Committee again directs OUC to average 90 seconds from call to dispatch as the key performance indicator recommends.
2. The Committee recommends that OUC report to the Committee all agency offerings for in-person training programs to better prepare employees to handle the emotional, physical, and tactical demands of the job.
3. The Committee recommends that OUC train employees on commonly-used slang terms for and medical symptoms of the use of street drugs to ensure that call takers are better able to respond to calls.

c. Mayor’s Proposed Fiscal Years 2017-2022 Capital Budget

RADIO CRITICAL INFRASTRUCTURE: Full Funding Cost: \$3,500,000:

The Mayor’s Fiscal Year 2017 capital budget includes a capital project for OUC. “UC0-UC304 – 911/311 Radio Critical Infrastructure” allocates \$3.5 million to upgrade the electrical system. These improvements include PSSC Consolidated Environment HVAC upgrades; Alarm system upgrades; reconfiguration of 311 positions; and UCC Generator upgrades.

The Committee recommends adoption of the Fiscal Year 2017 capital budget for the Office of Unified Communications, as proposed by the Mayor.

Z. OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

1. COMMITTEE ANALYSIS AND COMMENTS

a. Agency Mission and Overview

The Office of Victim Services and Justice Grants' (OVSJG) mission is to lead, coordinate, and fund programs in the District that serve crime victims, prevent crime, and improve the administration of justice for victims and offenders. OVSJG also provides policy making expertise, advice, and counsel to the Executive on the role of victims and offenders in the criminal justice system, and evidence-based practices to respond to, intervene in, and prevent violence.

Office of Victim Services (OVS): OVS provides federal grants, administers the District's Crime Victims Assistance Fund (CVAF), and uses local funds to support victims of domestic violence, sexual assault, homicide, child abuse, assault, and neglect. OVS also works with providers of safe temporary transitional housing for victims of domestic violence, coordinates with area hospitals to improve their assault-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 (JGA): JGA's mission 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.

Access to Justice Initiative (ATJI): 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 civil legal services, and in particular, for underserved communities. Notably, funds through the program have doubled the number of attorneys working east of the Anacostia River. In Fiscal Year 2016, the D.C. Bar Foundation awarded 33 grants to organizations such as Children’s Law Center, D.C. Law Students in Court, Bread for the City, the Legal Aid Society for the District of Columbia, and Legal Counsel for the Elderly.

b. Mayor’s Proposed Fiscal Year 2017 Operating Budget

The Mayor’s Fiscal Year 2017 budget proposal for OVSJG is \$34,190,525, a \$3,827,341, or 12.6%, increase from the Fiscal Year 2016 approved budget of \$30,363,184. This funding supports 14.0 FTEs, an increase of 1.0 FTE over the Fiscal Year 2016 approved level of 13 FTEs.

Local Funds: The Mayor has proposed a local funds budget of \$20,136,228, a decrease of \$662,955, or 3.2% from the Fiscal Year 2016 approved budget of \$20,799,183.²⁵⁶ This funding supports 10.6 FTEs, a decrease of 2.4 FTEs, or 18.4%, from the Fiscal Year 2016 approved level or 13 FTEs.

Special Purpose Revenue Funds: The Mayor has proposed a special purpose revenue funds budget of \$1,797,516, a \$104,516, or 6.2%, increase over the Fiscal Year 2016 approved budget of \$1,693,000. This budget supports 0.8 FTEs, an increase of 0.8 FTEs over the Fiscal Year 2016 level.

Federal Resources: The Mayor has proposed a federal resources budget of \$12,256,781, a \$4,385,780, or 35.8% increase over the Fiscal Year 2016 approved federal resources budget of \$7,871,001. This funding supports 2.6 FTEs, an increase of 2.6 FTEs over the Fiscal Year 2016 approved level. The federal resources budget is composed entirely of federal grant funds.

Proposed Operating Budget –Programmatic Level

Agency Management: The Mayor has proposed a budget for the agency management division of \$395,422. This funding supports 2.5 FTEs. This division was not funded in Fiscal Year 2016.

Justice Grants Administration: The Mayor has proposed a budget of \$8,365,196, representing an increase of \$339,251 from the Fiscal Year 2016 approved funding level of \$8,025,945. This funding supports 7.0 FTEs, an increase of 1 FTE

²⁵⁶ The Mayor’s Errata letter dated April 27, 2016, proposed an increase in local funds in the amount of \$556,000, which will be further discussed below.

from Fiscal Year 2016. The local funds portion of this division was reduced by \$212,064 from the Fiscal Year 2016 level.

Access to Justice: The Mayor has proposed a budget of \$5,027,835, representing no change from the Fiscal Year 2016 approved funding level.

Office of Victim Services: The Mayor has proposed a budget of \$20,402,072, representing an increase of \$3,092,669 from the Fiscal Year 2016 approved funding level of \$17,309,403. This funding supports 4.5 FTEs, an increase of 0.5 FTE from Fiscal Year 2016. The local funds portion of this division was reduced \$846,314 from the Fiscal Year 2016 level.

Committee Analysis and Comments

Last fiscal year, there were several cuts in funding to victim services in the Mayor's proposed budget. To fill those cuts, the Committee added an additional **\$2.2 million** to OVSJG: \$900,000 for justice-related grants, \$1 million for direct legal services grants, and \$300,000 for victim services grants. The Committee also identified funds to reverse a cut of **\$150,000** to Safe Shores, the District's children's advocacy center for abused and traumatized children, and sent those funds to the Committee on Health & Human Services. The full Council also added **\$700,000** to the Department of Human Services' budget to preserve housing programs for domestic violence victims, and restored **\$2.6 million** to the Crime Victims Assistance Fund, which had been completely swept.

Victim services and justice grants were again cut in the Mayor's Fiscal Year 2017 proposed budget. OVSJG was originally facing a **\$1,058,378** cut in local funds (\$846,314 from OVS and \$212,065 from JGA) and another **\$2.6 million** sweep of the fund balance of the Crime Victims Assistance Fund (Fund No. 620). However, the Mayor's Errata Letter dated April 27, 2016, proposes restoring approximately \$556,000 in local funds to OVSJG and \$930,000 to the Crime Victims Assistance Fund.²⁵⁷ Despite the proposed restoration of this funding, the local funds budget for OVSJG is still facing a **\$502,378** reduction from its Fiscal Year 2016 funding level and the Crime Victims Assistance Fund is still facing a sweep of **\$1.67 million**. These cuts will have a direct impact on the bottom lines for direct victim services and will affect the District's new, yet-to-be deployed Crisis Continuum program at MedStar Washington Hospital Center for near-homicide victims, which is further discussed below.

The Committee is concerned that the removal of funding for the Crisis Continuum, in particular, and the failure to expand the program to more than one emergency department as contemplated in the "Neighborhood Engagement Achieves

²⁵⁷²⁵⁷ See, Errata Letter for the Fiscal Year 2016/2017 Budget Submission.

Results Act of 2016”, indicates a lack of awareness by the Executive of the value of evidence-based best practices in the areas of crime prevention, intervention, and response. **This does not address the question of whether even level funding would be adequate to serve the needs of victims of crime (and rehabilitate offenders); it would not. The Committee firmly believes that a significant investment of resources – far beyond what is proposed – in community-based providers is necessary to make any impact in violent crime in the District of Columbia.**

Table 1: Fiscal Year 2016 OVSJG Grantees

<i>Victim Services Grant Programs and Initiatives</i>				<i>Justice Grant Programs and Initiatives</i>			
<i>Funding Source</i>				<i>Funding Source</i>			
<i>Crime Victim Assistance Grant Program (VOCA)</i>	<i>Services*Training*Officiers*Prosecution (S*T*O*P) Violence Against Women Formula Grant (VAWA)</i>	<i>Office for Victims of Crime Vision 21 Initiative (Victim Legal Network)</i>	<i>Local Funds</i>	<i>Title II – Juvenile Justice & Delinquency Prevention (OJJDP)</i>	<i>Edward Byrne Memorial Justice Assistance Grant (JAG)</i>	<i>Coverdell Forensic Science Improvement Grant Program</i>	<i>Show Up. Stand Out</i>
Ayuda	Ayuda	Amara Legal Center, Inc.	Asian Pacific American Legal Resource Center	Department of Human Resources	ACCESS Inc.	Department of Forensic Sciences	Atlas Fitness
D.C. Volunteer Lawyers Project	D.C. Forensic Nurse Examiners	Asian Pacific American Legal Resource Center	Asian/Pacific Islander Domestic Violence Resource Project	Multicultural Career Intern Program	Collaborative Solutions for Communities		Boys Town Washington DC, Inc.
Deaf Abused Women’s Network	D.C. Office of the Attorney General	Ayuda	Ayuda	United Planning Organization	Community Family Life Services		Catholic Charities of the Archdiocese of Washington, Inc.
FAIR Fund, Inc.	Government of the District of Columbia/D.C. Courts	Break the Cycle	Break the Cycle	Urban Ed, Inc.	House of Ruth		Choice Research Associates
Legal Aid Society of the District of Columbia	Metropolitan Police Department	D.C. Volunteer Lawyers Project	Central American Resource Center		Jubilee Housing, Inc		Collaborative Solutions for Communities
Network for Victim Recovery of D.C.		Domestic Violence Legal Empowerment & Appeals Project	Children’s National Medical Center		Justice Research and Statistics Assn, Inc.		Dynamic Strategies
Safe Shores – The Children’s		Legal Aid Society of the District of Columbia	DC Office of the Attorney General		Lorton Art Program		East River Family Strengthening Collaborative, Inc.

COMMITTEE ON THE JUDICIARY
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Advocacy Center							
Survivors and Advocates for Empowerment, Inc.		Network for Victim Recovery of D.C.	DC Forensic Nurse Examiners		Open City Advocates		Edgewood/Brookland Family Support Collaborative
The Women's Center		Justice Research and Statistics Association	DC Rape Crisis Center		Thrive DC		Far Southeast Family Strengthening Collaborative
Wendt Center for Loss and Healing			Department of Forensic Sciences		University Legal Services		Georgia Avenue Family Support Collaborative
			District Alliance for Safe Housing (DASH), Inc.		Voices for a Second Chance		Jouons Soccer LLC
			District of Columbia Coalition Against Domestic Violence				Men Can Stop Rape
			House of Ruth				Teens Run DC
			La Clinica del Pueblo				Urban Ed, Inc.
			MedStar Washington Hospital Center				
			Men Can Stop Rape				
			My Sister's Place, Inc.				
			Network for Victim Recovery of DC				
			Office of the Chief Medical Examiner				
			Ramona's Way				
			Survivors and Advocates for Empowerment, Inc.				
			The DC Center for the LGBT Community				
			The Domestic Violence Legal Empowerment & Appeals Project (DV LEAP)				
			Whitman-Walker Health				

Source: Office of Victim Services & Justice Grants

Office of Victim Services: OVSJG supports some of the most vulnerable District residents, 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. It is one of the few grant-making entities in the District government, particularly with respect to crime prevention, intervention, and response programming.

1. **Performance Management Initiative:** In Fiscal Year 2015, OVSJG updated the Performance Management Initiative (PMI) in partnership with its victim services grantees. The PMI is meant to standardize data across grantees in order to better assess services provided and identify strengths and opportunities for growth. The Committee is pleased that OVSJG has developed a standard set of performance outcomes. However, the Committee is also concerned with the overwhelming testimony from grantees at the agency's Fiscal Year 2016 Performance Oversight hearing, which noted capacity concerns in complying with the updated PMI. While OVSJG has since held focus groups to receive feedback on the updated PMI, the Committee strongly suggests that OVS consider allocating mini-grants to help grantees develop capacity around PMI compliance.
2. **Crisis Continuum Project:** Title II of the "Neighborhood Engagement Achieves Results Amendment Act of 2016", or the "NEAR Act" (A21-0356; 63 DCR 4659), mandates the creation of an Office of Violence Prevention and Health Equity in the Department of Health. This Office is charged with several responsibilities, including assisting OVSJG in developing a program to ensure the presence of specially trained staff tasked with providing counseling, mental health treatment, mediation and dispute resolution services, and trauma-informed care to apparent victims of violence and their families, in each hospital emergency department in the District.

In FY 2016, OVSJG is funding the Crisis Continuum Project, which is a collaboration of MedStar Washington Hospital Center, D.C. Forensic Nurse Examiners, the Network for Victim Recovery of D.C. (NVRDC), and the Wendt Center for Loss and Healing. Medical forensic nurses will respond on-site through the MedStar Washington Hospital Center Trauma Department to criminally-related "Code Yellows", which are medical traumas caused by a criminal act and loosely described as homicides and attempted homicides. OVSJG anticipates that 500 patients will be treated by the project annually.

The Committee is pleased that the Crisis Continuum Project is set to launch this month, as it coincides with Title II of the NEAR Act. However, funding for this Project was not considered in the Mayor's Fiscal Year 2017 proposed

budget, which means this project may not continue into Fiscal Year 2017. Additionally, the funding for the Project in Fiscal Year 2016 included half (\$375,000) from the OVS budget and half (\$375, 000) from the Crime Victims Assistance Fund. The current balance of the Crime Victims Assistance Fund, which is discussed below, is being cut by \$1.67 million. The Committee is extremely concerned about the future of this program, as it has the potential to fill a significant gap in services for victims in the District. If funding is not allocated past Fiscal Year 2017, a population of individuals who already face systemic barriers will once again be faced with the same dilemma. There is no other similar victim-serving program in the District of Columbia.

- 3. *Sexual Assault Victims Rights Amendment Act of 2015 (SAVRAA):*** On February 25, 2016, the Committee held a public roundtable on the implementation of the Sexual Assault Victims' Rights Amendment Act of 2014, or "SAVRAA".²⁵⁸ SAVRAA gives survivors the right to have an advocate present at any: 1) forensic medical, evidentiary, or physical examination; 2) initial interview at the hospital; 3) subsequent in-person interview with law enforcement related to the sexual assault; and 4) point during the hospital visit. It also places strict requirements on the processing of sexual assault kits and biological specimens to ensure timely results and access for survivors. Notably, SAVRAA created a new position for an Independent Expert Consultant required to: 1) review training for all personnel and advanced training for MPD's Sexual Assault Unit detectives; 2) internal policies and procedures related to sexual assault including standard operating procedures and general orders; 3) complaints and feedback from the public; and 4) a random sample of case files. The Act also formalizes a best practice from other jurisdictions – the Sexual Assault Response Team, or "SART". The SART is a partnership of public and private agencies charged with coordinating a high-quality, multidisciplinary, victim-centered response to sexual assault cases. Lastly, SAVRAA established a Task Force to study nationally recognized best practices and develop recommendations on enumerated questions.

At the roundtable, the Independent Expert Consultant, Elisabeth Olds, highlighted several of her recommendations, including funding for a full-time equivalent at OVSJG to maintain a database that tracks sexual assault kits and to standardize reporting to survivors and their advocates.²⁵⁹ Additional recommendations from Ms. Olds and the SAVRAA Task Force also require dedicated funding for full implementation. The Committee is pleased that OVSJG has issued two requests for application related to SAVRAA

²⁵⁸See, Bill 21-0417, the "Sexual Assault Victims' Rights Amendment Act of 2014", located at <http://lims.dccouncil.us/Download/29573/B20-0417-SignedAct.pdf>.

²⁵⁹ *Public Roundtable on the Implementations of the Sexual Assault Victims' Rights Amendment Act of 2014*, Committee on the Judiciary (written testimony of Elisabeth Olds, SAVRAA Independent Expert Consultant).

implementation, including a youth services hotline and curriculum development for credentialing advocates. However, the cut in funding to the Crime Victims Assistance Fund will greatly reduce the ability of OVSJG to implement any additional recommendations from Ms. Olds and the SAVRAA Task Force. This is deeply concerning to the Committee as it will affect the District's ability to provide competent, well-training, trauma-informed services to victim survivors. As noted by Cortney Fisher, Deputy Director of Victim Services for OVSJG:

“The recommendations contained in this report are centered on victims’ lives, their experiences, and how the system can work better to meet their needs.”²⁶⁰

By cutting funding to victim services, the sexual assault continuum will be severely limited in its ability to provide victim-centered services. This comes at a time when sexual assaults in the District have increased by 31% compared to this same time last year.²⁶¹

4. ***Batterers’ Intervention Programs:*** Intimate partner violence (IPV) was the leading type of crime that OVS responded to in Fiscal Year 2015, supporting initiatives and programs providing emergency services, continuum building, and housing in an effort to improve outcomes for victims. To improve the tools available to on-call advocates, OVS launched the IPV ACCESS Program, a collaboration with D.C. SAFE and D.C. Forensic Nurse Examiners that offers medical care to IPV victims at MedStar Washington Hospital Center and at the two Domestic Violence Intake Centers (DVICs). While the Committee applauds OVSJG for its forward-thinking approach to providing services for IPV victims, there are still not enough community-based programs currently working with abusive partners to try and change their behavior. These programs, often known as 'Batterer/Abuser Intervention Programs' (BIPs) are frequently community-based in other jurisdictions and are governed by legislated standards on best-practices and requirements. The Committee suggests that OVS explore identifying grant funding to create a new, community-based pilot program grounded in best practices to address abuser behavior without requiring prior referral or involvement with the criminal justice system. The Committee is not aware of similar programming in the District.

5. ***Availability of Domestic Violence Housing:*** The lack of safe and anonymous shelter is often of primary concern for victims of domestic/intimate

²⁶⁰ *Public Roundtable on the Implementations of the Sexual Assault Victims’ Rights Amendment Act of 2014*, Committee on the Judiciary (written testimony of Cortney Fisher, Deputy Director of Victims’ Services, OVSJG).

²⁶¹ MPD Year-to-Date Crime Comparison for April 14, 2016, on file with the Committee.

partner violence when they are considering an escape from an abusive relationship. The District currently funds domestic violence safe shelter and housing through OVSJG, the Department of Human Services (DHS), and the D.C. Courts Crime Victim Compensation Program (CVC). Despite existing funding and services, survivors' need for shelter and housing often exceeds the capacity of these specialized providers, and survivors turn to the mainstream homeless services system. Additional funding and resources specifically to assist survivors of domestic violence secure and remain in safe and affordable housing are essential to ensuring their safety. The Committee is concerned about the lack of funding available for the three Domestic Violence shelter programs due to the phase-out of Freddie Mac Foundation funding and believes that it is a District-wide priority to ensure that survivors of domestic violence get the housing assistance they need to stay safe and begin the process of recovery and healing.

6. ***Crime Victims Assistance Fund:*** The Crime Victims Assistance Fund (CVAF) is a non-lapsing, interest-bearing fund. The funds from the CVAF come directly from the Crime Victims Compensation Fund. At the end of each fiscal year, 50 percent of the balance in the Crime Victims Compensation Fund is transferred to the Crime Victims Assistance Fund without fiscal year limitation for outreach activities designed to: 1) increase the number of crime victims who apply for such direct compensation payments, including victims of sexual assault, domestic violence, or child abuse (abuse counseling, health and mental health services, child advocacy centers, emergency housing, emergency child care, transportation, hospital-based informational and referral services, and family support); and 2) improve the intake, assessment, screening, and investigation of reports of child abuse and neglect and domestic violence.²⁶² The CVAF is administered by OVSJG.²⁶³

The CVAF currently has \$3.8 million available for coordinated outreach activities. However, Section 9042 – the “Designated Fund Transfer Act of 2016” – in the “Fiscal 2017 Budget Support Act of 2016” would sweep \$2.6 million from the CVAF into the District’s General Fund. As indicated in the table below, OVSJG has used CVAF funds in recent fiscal years to improve victims services in the District.

²⁶² D.C. Official Code § 4-515.01(d)(1), (d)(2).

²⁶³ D.C. Official Code §4-515.01(a).

**Table 2: Funding Use in the Crime Victims Assistance Fund,
 Fiscal Years 2013-2016**

<i>Fiscal Year</i>	<i>Amount Used</i>	<i>Purpose</i>
2013	\$595,342	The funding was used primarily for shelter services and the creation of the UASK website and app. The app is an invaluable tool for any D.C. college student and includes: 1) a panic button that immediately calls local emergency personnel; 2) the ability to alert friends and share GPS location with selected contacts; and 3) campus resources in the event that the student has experienced sexual violence.
2014	\$100,000	The funding was used for the ASKDC app and website. ASK DC is a project between Men Can Stop Rape and OVSJG. Men Can Stop Rape empowers men and boys to use their strength to create cultures free from violence.
2015	\$31,208.46	The funding was used for the ASK/UASK redeployment. In Fiscal Year 2015, OVSJG intentionally did not spend a larger amount so that it could have funds for SAVRAA improvements in Fiscal Year 2016.
2016	\$770,798	This obligated funding is being used for the Crisis Continuum Project, Elder Abuse Project, a toolkit for helping service providers work with teen and adolescent victims, the D.C. SANE program, outreach for the victim hotline, and a violence prevention program in collaboration with Men Can Stop Rape and Kelly Miller Middle School. OVSJG anticipates the following in Fiscal Year 2016: \$150,000 for a database to coordinate domestic violence housing services, \$200,000 for a youth-oriented sexual assault hotline, \$50,000 for a curriculum to credential sexual assault advocates, \$100,000 for a homicide fatality review manager at the OCME, and \$100,000 for a PERK tracking project with DFS. OVS also intends to fund some personnel for SART support and a consultant to coordinate the DV Fatality Review Board out of the CVAF in Fiscal Year 2016.

Source: Office of Victim Services & Justice Grants

As noted above, funding for victim services was significantly reduced in the Fiscal Year 2016 proposed budget, and the Committee added an additional \$2.2 million to OVSJG to provide much needed services to victims of crime. The Committee is deeply concerned about the \$1.67 million transfer from the CVAF to the District's General Fund, which was echoed in the testimony of many OVSJG grantees at the agency's budget oversight hearing. The Committee is unable to itself identify the additional revenues to replace the \$1.67 million and fears that transfer of these funds will have a devastating impact on victim services in the District. The Committee therefore recommends that the Committee of the Whole identify funding for this purpose.

Justice Grants Administration:

Total Fiscal Year 2017 Justice Grants Administration (JGA) funding totals \$8,365,195. JGA funding is comprised of \$3,667,358.39 in local funds, of which \$1,155,374 represents funding within a non-lapsing fund for the Show Up, Stand Out (SUSO) program. The projected federal budget is \$3,542,463.27.

OVSJG testified that in Fiscal Year 2015, the agency emphasized the importance of “data-driven funding determinations, program management, and identifying best-practices.”²⁶⁴ To fund this effort, OVSJG expended Byrne JAG funds to create the Building Capacity for Performance Measurement and Evaluation (BCPME) project. The Justice Research and Statistics Association (JRSA) is conducting this project and seeks to “build evaluation capacity among community service providers who offer reentry and delinquency prevention services in the District.”²⁶⁵ Some of the evaluation and review includes identifying best practices for performance measurement in juvenile justice and adult reentry.²⁶⁶ Armed with this information, OVSJG will fortify the reentry community by providing evaluation technical assistance to grantees.²⁶⁷ Furthermore, the PMI will also impact JGA grantees by establishing performance-based standards by which the grantees can measure success and community impact.²⁶⁸

OVSJG additionally highlighted several modifications in JGA programming in Fiscal Year 2017, including the following:

Coverdell grants support improving the quality and timeliness of forensic science and medical examiner services. We are anticipating an increase of approximately \$10,000 in the Coverdell grant funding in FY

²⁶⁴ *Office of Victim Services & Justice Grants: Fiscal Year 2017 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary* (Apr. 6, 2016) (oral testimony of Director Michelle Garcia, Office of Victim Services & Justice Grants).

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ A detailed explanation of the PMI is above under the subheading “Office of Victim Services”.

2017 and will use those funds to continue the work of the OCME in providing training for OCME staff and DFS in supporting personnel and resource costs. We are also exploring opportunities to increase the justice grants program federal portfolio including researching funding opportunities through the National Institute of Justice for research in areas including the victim-offender overlap.²⁶⁹

Stand Up, Show Out: SUSO has received 2,650 student referrals in 2015-2016. To continue to master innovative ways to interact with students and modernize SUSO's truancy-reduction techniques, SUSO is preparing to launch a smartphone application during the 2016-2017 school year. OVSJG indicated that "the app is an interactive way for students to encourage each other to attend school on time every day and get rewarded for their efforts."²⁷⁰ The application is an innovative opportunity to merge technology and student accountability. Specifically, "the app places students into teams where each player earns points for their team by attending school on time each day. Students will be required to 'check-in' on their phone as they arrive at school.... The team that scores the most points for their daily check-ins will have a chance to win great prizes."²⁷¹ The Committee commends the agency for their innovative efforts to reduce truancy through SUSO and is pleased that the program was not stricken from the agency's portfolio.

Private Security Camera Voucher Program: The Private Security Camera Incentive Program, administered by OVSJG, creates a rebate for residents, businesses, nonprofits, and religious institutions to purchase and install security camera systems on their property and register them with the Metropolitan Police Department (MPD). The program provides a rebate of up to \$200 per camera, with a maximum rebate of up to \$500 per residential address and \$750 for all other addresses. The camera system must have been purchased and installed on the property after September 22, 2015 and before all available funds are expended. The allocated funding for this program is \$500,000. Additionally, cameras must be located in one of the following Police Service Areas (PSAs): 104, 105, 107, 108, 202, 207, 208, 302, 303, 305, 402, 403, 405, 409, all PSAs in the Fifth Police District, 602, 603, 604, 608, and all PSAs in the Seventh Police District. This program is intended to help deter crime and assist law enforcement with investigations. The legislation related to this program also requires the Mayor to send a monthly report to the Council that includes the following information:

1. The total number of rebates issued;
2. The total number of private security cameras funded;
3. The number of rebates issued in each police service area;

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷¹ *Id.*

4. The number of rebates issued in each priority area;
5. The number of times MPD requested footage from a rebate recipient, and whether the request was granted or denied by the rebate recipient;
6. The number of times that footage from a private security camera contributed to a successful arrest by MPD, including a breakdown by offense; and
7. An analysis of the Program's implementation and plans for future expansion, if any.²⁷²

The first report is due to the Council on May 15, 2016. The Committee looks forward to receiving monthly reports that include forward-thinking approaches, rather than unnecessarily harsh and punitive policies, to prevent crime in the District.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Office of Victim Services & Justice Grants, as recommended by the Mayor, with the following modifications:

1. *Increase* CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants Administration), Activity 2010 (Grant Management), by \$212,064 in local funds to fill the entire cut in the proposed grants budget.
2. *Increase* CSG 50 (Subsidies and Transfers), Program 4000 (Office of Victim Services), Activity 4010 (Victims Services Grants) by \$702,012 in local funds to fill the entire cut in the proposed grants budget and to the Crisis Continuum.
3. *Restore* \$556,000 in local funds for the agency, as recommended in the Mayor's Errata Letter.
4. *Allocate* \$2.2 million in local funds for Show Up Stand Out to non-lapsing fund 0122, as recommended in the Mayor's Errata Letter.
5. *Restore* \$930,000 to the Crime Victims Assistance Special Purpose Revenue Fund (0620), as recommended in the Mayor's Errata Letter.
6. *Increase* CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants Administration), Activity 2010 (Grant Management) by \$40,000 in federal grant authority. This is a technical correction requested by the AFO.

²⁷² See, "Private Security Camera Incentive Program Temporary Act of 2016", located at <http://lims.dccouncil.us/Download/34934/B21-0498-SignedAct.pdf>.

7. *Increase* CSG 50 (Subsidies and Transfers), Program 4000 (Office of Victim Services), Activity 4010 (Victims Services Grants) by \$1,105,349 in federal grant authority. This is a technical correction requested by the AFO.

b. Policy Recommendations

1. The Committee recommends that OVSJG explore funding grants that serve the needs of offenders in addition to victims (particularly as offenders often are or have been victims of crime themselves). The Committee believes that prevention and intervention – and not solely response-based – evidence-based programming for offenders is critical to reducing non-violent and violent crime in the District. Such grant-making should not come at the expense of victim services funding but should be supplementary. The Committee notes that as OVSJG is one of the few District government grant-making entities in the area of public safety, not addressing the needs of offenders leaves a large population bereft of services.
2. The Committee recommends that OVSJG conduct and provide to the Committee an analysis of local fund availability for grant-funding and grant-making efforts in similarly situated jurisdictions. The stability of grantees is largely dependent on the availability of funding. Without adequate funding, grantees cannot successfully implement their programmatic goals. This, in turn, affects the continuum of care for victims and survivors in the District. By conducting a cross-comparison of local fund availability, OVSJG may gain more insight on how to ensure grantee stability in the wake of significant budget cuts.
3. The Committee recommends that OVSJG conduct an analysis of SAVRAA-related priorities that should be implemented in Fiscal Year 2017. As mentioned above, OVSJG has already issued two requests for application related to SAVRAA. However, the additional recommendations from the SAVRAA Task Force and the SAVRAA Independent Expert Consultant require more funding than is available in the Fiscal Year 2017 budget. Prioritizing the additional recommendations that OVSJG would like to implement will further improve the sexual assault continuum of care.
4. OVSJG should consider identifying grant funding for Batterer's Intervention Programs (BIPs). A new, community-based pilot program to address abuser behavior without requiring prior referral or involvement with the criminal justice system would provide a much needed service that is not currently available in the District.

AA. SENTENCING AND CRIMINAL CODE REVISION COMMISSION

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 appointed by the Mayor of the District of Columbia, one appointed by the Council of the District of Columbia, and one 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 2017 Operating Budget

Proposed Operating Budget Summary

The Mayor's Fiscal Year 2017 budget proposal for the Sentencing & Criminal Code Revision Commission is \$1,086,544, a decrease of \$523,226, or 32.5%, from the current fiscal year level. The proposed budget supports 6.0 FTES, which represents a decrease of 5 FTEs, or 45.5% from the current fiscal year level. The decrease in

funding and FTEs is due to the end of the statutory mandate for the Criminal Code Revision Project on September 30, 2016. The budget is comprised entirely of local funds.

Committee Analysis and Comments

Criminal Code Revision: On March 1, 2005, then-Councilmember Patterson introduced Bill 16-0172, the “Criminal Code Reform Establishment Act of 2005”. This bill proposed the establishment of a Criminal Code Reform Commission that would prepare comprehensive recommendations to the Council and the Mayor to reform existing criminal statutes. The bill was referred to the Committee on the Judiciary, which noted that:

“The Committee received no testimony in opposition to the establishment of a commission to review and recommend improvements to the criminal code of the District of Columbia. However, a common theme among the six public witnesses at the May 31st public hearing, was that the work of the criminal code reform commission should harmonize with the work of the existing District of Columbia Sentencing Commission.”²⁷³

As a result, the Committee recommended that the Committee Print amend the law that established the District of Columbia Sentencing Commission and expand the duties and responsibilities of that commission to include criminal code revision. The title of the Commission was subsequently amended to the “Sentencing and Criminal Code Revision Commission” and the work of the Criminal Code Revision Project officially began on January 1, 2007. The initial end date for the Revision Project was September 30, 2010, which was later extended from September 30, 2012, to September 30, 2014, and finally to September 30, 2016.

Major project activities in 2015 consisted of:

1. Adoption of an updated Project Management Plan by the Commission;
2. Preparation of recommendations for the enactment of Title 22 and identification of unconstitutional, common law, obsolete, and outdated statutory provisions;
3. Review of certain offenses against persons;
4. Preparation for Commission review of draft “General Provisions” that would apply to all offenses revised by the Project; and

²⁷³ See, Committee Report on Bill 16-0172, the “Advisory Commission on Sentencing Amendment Act of 2006”, <http://lims.dccouncil.us/Download/1109/B16-0172-COMMITTEEREPORT.pdf>.

5. Initiation of the agency review by the Project's criminal justice agency members of prior work regarding the revision of certain drug offenses.

Despite this progress, the Criminal Code Reform Project has encountered difficulties in reaching consensus on the intended scope of the Project revisions, which has led to an inability to meet the statutory deadline of September 30, 2016 for completion of its work. As noted by Laura Hankins, Special Counsel for the Public Defender Service of the District of Columbia and member of the Criminal Code Revision Project:

“Due at least in part to a disagreement about what the current mandate is, the project has worked on “translating” District criminal law rather than reforming or revising it. “Translation” has meant that staff reviews the legislative history of a criminal statute as well as all of the related D.C. case law. Staff will also research how other jurisdictions, particularly those that have “modernized” their criminal codes, treat particular criminal conduct or legal issues. Then we work together to draft language that “translates” how the D.C. Code and case law currently proscribes an offense.”²⁷⁴

In addition to concerns with the scope of the Project, there is also discomfort among judges on the Commission in voting for statutory changes that they may be called upon to interpret. To address these issues, this Committee introduced Bill 21-0507, the “Criminal Code Reform Commission Amendment Act of 2015”, which proposes creating a stand-alone independent agency that will recommend comprehensive reforms to criminal statutes and update the Council quarterly on its progress in the form of reports. As noted by Professor Donald Braman, a Council appointee to the SCCRC and member of the Criminal Code Revision Project:

“The current process suffers from a serious defect in that it is highly insulated from Council oversight and advisement, held within a Commission that has other—often conflicting—responsibilities. By creating a Criminal Code Reform Commission with a clear mandate, reporting regularly and directly to the Council, the proposed bill removes the obstacles hindering comprehensive reform.”²⁷⁵

The Committee believes that creating this independent agency will lead the District to a more effective and fair administration of justice and eliminate the

²⁷⁴*Public Hearing on Bill 21-0507, the “Criminal Code Reform Commission Amendment Act of 2015”* (January 6, 2016) (written testimony of Laura Hankins, Special Counsel, Public Defender Service for the District of Columbia).

²⁷⁵ *Public Hearing on Bill 21-0507, the “Criminal Code Reform Commission Amendment Act of 2015”* (January 6, 2016) (written testimony of Donald Braman, Associate Professor of Law, George Washington University Law School).

administrative hurdles preventing the current project from effectuating its mission. As a result, the Committee is proposing placement of Bill 21-0507 in the Fiscal Year 2017 Budget Support Act of 2016.

Sentencing Guidelines Evaluation Project: The Commission has the ongoing mandate of ensuring that the Sentencing Guidelines continue to meet the statutory goals of consistency, certainty, and adequacy of punishment. In December of 2013, the Commission'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 Fiscal Year 2015, the Commission 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 Commission and the Court Services and Offender Supervision Agency (CSOSA), which enables the direct electronic transfer of an offender's criminal history score into the GRID system, where judicial compliance is automatically computed. With the development and implementation of the GRID/GSS completed, the Commission is poised to undertake a systematic assessment of the Sentencing Guidelines. This multi-year project will examine sentencing practices under the Voluntary Sentencing Guidelines from 2010 to 2014 in three phases.

Phase I will include a summary evaluation of the Sentencing Guidelines during the defined study period. Phase II includes a comparative analysis of felony sentences imposed prior to the implementation of the Sentencing Guidelines to determine if sentencing patterns have changes by type or length of sentence. The final phase will begin in early Fiscal Year 2017, at which time the Research Committee will draft any recommendations for changes or refinements to the Sentencing Guidelines based on the study's results. Recommendations approved by the Commission will be included in the final Sentencing Guideline Evaluation Report, which is scheduled for release in February 2017. The Committee looks forward to the SCCRC's conclusions on whether or not the Sentencing Guidelines are achieving their anticipated impact on felony sentencing in the District.

Assessment of Security Factors Related to Agency Data System: With the completion of the agency's data system (GRID/GSS), the need for effective security has now become the agency's top priority. Currently, the data system has adequate controls, however, the agency does not have a comprehensive security structure in place to address various levels of security threats. Because the GRID/GSS system analyzes sentencing information and creates a bi-directional XML interface between the SCCRC and the Court Services and Offender Supervision Agency (CSOSA), adequate security is of the utmost importance. The Committee is pleased that the agency is undergoing a risk assessment and implementing required security measures and protocols, which should be finalized by Fiscal Year 2018.

Development of a Comprehensive Data Dictionary for GRID/GSS: The agency is currently working on identifying specific data sets that can be posted on the agency webpage, as well as shared through individual data requests. The objective is to provide a single, central document containing definitions, format, and other important details of all data elements the Sentencing Commission captures and uses in its analyses. A preliminary draft will be completed in Fiscal Year 2016, and in early Fiscal Year 2017, the full Commission will review the dictionary for approval. The Committee commends the agency for creating a dictionary, as it will streamline data requests the Commission receives from the public and other entities.

2. COMMITTEE RECOMMENDATIONS

a. Fiscal Year 2017 Operating Budget Recommendations

The Committee recommends adoption of the Fiscal Year 2017 operating budget for the Sentencing and Criminal Code Revision Commission, as proposed by the Mayor. The Committee notes that it has independently funded the Criminal Code Reform Commission.

III. FY 2017 BUDGET ADOPTION AND REQUEST ACTS RECOMMENDATIONS

On Thursday, March 24, 2016, Chairman Mendelson introduced, on behalf of the Mayor, the “Fiscal Year 2016 Second Revised Budget Request Emergency Adjustment Act of 2016” (Bill 21-0665), the “Fiscal Year 2017 Budget Federal Portion Adoption and Request Act of 2016” (Bill 21-0667), and the “Fiscal Year 2017 Budget Local Portion Adoption Act of 2016” (Bill 21-0668). The Committee does not make any recommendations at this time.

IV. FY 2017 BUDGET SUPPORT ACT RECOMMENDATIONS

On Thursday, March 24, 2016, Chairman Mendelson introduced, on behalf of the Mayor, the “Fiscal Year 2017 Budget Support Act of 2016” (Bill 21-0669). The bill contains nine subtitles for which the Committee has provided comments. On Wednesday, April 27, 2016, the Mayor submitted her Errata Letter, which contained an additional proposed subtitle 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 “Fiscal Year 2017 Budget Support Act of 2016”:

1. Title I, Subtitle B. Board of Ethics and Government Accountability Lobbyist Registration Fee Clarification and Nominee Review Period Amendment ... 214
2. Title I, Subtitle D. D.C. Government Interest Rate Amendment 218
3. Title I, Subtitle E. Tort Notice Budget Technical Amendment 222
4. Title III, Subtitle B. Reciprocal Agreements for Mutual Aid Amendment... 224
5. Title III, Subtitle C. Maternal Mortality Review Committee Establishment 228
6. Title III, Subtitle D. Public Safety Executive Service Pay Schedule Amendment 241
7. Title III, Subtitle E. Corrections Information Council Board Amendment.. 246
8. Title III, Subtitle F. Department of Forensic Sciences Laboratory Fund Establishment 247
9. Title III, Subtitle H. Fire and Emergency Medical Services Reform Amendment 249
10. Title III, Subtitle I. Emergency Medical Services Contract Authority Establishment 263

1. TITLE I, SUBTITLE B. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY LOBBYIST REGISTRATION FEE CLARIFICATION AND NOMINEE REVIEW PERIOD AMENDMENT.

a. Purpose, Effect, and Impact on Existing Law

This subtitle, as proposed by the Mayor, would define a “nonprofit organization” under Section 227 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of

2011 (“Ethics Act”). The subtitle imports the definition of “nonprofit organization” in 26 U.S.C. § 501(c)(3). The Committee additionally amends Section 203 of the Ethics Act to extend the window within which nominees to the Board of Ethics and Government Accountability (BEGA) must be confirmed by the Council (or otherwise be deemed disapproved) from 45 to 90 days.

b. Committee Reasoning

The Committee recommends inclusion of this subtitle, with amendments. This subtitle clarifies which lobbyists are permitted to pay the reduced annual lobbyist registration fee by defining which organizations BEGA considers a “nonprofit organization.” Currently, there is not a definition in the D.C. Code, and this has created ambiguity and confusion among lobbyists who are required to register with BEGA. Lobbyists who lobby for “nonprofit organizations” must pay a reduced annual registration fee of \$50. All other lobbyists required to register must pay a fee of \$250. This definition of a nonprofit organization is consistent with related provisions of the Ethics Act in the area of campaign finance and will bring uniformity to the definition.²⁷⁶ Currently, the lack of a definition for “nonprofit organization” allows other 501(c) organizations – such as (c)(6) organizations like business leagues, chambers of commerce, real estate boards, boards of trade, and professional football leagues – to register and pay the reduced rate. Importantly, limiting the reduced registration rate to 26 U.S.C. § 501(c)(3) entities ensures that only tax-exempt entities who primarily carry out charitable work that benefits society as a whole and cannot engage in substantial lobbying can pay the reduced rate.²⁷⁷

The Committee recommends amendment of the subtitle as proposed to include the following modification. In the “Fiscal Year 2016 Budget Support Act of 2015”, the Council expanded BEGA’s membership from three to five members. Three nominees have since been introduced by the Executive and referred to the Committee, one of

²⁷⁶ See D.C. Code § 1-1163.25 (“Any balance in the transition committee fund shall be transferred only to a nonprofit organization within the meaning of section 501(C) of the Internal Revenue Code...”) and D.C. Code § 1-1163.28(e) (“Any balance in the legal defense committee fund shall be transferred only to a nonprofit organization, within the meaning of section 501(c) of the Internal Revenue Code, ...”).

²⁷⁷ IRS, Exemption Requirements – 501(c)(3) Organizations, <https://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Exemption-Requirements-Section-501%28c%29%283%29-Organizations>, (“To be tax-exempt under section 501(c)(3) of the Internal Revenue Code, an organization must be organized and operated exclusively for exempt purposes set forth in section 501(c)(3), and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an *action organization*, *i.e.*, it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates...The organization must not be organized or operated for the benefit of private interests, and no part of a section 501(c)(3) organization's net earnings may inure to the benefit of any private shareholder or individual... Section 501(c)(3) organizations are restricted in how much political and legislative (*lobbying*) activities they may conduct.”).

whom has already been confirmed in Council Period 21. The window within which the Committee must act on these nominations is 45 days under D.C. Code § 1-1162.03(b)(1), instead of the usual 90-day window for nominees to other boards and commissions. This presents challenges for the Committee, as the process between introduction of a confirmation resolution, referral to a Committee, notice of a roundtable, markup, and agendaing the confirmation resolution is difficult to accomplish during this accelerated window. The Committee therefore amends the subtitle to increase the Council review period for Board nominees from 45 days to 90 days.

c. Section-by-Section Analysis

Sec. 1011. States the short title.

Sec. 1012. (a) Lengthens the period of Council review for nominees to the Board of Ethics and Government Accountability from 45 days to 90 days.

(b) Makes technical changes.

(c) Amends Section 203 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to define a “nonprofit organization” as an organization exempt from taxation under 501(c)(3) of the Internal Revenue Code of 1986.

d. Legislative Recommendations for Committee of the Whole

Sec. 1011. Short title.

This subtitle may be cited as the “Board of Ethics and Government Accountability Lobbyist Registration Fee Clarification and Nominee Review Period Amendment Act of 2016”.

Sec. 1012. 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 § 1-1162.01 *et seq.*), is amended as follows:

(a) Section 203 is amended as follows:

(1) Subsection (b)(1) (D.C. Official Code § 1-1162.03(b)(1)), is amended by striking the phrase “for a 45-day period of review, excluding days of council recess. If the Council does not approve or disapprove the nomination, by resolution, within the 45-day review period, the nomination shall be deemed disapproved.” and inserting the phrase “for a 90-day period of review, excluding days of council recess. If the Council does not approve or disapprove the nomination, by resolution, within the 90-day review period, the nomination shall be deemed disapproved.” in its place.

(2) Subsection (c) is amended by striking the phrase “Chairman of the Ethics Board” and inserting the phrase “Chairperson of the Ethics Board” in its place.

(b) Section 205 (D.C. Official Code § 1-1162.05) is amended by striking the word “Chairman” both times it appears and inserting the word “Chairperson” in its place.

(c) Section 227(b)(2) (D.C. Official Code § 1-1162.27(b)(2)), is amended to read as follows:

“(b)(2) The registration fee for lobbyists who lobby solely for nonprofit organizations shall be \$50. For purposes of this paragraph, the term “nonprofit organization” means an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).”.

2. TITLE I. SUBTITLE D. D.C. GOVERNMENT INTEREST RATE AMENDMENT.

a. Purpose, Effect, and Impact on Existing Law

This subtitle would amend the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), to add a new Section 13 to provide that unless a statute has expressly authorized or authorizes the award of interest to a prevailing party in an administrative adjudication, no pre-award or pre-decision interest or post-award or post-decision interest may be offered by an administrative hearing officer, administrative law judge, administrative hearing tribunal, or any court reviewing an award or decision arising from an administrative adjudication.

The subtitle would also amend D.C. Code § 28-3302(b) to provide that interest, when it is authorized by law, on judgments or decrees against the District or the District's officers or employees acting within the scope of their employment, is at the rate provided in subsection (c) of that section, with an annual cap of 4%.

b. Committee Reasoning

This Committee recommends inclusion of this subtitle, with amendments. The Committee strikes proposed Section 1032 relating to express statutory authorization for awards of interest to a prevailing party in an administrative adjudication. This section would have significant ramifications for litigants, namely before the Office of Human Rights. As Jonathan Puth, Immediate Past President of the Metropolitan Washington Employment Lawyers Association, testified at the Committee's April 14 budget oversight hearing:

“Interest is not a windfall or even extra measure of relief, but simply a manner of accounting for the time value of money when wages are unlawfully withheld. Under the federal Civil Rights Act counterpart to the DC Human Rights Act, the Supreme Court holds that an award of interest on lost pay is required ‘for injuries suffered through past discrimination.’ *Loeffler v. Frank*, 486 U.S. 549, 557-58 (1988) (citing *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 421 (1975)). Our Court of Appeals has also consistently interpreted the Human Rights Act to provide for interest on awards in discrimination cases both in the public and private sectors, and interest is provided for in regulations implementing the Human Rights Act. *D.C. Office of Human Rights v. D.C. Dep’t of Corr.*, 40 A.3d 917 (D.C. 2012); 4 DCMR § 214.5.”²⁷⁸

²⁷⁸ The Committee notes that in *D.C. Office of Human Rights v. D.C. Dep’t of Corr.*, 40 A.3d 917 (D.C. 2012), the Court held in favor of the employee after *seventeen* years; *Fiscal Year 2017 Budget Oversight Hearing of the Committee on the Judiciary for the Office of the Attorney General*, 1 (Apr.

As the express language of the statute does not contain a reference to interest, this proposed section could overturn established case law.²⁷⁹ In addition, this section is not restricted in its application to District government employees, as privately employed individuals may bring claims to the Office of Human Rights for adjudication before its Commission.

The section would additionally affect workers' compensation claims under the District of Columbia Government Comprehensive Merit Personnel Act of 1978²⁸⁰ and potentially in many more contexts where a statute is silent. This would be inappropriate without a full public hearing and opportunity to comment – particularly as “the obligation to pay pre-judgment interest arises under the common law and may be payable even in the absence of a statutory authorization to that effect.” *Burke v. Groover, Christie & Merritt, P.C.*, 26 A.3d 292 (D.C. 2011).

The Committee adopts proposed Section 1033. Section 1033 would amend D.C. Code § 28-3302(b) to provide that interest, when authorized by law, on judgments or decrees against the District or the District's officers or employees acting within the scope of their employment, is at the rate provided in subsection (c) of that section, with an annual cap of 4%. This section clarifies the intent of (b). Currently, (b) reads that “Interest, when authorized by law, on judgments or decrees against the District of Columbia, or its officers, or its employees acting within the scope of their employment, *is at the rate of not exceeding 4% per annum.*” [*emphasis added*]. The Executive and the Office of the Attorney General argue that this cap has been applied by the courts as both the ceiling and the floor for interest on judgments or decrees

14, 2016) (written testimony of Jonathan Puth, Immediate Past President, Washington Metropolitan Employment Lawyers Association), on file with the Committee.

²⁷⁹ 4 DCMR § 126.1 provides that when the Director of the Office of Human Rights finds that a District government agency employee was discriminated against, the Director may order “retroactive promotion” under (a) and “[c]ancellation of an unwarranted personnel action and restoration of withheld benefits that would have accrued to the employee” under (d); 4 DCMR § 201 provides that “[e]very prevailing complainant shall be entitled to damages equal to all income that would have been received from an employer or any other source of income, whether or not that employer or source of income is a respondent...” (§ 201.1). Interest is permissible pursuant to 4 DCMR § 214.5: “If an award of damages is made, the respondent shall pay the complainant interest at the rate of eight percent (8%) per annum on out of pocket expenses, from the date incurred to the date of payment, and if the total award is not paid within thirty (30) days from the date of issuance of the Commission's Final Decision and Order, the respondent shall pay interest at the rate of eight percent (8%) per annum until paid.”

²⁸⁰ In *D.C. Pub. Schs. V. D.C. Dep't of Empl. Servs.*, 123 A.3d 947 (D.C. 2015), the District of Columbia Court of Appeals considered whether the Department of Employment Services could award interest under the District of Columbia Government Comprehensive Merit Personnel Act (CMPA) (D.C. Code § 1-623.01 *et seq.*) on accrued workers compensation benefits that were not paid to an employee pending appeal. Although the statute was silent, the Court found that “awarding interest on accrued benefits is consistent with the purpose of the CMPA by fully and promptly compensating an injured worker during the period of her disability to the amount set by the statute.” 123 A3d, 953.

against the District, rather than referring to the interest rate calculation under (c) for private parties and also applying the 4% cap.

Section (c) calculates interest according to the following methodology: “The rate of interest on judgments and decrees, where the judgment or decree is not against the District of Columbia, or its officers, or its employees acting within the scope of their employment or where the rate of interest is not fixed by contract, shall be 70% of the rate of interest set by the Secretary of the Treasury pursuant to section 6621 of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2744; 26 U.S.C. § 6621), for underpayments of tax to the Internal Revenue Service, rounded to the nearest full percent, or if exactly 1/2 of 1%, increased to the next highest full percent; provided, that a court of competent jurisdiction may lower the rate of interest under this subsection for good cause shown or upon a showing that the judgment debtor in good faith is unable to pay the judgment. In the case of the judgments entered prior to the effective date of the Consumer Credit Interest Rate Amendment Act of 1981, that are not satisfied until after the effective date of the Consumer Credit Interest Rate Amendment Act of 1981, the rate of interest thereon shall be the rate of interest prescribed in this subsection from the effective date of the Consumer Credit Interest Rate Amendment Act of 1981, until the date of satisfaction.” D.C. Code § 28-3302(c).

The Executive and the Administration make a convincing argument that the statute should be clarified to account for times when interest rates are lower, and therefore a calculation under (c) would be appropriate up to the 4% cap, but when interest rates are higher, the 4% cap would restrict the award.

c. Section-by-Section Analysis

Sec. 1031. States the short title.

Sec. 1032. Amends D.C. Code § 28-3302(b) to provide that interest, when it is authorized by law, on judgments or decrees against the District or the District’s officers or employees acting within the scope of their employment, is at the rate provided in subsection (c) of that section, with an annual cap of 4%.

d. Legislative Recommendations for Committee of the Whole

Sec. 1031. Short title.

This subtitle may be cited as the “District of Columbia Government Interest Rate Amendment Act of 2016”.

Sec. 1032. Section 28-3302(b) of the District of Columbia Official Code is amended to read as follows:

“(b) Interest, when authorized by law, on judgments or decrees against the District of Columbia, or its officers, or its employees acting within the scope of their employment, shall be at the rate described in subsection (c) of this section, provided that the rate shall not exceed 4% per annum.”.

3. TITLE I, SUBTITLE E. TORT NOTICE BUDGET TECHNICAL AMENDMENT.

a. Purpose, Effect, and Impact on Existing Law

This subtitle would amend D.C. Code § 12-309 to require that actions could not be maintained against *an officer or employee of the District of Columbia government or an individual otherwise entitled to be defended and indemnified by the District of Columbia government* for unliquidated damages to person or property unless the claimant gives notice in writing within six months after the injury was sustained to the Mayor of the approximate time, place, cause, and circumstances of the injury or damage [*emphasis added*]. Existing law applies this six-month notice requirement only to claims against the District of Columbia government itself. A report in writing to the Metropolitan Police Department could constitute notice.

The subtitle would not apply if the appointee, employee, or individual was (1) acting outside the scope of his or her employment, or (2) was in violation of any rule or regulation of his or her agency at the time the alleged damages were sustained. The subtitle would apply to any action which arises subsequent to the subsection's effective date and which arose prior to the enactment of the subsection for which an action was not commenced prior to its enactment. A claimant whose injury or damage was sustained prior to the enactment of the subsection would have six months after the enactment to provide the required notice.

Existing law exempts claims brought under the Human Rights Act of 1977 and the Whistleblower Protection Amendment Act of 2009 from the six-month notice requirement for claims against the District government.

b. Committee Reasoning

The Committee strikes this subtitle. Similar to the Committee's concerns regarding Title I, Subtitle D, relating to awards of interest in administrative adjudications, movement on this subtitle would be inappropriate without a full public hearing and opportunity to comment, particularly as District courts have applied the notice requirement as an absolute bar to claimants.²⁸¹ The proposal has understandably generated significant concern among plaintiffs' attorneys, and the Committee believes that many more individuals and advocates would have comments on the subtitle if it had been introduced as a standalone bill. In fact, two similar permanent bills were introduced in 2001 and 2002 by Chairwoman Linda Cropp on behalf of Mayor Anthony Williams (Bills 14-0437 and 14-0850). Neither bill moved to a hearing in Committee. Legislation was again introduced by Councilmember Carol Schwartz (Bill 15-0331) in 2003, with no action taken.

²⁸¹ See *Owens v. District of Columbia*, 993 A.2d 1085, 1088 (2010): "We have repeatedly held that compliance with the statutory notice requirement is mandatory."

In 2014, this Committee, under former Chair Tommy Wells, provided context for this section of the Code: “The notice requirement was originally intended to (1) permit the District of Columbia to conduct an early investigation into the facts and circumstances surrounding a claim, (2) protect the District of Columbia against unreasonable claims, and (3) encourage prompt settlement of meritorious claims. In practice, the notice requirement serves as a way for the District to limit its liability when otherwise meritorious claimants are barred because they are unaware of the requirement.”²⁸² The Committee then explicitly exempted claims under the Human Rights Act from the statute’s notice requirements, reasoning that “[t]he Human Rights Act[] was passed with the goal of affecting ‘an end in the District of Columbia to discrimination for any reason other than that of individual merit’...The limitations of section 12-309 undermine this purpose.”²⁸³

The Committee concludes that the Executive has not offered a sufficiently persuasive rationale to make such a significant change in the law through the Budget Support Act.

- c. **Section-by-Section Analysis**
- d. **Legislative Recommendations for Committee of the Whole**

²⁸² Council Committee on Judiciary & Public Safety, *Committee Report on Bill 20-0803, “Human Rights Amendment Act of 2014”*, 5 (Oct. 15, 2014), <http://lims.dccouncil.us/Download/31754/B20-0803-CommitteeReport1.pdf>.

²⁸³ *Id.*

4. TITLE III, SUBTITLE B. RECIPROCAL AGREEMENTS FOR MUTUAL AID AMENDMENT.

a. Purpose, Effect, and Impact on Existing Law

This subtitle authorizes the Mayor to contract with the Washington Metropolitan Area Transit Authority (WMATA), the Metropolitan Washington Council of Governments, local and regional authority, and intergovernmental organizations for materials, supplies, equipment, work, or services. The Office of the Chief Financial Officer concluded that this subtitle “does not have a fiscal impact; it allows the District to write memoranda of understanding with agencies outside of the District government.”²⁸⁴ Furthermore, these memoranda of understanding also supports WMATA’s newly-created Rail Operations Control Center (ROCC) Liaison position.²⁸⁵ The subtitle will effectively expand the Fire and Emergency Medical Department’s current service area to include both Virginia and Maryland. This amendment to existing law would also remove the Council as the contracting body and instead authorize the Mayor to enter and renew these types of agreements.²⁸⁶

b. Committee Reasoning

The Committee recommends inclusion of this subtitle, with technical amendments. First, the Mayor, as the executive branch of the District government, is better poised to enter into mutual aid agreements. Furthermore, the Committee recommends approving this subtitle because WMATA’s ROCC position is necessary to fortify coordinated emergency responses by the District and neighboring jurisdictions. WMATA’s newly-created position considers not only WMATA’s needs but is inclusive of the region’s fire officials’ recommendations.²⁸⁷ Neighboring jurisdictions’ fire officials will also “develop policy recommendations and provide supplemental emergency training for rail controllers.”²⁸⁸ This type of coordination and expansion of mutual aid only strengthens the region and the District’s ability to respond to emergency events.

c. Section-by-Section Analysis

Sec. 3011. States the short title.

²⁸⁴ Fiscal Impact Statement on Bill 21-0669, the “Fiscal Year 2017 Budget Support Act of 2016”. From Jeff DeWitt, Chief Financial Officer, to the Council of the District of Columbia (Apr. 24, 2016) (on file with the Committee).

²⁸⁵ *Id.*

²⁸⁶ Press Release Washington Metropolitan Area Transit Authority, Executive Office of the Mayor, *Metro announces new, fire liaison post at its Rail Control Center* (Oct. 24, 2015) (on file with the Committee).

²⁸⁷ *Id.*

²⁸⁸ *Id.*

Sec. 3012. (a) Authorizes the Mayor, instead of the Council, to enter into and to renew mutual aid agreements with regional bodies.

(b) Provides that the Mayor, instead of the Council, cannot enter into such agreements unless the agreement provides certain waiver and indemnification provisions.

(c) Authorizes the Mayor to make available to the federal government, regional governments, and regional non-governmental entities personnel and equipment of the Fire and Emergency Medical Services Department.

(d) Makes conforming changes.

d. Legislative Recommendations for Committee of the Whole

Sec. 3011. Short title.

This subtitle may be cited as the “Reciprocal Agreements for Mutual Aid Amendment Act of 2016”.

Sec. 3012. An Act to provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes, approved August 14, 1950 (64 Stat. 441; D.C. Official Code § 5-414), is amended as follows:

(a) Section 1 (D.C. Official Code § 5-414(a)) is amended to read as follows:

“(a) The Mayor is hereby authorized in his or her discretion to enter into and to renew reciprocal agreements, for such period as he or she deems advisable, with the appropriate county, municipal, and other governmental units in Prince George's and Montgomery Counties, Maryland, and Arlington, Fairfax, and Loudon Counties, Virginia, with the City of Alexandria, Virginia, with the City of Fairfax, Virginia, with the City of Falls Church, Virginia, and with incorporated or unincorporated fire

departments, fire companies, and organizations of fire personnel in such counties and cities, in order to establish and carry into effect a plan to provide mutual aid, through the furnishing of firefighting personnel and equipment, by and for the District of Columbia and such counties and cities, for the extinguishment of fires and for the preservation of life and property in emergencies, in the District and in such counties and cities.”.

(b) Section 2 (D.C. Official Code § 5-414(b)) is amended by striking the phrase “The District of Columbia” and inserting the phrase “The Mayor” in its place.

(c) Section 3 (D.C. Official Code § 5-414(c)) is amended to read as follows:

“(c) The Mayor may make available to the federal government, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Council of Governments, and any other local or regional authority or intergovernmental organization, personnel and equipment of the Fire and Emergency Medical Services Department to extinguish fires, and to save lives, on property of the federal government, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Council of Governments, or another local or regional authority of which the District is a member or intergovernmental organization to which the District or any of its offices or agencies belongs in Prince George's and Montgomery Counties, Maryland; Arlington, Fairfax, and Loudon Counties, Virginia; the City of Alexandria, Virginia; the City of Fairfax, Virginia; and the City of Falls Church, Virginia.”.

(d) Section 4 (D.C. Official Code § 5-414(d)) is amended by as follows:

(1) By striking the phrase “Fire Department” wherever it appears and inserting the phrase “Fire and Emergency Medical Services Department” in its place.

(2) By striking the word “his” and inserting the phrase “his or her” in its place.

5. TITLE III, SUBTITLE C. MATERNAL MORTALITY REVIEW COMMITTEE ESTABLISHMENT

a. Purpose, Effect, and Impact on Existing Law

This subtitle creates a new Maternal Mortality Review Committee (MMRC) that will operate within the Office of the Chief Medical Examiner (OCME). The MMRC will be composed of various voting members appointed by the Mayor from District agencies, hospitals, and community organizations.

b. Committee Reasoning

The Committee recommends inclusion of this subtitle, with amendments to ensure that it agrees with the enabling legislation for the District's other fatality review committees. Additionally, upon the advice of the Office of Open Government, the Committee strikes the provision that exempted the MMRC from the Open Meetings Act. The MMRC is considered a public body under the Open Meetings Act, and as such, the MMRC will be subject to the Act. However, under an Open Meeting Act exception, the Committee members may conduct closed meetings when confidential information, as prescribed by law, is discussed.

In 2011-2012, there were approximately 1,329 pregnancy-related deaths in the United States.²⁸⁹ The pregnancy-related mortality ratios were 17.8 and 15.9 deaths per 100,000 live births in the United States for 2011 and 2012, respectively.²⁹⁰ In contrast, in the District of Columbia in 2010, there were approximately 38.2 maternal deaths for every 100,000 live births.²⁹¹ During the same time period, Maryland had 18.7 maternal deaths per 100,000 live births, and Virginia had 8.3 maternal deaths. The maternal death rate in the District is far higher than in the United States as a whole and its neighboring jurisdictions. On many lists, the District is ranked the worst, or near the worst, for maternal deaths when compared to other states. Maternal deaths are devastating on a family and the increasing trend negatively impacts communities. As such, it is imperative that the District determines the causes associated with maternal deaths and the solutions to lower the maternal death rate. The MMRC will be a valuable tool in understanding and providing recommendations to improve the unacceptably high maternal mortality rate in the District. The Committee applauds OCME for recommending this subtitle.

The MMRC's focus will be on "pregnancy-related" and "pregnancy-associated deaths", and both terms fall under the heading of "maternal death". The subtitle is

²⁸⁹ Centers for Disease Control and Prevention, Reproductive Health, *Pregnancy Mortality Surveillance System*, <http://www.cdc.gov/reproductivehealth/maternalinfanthealth/pmss.html>.

²⁹⁰ *Id.*

²⁹¹ National Women's Law Center, *Maternal Mortality Rate (per 100,000)*, <http://hrc.nwlc.org/status-indicators/maternal-mortality-rate-100000>.

written to give the MMRC the greatest amount of information concerning maternal death from hospitals, health care providers, and other District agencies. MMRC will use the wealth of information provided by stakeholders to discover key factors and trends associated with and causing pregnancy-related and pregnancy-associated deaths in the District and District residents who die outside of the District. The Department of Health will play a supporting role for the MMRC and provide information from birth and death records to assist the MMRC with its review of maternal deaths.

The creation of the MMRC is a step in the right direction, as various other government entities have recognized maternal death as an issue and have created similar entities with pregnancy-related deaths as their focuses. The CDC created the Pregnancy Mortality Surveillance System, and Maryland has the Maternal Mortality Review Program.²⁹² Recently, the Association of Maternal & Child Health Programs (AMCHP), a public health advocacy group, and the U.S. Centers for Disease Control and Prevention (CDC) started a campaign to urge states to reduce their pregnancy-related deaths.²⁹³ The AMCHP and CDC advocates that every state, that does not currently have one, create a maternal mortality review panel to investigate the causes of maternal deaths in their jurisdiction.

c. Section-by-Section Analysis

Sec. 3021. States the short title.

Sec. 3022. Provides definitions of “maternal mortality”, “maternal death”, “Maternal Mortality Review Committee”, “pregnancy-related death” and “pregnancy-associated death”.

Sec. 3023. Establishes the Maternal Mortality Committee within the Office of the Chief Medical Examiner. Mandates the Committee must research, analyze, and produce an annual report with relevant information and factors that contribute towards maternal deaths.

Sec. 3024. Provides that the Mayor will appoint Committee members for a three year term from various District agencies, including Department of Health, Office of the Chief Medical Examiner and Department of Health Services, community organizations, and hospitals.

²⁹² Centers for Disease Control and Prevention, *Pregnancy Mortality Surveillance System*, <http://www.cdc.gov/reproductivehealth/maternalinfanthealth/pmss.html>; Maternal Mortality Review Program, Md. Health-General Code Ann. §§ 13-1203–1207 (2016).

²⁹³ Michael Ollove, The Pew Charitable Trusts, *States Urged to Reduce Pregnancy-Related Deaths*, <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/05/03/states-urged-to-reduce-pregnancy-related-deaths>, (May 3, 2016).

- Sec. 3025. This section gives the Committee extensive access without cost or authorization of the persons to whom the information or records relate, access to information and records from District agencies, District contractors, and private health entities that relate to maternal deaths. The Committee has authority to seek information from entities located outside the District by any legal means and mandates that the Committee cannot release or disclose personally identifiable information. This section provides that the Department of Health will play a supportive role in facilitating the information between the Committee and District agencies and private health entities.
- Sec.3026. Subpoena power and process. To carry out its duties, the Committee has subpoena power to compel witnesses to appear, testify or produce relevant written materials. Subpoenas will be served by personally upon the witness not fewer than 5 days before the date in which the witness must appear. After reasonable attempts to personally serve upon the witness, the Committee has the option to serve by special process. The Committee may seek subpoena enforcement through Superior Court.
- Sec. 3027. This section explains that the Committee proceedings shall be subject to the Open Meetings Act. Information discussed at a closed meeting shall be confidential and Committee members and persons from the public shall be penalized for disclosing confidential information discussed during a close meeting.
- Sec. 3028. This sections provides that information and records are confidentiality, cannot be disclosed based on subpoena, in response to civil or criminal discovery. The Committee may share information with another Maternal Mortality Committee or only as necessary to carry out the Committee's duties.
- Sec. 3029. This section provides immunity to any person, health care provider, or institution who supplies the Committee with information and records about maternal deaths.
- Sec. 3030. This section stipulates that if anyone discloses, receives, makes use of, or knowingly permits the use of information concerning a deceased mother or other person in violation of this subtitle they will be subject to a fine of not more than \$1,000. Violations shall be prosecuted by the Office of the Attorney General or his or her designee in the name of the District of Columbia.
- Sec. 3031. Provides the Mayor with rulemaking authority concerning the Committee

d. Legislative Recommendations for Committee of the Whole

Sec. 3021. Short title.

This subtitle may be cited as the “Maternal Mortality Review Committee Establishment Act of 2016.”

Sec. 3022. Definitions.

For the purposes of this subtitle, the term:

(1) “Maternal mortality” or “Maternal death” means any pregnancy-related death or pregnancy-associated death.

(2) “Maternal Mortality Review Committee” or “Committee” means the entity established by section 3023 of this subtitle.

(3) “Pregnancy-related death” means the death of a woman while pregnant or within 1 year following the end of pregnancy, regardless of duration or site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes.

(4) “Pregnancy-associated death” means the death of a woman while pregnant or within one year following the end of pregnancy, irrespective of the cause.

Sec. 3023. Establishment; purpose and duties.

(a) There is established a Maternal Mortality Review Committee within the Office of the Chief Medical Examiner. The Office of the Chief Medical Examiner shall provide facilities and other administrative support for the Committee.

(b) The Committee shall:

(1) Conduct comprehensive, multidisciplinary reviews of maternal deaths in accordance with the Committee rules and procedures. The multidisciplinary reviews shall evaluate:

(A) Maternal deaths and factors associated with maternal deaths in the District; and

(B) Maternal deaths of District residents and factors associated with maternal deaths regardless of place of death.

(2) Make recommendations for systematic changes to improve maternal health and safety for women in the District.

(3)(A) By September 30th of each year, submit an annual report of findings, recommendations, and steps taken to evaluate implementation of recommendations, to the public, the Mayor, and the Council of the District of Columbia that includes the following information:

(i) A description of the events the Committee reviewed during the preceding calendar year, including statistics and causes of maternal deaths; and

(ii) Recommendations for systematic changes and legislation relating to the delivery of maternal health care, education, and public safety in the District.

(B) The annual report submitted pursuant to subparagraph (A) of this paragraph shall not contain information that individually identifies any person or could reasonably be used to identify any person, but may include aggregated data.

Sec. 3024. Composition of the Maternal Mortality Review Committee; terms of office.

(a) The Mayor shall appoint a minimum of one voting member from each of the following agencies:

- (1) The Office of the Chief Medical Examiner;
- (2) The Department of Health;
- (3) The Department of Behavioral Health;
- (4) The Department of Health Care Finance; and
- (5) The Department of Human Services.

(b) The Mayor shall appoint one voting member from each of the following categories:

- (1) An obstetric registered nurse;
- (2) One obstetrics and gynecology representative from each of the District's birthing hospitals, but not more than 7 representatives, at least 1 of whom shall have a maternal-fetal medicine sub-specialty.

- (3) The American Congress of Obstetricians and Gynecologists;
- (4) A certified nurse midwife from a District birthing center;
- (5) A doula serving District residents;
- (6) A representative from a pediatric hospital;
- (7) 3 representatives from community organizations specializing in women's health, teen pregnancy, or public health; and
- (8) A District resident community member.

(c) The Committee shall elect a chairperson by a majority vote of the members. The chairperson shall serve a three-year term and may be reelected for multiple consecutive terms. If a chairperson is unable to complete a term or resigns, the Committee shall elect a new chairperson to begin a full new three-year term.

(d)(1) Governmental members shall serve at the pleasure of the Mayor, except the Chairperson.

(2) Nongovernmental members are appointed for a three-year term and are subject to removal by the Mayor for cause. Whenever a vacancy occurs, the Mayor shall appoint a replacement to begin a full new three-year term.

(e) Members may serve in a hold-over capacity not to exceed 180 days from the date of the expired term to which they were appointed.

(f) The Committee and Chairperson may invite community and government stakeholders to attend or present at any relevant portion of a Committee meeting.

Sec. 3025. Access to information.

(a) Notwithstanding any other provision of law, immediately upon the request of the Committee and as necessary to carry out the Committee's purpose and duties, the Committee shall be provided, without cost and without authorization of the persons to whom the information or records relate, access to all information and records:

(1) Including birth and death certificates, law enforcement investigation data, medical examiner investigation data, and autopsy reports in the possession of

any District of Columbia agency, including their contractors, and health agencies that provided prenatal services to the mother;

(2) All information and records of any health care provider, health care facility, clinic, laboratory, medical record department, and District agency that receives information related to maternal deaths shall report the information to the Department of Health.

(3) Including for prenatal care and maternal deaths, of any private health-care provider, facility, clinic, laboratory, and medical record department located in the District of Columbia, including providers of mental health services who provided services to the deceased mother.

(b) The Committee shall have the authority to seek information from entities and agencies outside the District of Columbia by any legal means.

(c) Notwithstanding subsection (a)(1) of this section, information and records concerning a current law enforcement investigation may be withheld, at the discretion of the investigating authority, if disclosure of the information would compromise a criminal investigation.

(d) If information or records are withheld under subsection (c) of this section, a report on the status of the investigation shall be submitted to the Committee every 3 months until the earliest of the following events occurs:

(1) The investigation is concluded;

(2) The investigating authority determines that providing the information will no longer compromise the investigation; or

(3) The information or records are provided to the Committee.

(e) The Committee may have access to personally identifiable information relating to maternal deaths. As used in this section, “personally identifiable information” includes:

(1) Hospital discharge data, prenatal, fetal, pediatric, and infant medical records;

(2) Hospital or clinic records;

(3) Health insurance claim information and laboratory reports;

(4) Records of fetal deaths or induced termination of pregnancies; and

(5) Public benefits, child abuse and neglect records, school records, mental health records, police reports and autopsy reports.

(f) The Committee shall not disclose personally identifiable information data for purposes other than official Committee use.

(g) The Department of Health and the Committee may retain personally identifiable information on facilities where maternal deaths occur and geographic information on each case, for the purposes of trending and analysis.

Sec. 3026. Subpoena power.

(a) When necessary for the discharge of its duties, the Committee shall have the authority to issue subpoenas to compel witnesses to appear, testify, or produce books, papers, correspondence, memoranda, documents, medical records, or other relevant records.

(b) Except as provided in subsection (c) of this section, subpoenas shall be served personally upon the witness or his or her designed agent, which may be attempted concurrently or successively, not fewer than 5 business days before the date the witness must appear or the documents must be produced, by a special process server, at least 18 years of age, engaged by the Committee.

(c) If, after a reasonable attempt, personal service on a witness or witness' agent cannot be obtained, a special process server identified in subsection (b) of this section may serve a subpoena by registered or certified mail not fewer than 8 business days before the date the witness must appear or the documents must be produced.

(d) If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to subsection (a) of this section, the Committee may report that fact to the Superior Court of the District of Columbia, and the court may compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of the court.

Sec. 3027. Confidentiality of proceedings.

(a) Proceedings of the Committee shall be subject to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*). Persons other than Committee members who attend any Committee meeting which, closed to the public pursuant to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), shall not disclose what occurred at the meeting to anyone who was not in attendance, except insofar as disclosure is necessary for that person to comply with a request for information from the

Committee. Committee members who attend closed meetings shall not disclose what occurred with anyone who was not in attendance (except other Committee members), except insofar as disclosure is necessary to carry out the duties of the Committee. Any party who discloses information pursuant to this subtitle shall take all reasonable steps to ensure that the information is disclosed, and the person to whom the information is disclosed, are as limited as possible.

(b) Any information presented at a Committee meeting, including case review materials or documents, shall be treated as confidential. Members of the Committee, persons attending a Committee meeting, and persons who present information to the Committee may not be required to disclose, in any administrative, civil, or criminal proceeding, information presented at or opinions formed as a result of a Committee meeting, except that nothing in this subsection may be construed as preventing a person from providing information to another review committee specifically authorized to obtain such information in its investigation of a child death, the disclosure of information obtained independently of the Committee, or the disclosure of information which is public information.

Sec. 3028. Confidentiality of information.

(a) Except as permitted by this section, information and records of the Committee shall not be disclosed voluntarily, pursuant to a subpoena, or in response to a request for discovery in any adjudicative proceeding, nor shall it be introduced into evidence in any administrative, civil, or criminal proceeding.

(b) Committee information and records may be disclosed only as necessary to carry out the Committee's duties and purposes. The information and records may be disclosed by the Committee to another maternal mortality fatality review committee if the other committee is governed by confidentiality provisions which afford the same or greater protections as those provided in this subtitle.

(d) Information and records presented to a Committee team during a maternal mortality review shall not be immune from subpoena or discovery, or prohibited from being introduced into evidence, solely because the information and records were presented to a team during a maternal death review, if the information and records have been obtained through other sources.

(e) Statistical compilations and reports of the Committee that contain information that would reveal the identity of any person, other than a person who has consented to be identified, are not public records or information, and are subject to the prohibitions contained in subsection (a) of this section.

Sec. 3029. Immunity from liability for providing information to Committee.
Any person, hospital, or institution participating in good faith in providing information to the Committee pursuant to this subtitle shall have immunity from liability, administrative, civil, or criminal, that might otherwise be incurred or imposed with respect to the disclosure of the information. In all administrative, civil, or criminal proceedings concerning the maternal death or resulting from the report, there shall be a rebuttable presumption that the person, hospital, or institution that provided information the Committee acted in good faith.

Sec. 3030. Penalties.

Whoever discloses, receives, makes use of, or knowingly permits the use of information concerning a deceased mother or other person in violation of this subtitle shall be subject to a fine of not more than \$1,000. Violations of this subtitle shall be prosecuted by the Office of the Attorney General or his or her designee in the name of the District of Columbia. Subject to the availability of an appropriation for this purpose, any fines collected pursuant to this section shall be used by the Committee to fund its activities.

Sec. 3031. Rulemaking.

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 issue rules to implement the provisions of this subtitle.

**6. TITLE III. SUBTITLE D. PUBLIC SAFETY EXECUTIVE PAY
SCHEDULE AMENDMENT**

a. Purpose, Effect, and Impact on Existing Law

This subtitle amends Section 1052 and Section 1052a of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*) to adjust the Executive Service pay schedule and the Executive Service Public Safety pay schedule to reflect the current officeholders and the salaries that they are paid. The subtitle also adds the Deputy Mayor for Public Safety and Justice to the Public Safety Executive Service pay schedule at the request of the Mayor and makes other technical changes.

The subtitle also amends Section 2903(b) of the Establishment of the Office of the Chief Medical Examiner Act of 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(b)) to remove an outdated and unnecessary salary reference.

b. Committee Reasoning

The Committee recommends inclusion of this subtitle, with amendments. The proposed subtitle is primarily necessary due to the turnover in executive staff that occurred during the transition from the previous Mayoral administration. The subtitle would make a number of technical and conforming changes to reflect the incorporation of several positions into the Executive Service pay schedule that were previously listed individually as exceptions. In addition, the proposed subtitle attempted to address errors in the application of the executive pay schedule, which resulted in salaries for incoming executives that were set higher than Council-approved limits.

The Committee does not recommend adoption of the Mayor's proposal to include the Department of Behavioral Health, the Department of General Services, the Department of Health, and the District of Columbia Public Schools into the Executive Service Public Safety Pay Schedule. The Mayor's proposal would unnecessarily expand the Executive Service Public Safety Pay Schedule. This enhanced pay schedule was intended to recognize the heightened education and training requirements needed to lead public safety agencies, specifically. There is no justification for expanding this pay schedule solely to incorporate those agency directors who were inadvertently over-paid under existing law.

In addition, the Committee does not recommend adoption of the Mayor's proposal to make this subtitle retroactive. Rather than matching the pay schedule to the existing salaries of agency directors, the salaries of agency directors should be based on a previously determined pay schedule.

The Committee does recommend two additional amendments to the proposed subtitle. First, the Committee recommends an amendment to reflect the benefits currently provided to the Chancellor of the District of Columbia, as authorized by Bill 21-0595, the “Chancellor of the District of Columbia Public Schools Salary and Benefits Approval Temporary Amendment Act of 2016” (D.C. Act 21-0323; DCR 3652). These benefits, in excess of standard statutory limits, have already been approved by the Council. Second, at the request of the Mayor, the Committee recommends including the Deputy Mayor for Public Safety and Justice in the Executive Service Public Safety Pay Schedule. Given the use of this schedule for agencies within the Deputy Mayor’s purview, the Deputy Mayor’s Office can reasonably be included in the public safety cluster.

c. Section-by-Section Analysis

Sec. 3041. States the short title.

Sec. 3042. Removes outdated references to the salary of former Chief Ellerbe of the Fire and Emergency Medical Services Department, former Chief Medical Examiner Dr. Marie Pierre-Louis, and former Director Houck of the Department of Forensic Sciences; removes an outdated reference to health-related degrees that are not prerequisites for all public safety executives; adds the Deputy Mayor for Public Safety and Justice to the public safety cluster.

Sec. 3043. Removes an outdated reference to the salary of the Deputy Chief Medical Examiner.

d. Legislative Recommendations for Committee of the Whole

Sec. 3041. Short title.

This subtitle may be cited as the “Executive Service Pay Schedule Amendment Act of 2016”.

Sec. 3042. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1052 (D.C. Official Code 1-610.52(b)) is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Paragraph (2) is amended to read as follows:

“(2) Notwithstanding paragraph (1) of this subsection, the Council approves a compensation level of \$292,520 for Kaya Henderson, as Chancellor of the District of Columbia Public Schools.”.

(B) Paragraph (2A) is repealed.

(C) Paragraph (3) is amended as follows:

(i) Designate the existing text as subparagraph (A).

(ii) Strike the phrase “paragraphs (2) and (2A)” and insert the phrase “paragraph (2) in its place.

(iii) A new subparagraph (B) is added to read as follows:

“(B)(i) Notwithstanding any other law, the Chancellor of the District of Columbia Public Schools may be paid a recognition and renewal bonus of 5% of her annual base salary in 2016 and a performance bonus of up to 10% of her annual base salary for goals achieved by the end of the 2016-2017 school year.

(ii) In addition to such other benefits as the Chancellor of the District of Columbia Public Schools may be entitled to receive under existing law and regulation, and notwithstanding subparagraph (A) of this paragraph and section 1058, the Mayor may make a separation payment to the Chancellor of up to 24 weeks of the Chancellor’s base salary if the Chancellor’s contract is terminated for a reason other than criminal conduct, gross dereliction of duty, or gross misconduct, and the Mayor may make a payment to the Chancellor’s executors, legal

representatives, or administrators in the amount of 1/12 of the Chancellor's annual salary if the Chancellor dies during her term of employment."

(D) Paragraph (4) is amended to read as follows:

"(4) The existing levels of compensation for the position in paragraph (2) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Chancellor of the District of Columbia Public Schools, who takes office after February 24, 2012. The Chancellor of the District of Columbia Public Schools shall be subject to compensation within the limits of the DX Schedule, except as provided by this act."

(2) Subsection (b-1) is repealed.

(b) Section 1052a (D.C. Official Code § 1-610.52a) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "who are required to hold a medical degree or another advanced health-related degree".

(2) Subsection (b) is amended to read as follows:

"(b)(1) The Mayor shall designate the appropriate pay level for each subordinate agency head within the public safety cluster based on market analyses considering the qualifications and work experience of each individual appointee, and other relevant criteria.

"(2) Notwithstanding paragraph (1) of this subsection, the Council approves a compensation level of \$253,817 for Cathy Lanier, as Chief of the Metropolitan Police Department."

“(3) The existing levels of compensation for the position in paragraph (2) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Chief of the Metropolitan Police Department, who takes office after February 24, 2012. The Chief of the Metropolitan Police Department shall be subject to compensation within the limits of the DX Public Safety Schedule, except as provided by this act.”

(3) Subsection (g) is amended as follows:

(A) Paragraph (7) is amended by striking the word “and”.

(B) Paragraph (8) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (9) is added to read as follows:

“(9) Office of the Deputy Mayor for Public Safety and Justice.”.

Sec. 3043. Section 2903(b) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code § 5–1402(b)), is amended by striking the phrase “, to be paid at an annual rate of \$206,000,”.

**7. TITLE III, SUBTITLE E. CORRECTIONS INFORMATION COUNCIL
BOARD AMENDMENT**

a. **Purpose, Effect, and Impact on Existing Law**

This subtitle would amend the enabling statute of the Corrections Information Council (CIC) to increase the Governing Board (“Board”) size from three members to five members. Currently, of the three members, two are appointed by the Mayor with advice and consent of the Council and one is appointed by the Council. Under this subtitle, of the five members, three shall be appointed by the Mayor with advice and consent of the Council, and two shall be appointed by the Council.

The purpose of the subtitle is to ease the workload currently borne by a three-member board. Board members work on a voluntary basis and typically maintain outside full-time employment. Board duties include extensive travel to correctional facilities across the country. In addition, no official action may be taken by CIC without a vote by the Board, which requires a quorum. Thus, if there is a vacancy in Board membership, there is increased pressure on the remaining two members to be present for all votes. With five members, quorum could be more easily achieved and sustained.

b. **Committee Reasoning**

The Committee strikes this subtitle. Although the Committee supports an expansion of the Board, inclusion of this subtitle would require 60 days of congressional review for the entire Budget Support Act, as it amends a criminal law-related title of the D.C. Official Code, Title 24.

c. **Section-by-Section Analysis**

d. **Legislative Recommendations for Committee of the Whole**

**8. TITLE III, SUBTITLE F. DEPARTMENT OF FORENSIC SCIENCES
LABORATORY FUND ESTABLISHMENT**

a. **Purpose, Effect, and Impact on Existing Law**

This subtitle would amend the Department of Forensic Sciences Establishment Act of 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*) by creating a non-lapsing special fund to be used to fund services, materials, non-grant funded research, equipment, laboratory staff, and trainings supporting the Department.

b. **Committee Reasoning**

The Committee recommends inclusion of this subtitle. The proposed special fund would hold revenues transferred from the United States Department of Homeland Security for the BioWatch Program²⁹⁴ and all other revenue received for services that the Department's laboratory provides. It is necessary that the Department be able to retain these funds without sweepage based upon non-Departmental operational or programmatic exigencies.

c. **Section-by-Section Analysis**

Sec. 3061. States the short title.

Sec. 3062. Establishes a special fund at the Department of Forensic Sciences to be used to fund services, materials, non-grant funded research, equipment, laboratory staff, and trainings supporting the laboratory. The money deposited in the Fund, and interest earned, shall not revert to the General Fund at the end of a fiscal year or any other time and shall be continuously available without regard to fiscal year limitation.

d. **Legislative Recommendations for Committee of the Whole**

Sec. 3061. Short title.

This subtitle may be cited as the "Department of Forensic Sciences Laboratory Fund Establishment Amendment Act of 2016".

²⁹⁴ The BioWatch program, operated by the U.S. Department of Homeland Security in coordination with local and state laboratories, is an early detection and warning program for biological attacks.

Sec. 3062. The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*) is amended by adding a new section 15a to read as follows:

“Section 15a. Department Laboratory Fund.

“(a) There is established as a special fund the Department of Forensic Sciences Laboratory Fund (“Fund”), which shall be administered by the Director in accordance with subsections (c) and (d) of this section.

“(b) Revenue from the following sources shall be deposited in the Fund:

“(1) Annual revenue transferred from the United States Department of Homeland Security for the BioWatch program; and

“(2) All other revenue received for services that the Department’s laboratory provides.

“(c) Money in the Fund shall be used only to fund services, materials, non-grant funded research, equipment, laboratory staff, and trainings supporting the laboratory within the Department.

“(d)(1) The 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.

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

9. TITLE III, SUBTITLE H. FIRE AND EMERGENCY MEDICAL SERVICES REFORM AMENDMENT.

a. **Purpose, Effect, and Impact on Existing Law**

This subtitle will enable the Fire and Emergency Medical Services Department (FEMS) to increase its personnel's longevity pay, contract with private ambulance services for three years, establish a paramedicine task force, fund an apparatus certification training program with the University of the District of Columbia Community College, and certify apparatus annually.

As stated in earlier sections of this report, on October 6, 2015, the Council unanimously approved Bill 21-426, the "Emergency Medical Services Contract Authority Emergency Amendment Act of 2015." The corresponding temporary bill, the "Emergency Medical Services Contract Authority Temporary Amendment Act of 2015", was unanimously approved at second reading on November 3, 2015. This legislation authorized the Executive to enter into short-term contracts for emergency medical (third-party ambulance) services for basic life support (BLS). The temporary legislation is set to expire on September 11, 2016. On February 12, FEMS, entered into an emergency letter contract with American Medical Response (AMR) for the transport of BLS patients. The emergency procurement is effective for 120 days. The definitized AMR contract has been developed and was transmitted to the Council for passive review on April 13, 2016.²⁹⁵

Members of the Council have publicly expressed concern regarding a private entity conducting what some consider an exclusively governmental function. The Committee is mindful that when additional layers of program administration are added, oversight becomes increasingly challenging. Further, neither of the labor representatives supported a long-term contract. Still, other opponents of the program challenged its efficacy and desired data that the public could review to subsequently determine the program's usefulness.

As the emergency and temporary legislation provided, the Committee includes reporting requirements. This enables the Council and the public to review data and determine the efficiency of the private ambulance program. However, the Committee recommends a sunset provision which will authorize FEMS to contract with private transport vendors for no more than three years.

This subtitle would also establish a task force to study nationally recognized best practices and develop recommendations regarding the need for, creation of, and implementation of a pilot community paramedicine program or an effective EMS reform mechanism. This task force would be required to consider reducing call

²⁹⁵ Fire and Emergency Medical Services Department, *Fire and Emergency Medical Services Department Third Party Provider Contract Council Staff Briefing* (2016).

volume, improving emergency medical services (EMS) delivery, and working collaboratively with agencies, hospitals, and community-based organizations to deliver EMS.

The task force will be comprised of the following representatives: (1) A District-based college or university, provided, that the representative at that institution provides EMS services, (2) At least one governmental or agency-based EMS program, (3) At least two organizations for which the primary purpose of the organization is to provide services, education, or outreach to underserved populations with gaps in EMS or health services, (4) At least two members of the Emergency Medical Services Advisory Committee, (5) Labor representatives of each organization affiliated with Department members, (6) Representatives from District hospitals, (7) At least two medical doctors, one of which is a pediatric doctor, and (8) Any other entities as determined by the Department in consultation with the Department of Health.

The subtitle will also improve FEMS' preventative maintenance program. The Committee found that the fleet maintenance division currently has 6 vacancies and has routinely had trouble filling these positions with qualified and certified employees. To address this, the Committee is working with the Committee of the Whole to implement within the Transportation Academy of the UDC Community College's Workforce and Lifelong Learning Division, a pilot training program for residents to become certified as Emergency Vehicle Technicians. Additionally, this subtitle requires FEMS to conduct annual apparatus certification, pursuant to the regulations of the National Fire Protection Association.

b. Committee Reasoning

FEMS indicated that the \$12 million investment in the third party provider contract in Fiscal Year 2017 will allow the Department to "dedicate more existing FTEs and resources to improving our training program in FY 16 and FY 17." FEMS intends to continue training on a regular basis in Fiscal Years 2016 and 2017.

This Paramedicine Taskforce requires stakeholders to identify calls for a better collaboration with social services. Additionally, the task force is intended to be used to identify and fill gaps, create a hub for medical resources and care, eliminate silos of patient care, and create working partnerships and collaboration with existing health care providers.

The Committee's goal in establishing a preventative maintenance educational program on a pilot basis is to increase career and educational opportunities and ensure FEMS apparatus is safe for rescue operations and FEMS personnel. Additionally, the program would address long-standing preventative maintenance needs of the Department. FEMS is currently grappling with uncertified personnel staffing the maintenance shop and operating a shop without annually certifying

the Department's apparatus. Furthermore, it equips FEMS with qualified personnel to conduct required apparatus certification.

c. Section-by-Section Analysis

Sec. 3081. Short title.

Sec. 3082. Authorizes FEMS to contract with a private party for basic life support ambulance services. This section also extends, to fully indemnify the District from claims arising from the third-party contractor's action or inaction under the contract. Additionally, this section outlines the reporting requirements for the third-party contractor, FEMS, and OUC.

Sec. 3083. This section establishes a paramedicine taskforce to address gaps in EMS delivery, overwhelming 911 call volume, identify underutilized and over utilized EMS and standard medical resources, and establish a coordinated approach to EMS and healthcare in the District. This section also mandates that a report be submitted to the Mayor and Council, by September 30, 2018, detailing the task force's findings. This section also clarifies that the Task Force will disband after the report is completed.

Sec. 3084. Requires that FEMS certify apparatus according to the National Fire Protection Association, NFPA 1911, 2012 edition, or the iteration following it. Furthermore, FEMS shall require that fleet division staff are properly trained in accordance with organizational and manufacturing training of the National Fire Protection Association.

Sec. 3085. Requires the Chief to establish, in conjunction with UDC-CC, a civilian technical services program for technical maintenance of FEMS apparatus and devices. This section gives participants in the UDC program preference for employment in the FEMS fleet division.

Sec. 3086. This section provides longevity pay to higher-ranking uniformed employees of the FEMS who are not covered by collective bargaining. All are "fire" management positions.

Sec. 3087. This section establishes that FEMS will have the authority to contract for ambulance services for basic life support for no longer than September 30, 2019.

d. Legislative Recommendations for Committee of the Whole

Sec. 3081. Short title.

This subtitle may be cited as the "Fire and Emergency Medical Services Reform Amendment Act of 2016".

Sec. 3082. An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 5-401) is amended as follows:

(1) Subsection (a) is amended by striking the word "resolution" and inserting the word "act" in its place.

(2) Subsection (b) is amended as follows:

(B) Designate the existing text as paragraph (1).

(C) The newly designated paragraph (1) is amended by striking the word "resolution" and inserting the word "act" in its place.

(D) New paragraphs (2) and (3) are added to read as follows:

"(2) Notwithstanding paragraph (1) of this subsection, the Department may contract with third parties to provide supplemental pre-hospital medical care and transportation to persons requiring Basic Life Support.

"(3) A contract entered into pursuant to paragraph (2) of this subsection shall include a provision that precludes the District from liability for any claims arising out of the actions of the third-party contractor and also provides full indemnification to ensure that the District shall not be responsible for any amounts owed to others as a result of the third-party contractor's action or inaction under the contract."

(3) New subsections (d), (e), (f), (g), (h), and (i) are added to read as follows:

“(d) Each third-party contractor that enters into a contract pursuant to subsection (b)(2) of this section shall provide a quarterly report to the Department and to the Council that includes the following information:

“(1) The number of transports performed;

“(2) The average time between the dispatch of the third-party contractor by the Department and the third-party contractor’s arrival to the patient;

“(3) The location where the third-party contractor meets each patient and the name and location of the healthcare facility to which the patient is transported;

“(4) The average transport time from the location where the third-party contractor meets each patient to the healthcare facility to which the patient is transported;

“(5) The average time that the third-party contractor remains out of service after transporting a patient to a healthcare facility;

“(6) The average time that the third-party contractor remains out of service while waiting to transfer the care of a patient to a healthcare facility;

“(7) The number of third-party contractor ambulances available on a daily basis for Department use;

“(8) The length of the third-party contractor’s personnel shifts;

“(9) The number of employees hired by the third-party contractor and their residency;

“(10) The number of patients who used the third-party contractor’s services twice or more times during the reporting period, including the number of times the patient used the services during the previous 12 months; and

“(11) The number of patient care reports collected, including the amount reviewed with the Department.

“(e) By June 12, 2016, and quarterly thereafter, the Department shall submit a report to the Council that includes the following information:

“(1) Activity by the Department to educate the public on the proper use of emergency requests for service;

“(2) The number of Department employees hired after the contract award and their residency;

“(3) An evaluation of pre-hospital medical care and transportation fees considering the reasonableness of the fees, the public interest, and the persons required to pay the fee;

“(4) The number of ambulances added to the Department’s frontline and reserve fleet after the date of the contract award, including whether these ambulances are replacing or supplementing the current fleet;

“(5) The number of emergency medical services personnel training hours provided, including all pediatric training conducted pursuant to a memorandum of understanding;

“(6) The average time that the Department’s ambulances remained out of service while waiting to transfer the care of a patient to a healthcare facility; and

“(7) The number of patients who used the Department’s transport service twice or more during the reporting period, including the number of times the patient used transport services during the previous 12 months.

“(f) By June 12, 2016, and quarterly thereafter, the Office of Unified Communications shall submit a report to the Council that includes the following information:

“(1) The number of calls dispatched, and the average dispatch time;

“(2) The average time within which the Department and the third-party contractor’s ambulances reported arriving at a healthcare facility with a patient and returning to service;

“(3) The protocol to reroute non-emergency calls; and

“(4) The average time between the on-scene arrival of the third-party contractor’s ambulance to the time the third-party contractor is at the patient’s side.

“(g) By February 12, 2017, and annually thereafter, until the Department is no longer contracting with a third-party contractor pursuant to subsection (b)(2) of this section, the Department shall submit a report to the Council that evaluates performance under the contract and includes the following information:

“(1) The impact on the Department’s unit availability;

“(2) The impact on the Department’s fleet, including the ability to conduct preventative maintenance and the number of operational and reserve units available;

“(3) The impact on the Department’s training schedule;

“(4) The impact on the Department’s response times and quality of patient care;

“(5) An assessment of the number of units, the number of personnel, the amount of training, and associated costs required to provide pre-hospital medical care and transportation without the use of third parties; and

“(6) Recommendations for implementing any additional units, personnel, and training identified in paragraph (5) of this subsection.

“(h) For the purposes of this section, the term “Basic Life Support” means a level of medical care provided by pre-hospital emergency medical services at the basic emergency response technician level and in accordance with the national scope of practice for a basic level provider.

“(i) For the purposes of this section, the term “patient care report” means a paper or electronic document that that details the patient’s pre-hospital status, condition, and the medication administered by the member of FEMS or third parties, from the time of call to handover of patient to the destination facility.”.

(b) A new section 3b is added to read as follows:

"Sec. 3b. Pilot Community Paramedicine Task Force.

“(a) Beginning October 1, 2017, the Fire and Emergency Medical Services Department (“Department”) shall establish a Pilot Community Paramedicine Task Force to study nationally recognized best practices and develop recommendations regarding the need for, creation of, and implementation of a pilot community paramedicine program or an effective mechanism for reducing call volume, improving EMS delivery, and working collaboratively with agencies, hospitals, and community-based organizations to deliver EMS or facilitate patients with appropriate social services.

“(b) The Task Force shall:

“(1) Determine the usefulness of advice nurses, tele-medicine or tele-health techniques;

“(2) Create a plan for the District, in conjunction with nonprofits, to provide additional EMS professionals, hospitals, and emergency health professionals to meet the needs identified by the Task Force;

“(3) Determine the cost of funding for such a pilot program, including consideration of Federal grants;

“(4) Determine how the Department’s members who are not firefighters will be best utilized for EMS reform;

“(5) Make recommendations as to how the paramedicine program or pilot program can best educate the community on medical conditions and resources;

“(6) Make recommendations to reduce 911 call volume;

“(7) Develop reporting requirements, performance measurements, or patient surveys that should be used by a paramedicine program or pilot program created by the Task Force;

“(8) Determine the District agency best suited to manage and operate a paramedicine program or pilot program created by the Task Force;

“(9) Establish criteria that will enable the District to train and equip members of the Department to provide pediatric care;

“(10) Determine how the Department can best partner with hospitals and the Department of Health to link patients to social services, while considering the use of technology and data sharing consistent with the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 1936; 42 U.S.C. § 1320d, *et seq.*), and the regulations issued pursuant to it;

“(11) Make recommendations for the Department and the Department of Behavioral Health with the goal of reducing chronic misuse of 911;

“(12) Determine whether a paramedicine program or pilot program established by the Task Force should be a self-sustaining independent entity that links hospitals, practice pharmacies, community health centers, EMS patient and caregivers schools, behavioral health services, public health services, nursing homes, and home health services; and

“(13) Determine whether the paramedicine pilot program or pilot program created by the Task Force should employ case managers who are notified when a patient comes in contact with social service or EMS providers.

“(c) The Task Force shall be comprised of representatives from the following entities:

“(1) A District-based college or university; provided, that the representative at that institution provides EMS services;

“(2) At least one governmental or agency-based EMS program;

“(3) At least 2 organizations for which the primary purpose of the organization is to provide services, education, or outreach to underserved populations with gaps in EMS or health services;

“(4) At least 2 members of the Emergency Medical Services Advisory Committee, established by section 23 of the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.22);

“(5) Labor representatives of each organization affiliated with Department members;

“(6) Representatives from District hospitals;

“(7) At least 2 medical doctors, one of which is a pediatric doctor; and

“(8) Any other entities as determined by the Department in consultation with the Department of Health.

“(d)(1) By September 30, 2018, the Task Force shall submit a report to the Mayor and to the Council includes the results of the assessments, developments, and recommendations completed pursuant to subsection (b) of this section.

“(2) The Task Force shall sunset after transmitting its report under paragraph (1) of this subsection.”.

“(e) For the purposes of this section, the term:

“(1) "Community paramedicine program" means a program focused on emergency medical services in an out-of-hospital setting and improves a particular medical condition, provides episodic patient evaluation, offers advice, and administers treatment within the scope of practice of the EMS provider.

“(2) “EMS” means emergency medical service.

“(3) “Practice pharmacies” means pharmacies that optimize health outcomes from drug and related treatments, research safe and effective drug use, and develop practices that maximize patient benefit from medications.

Sec. 3083. An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1957, and for other purposes, approved June 29, 1956 (70 Stat. 443; D.C. Official Code § 5-413), is amended as follows:

(a) The existing text is designated as paragraph (1).

(b) A new paragraph (2) is added to read as follows:

“(2) The Department shall:

“(A) Comply with the certification and preventative maintenance requirements of the National Fire Protection Association, NFPA 1911, 2012 edition, or any subsequent edition; and

“(B) Maintain qualifications of the Fleet Maintenance staff through organizational and manufacturing training in accordance with National Fire Protection Association, NFPA 1071, 2016 edition, or any subsequent edition.”.

Sec. 3084. The Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 9, 1983 (D.C. Law 4-172; codified in various sections of the District of Columbia Official Code), is amended by adding a section 7 to read as follows:

“Sec. 7. Emergency Vehicle Training Program.

“(a) The Chief of the Fire and Emergency Medical Services Department shall establish, in conjunction with the University of the District of Columbia Community College, a pilot civilian technical services program for the purpose of instructing, training, and exposing interested persons, primarily young adults residing in the District of Columbia, to the technical maintenance of the Fire and Emergency Medical Services Department (“Department”) apparatus and devices and the duties, tasks, and responsibilities of serving as an employee in the Field Infrastructure and Inventory Management programs within the Department. The Fire Chief shall establish performance measures for the program.

“(b) A person successfully completing the required training established pursuant to this section shall be accorded full preference for appointment as a civilian employee of the Metropolitan Police Department or of the Fire and Emergency Medical Services Department, if the person shall have met all other requirements pertaining to membership in the chosen Department.”

“(c) For the purposes of this section, the term “technical services” includes training courses that equip employees to provide emergency vehicle and facility maintenance, certification, and specialized network management services to the Department.”.

Sec. 3085. Section 401(a)(3) of the District of Columbia Police and Firemen's Salary Act of 1958, approved August 1, 1958 (72 Stat. 484; D.C. Official Code § 5-544.01(a)(3)), is amended by adding a new subsection (B-iii) to read as follows:

"(B-iii) Notwithstanding any other provision of this or any other law, each Assistant Fire Chief, Deputy Fire Chief and Battalion Fire Chief in active service of the Fire Department of the District of Columbia who has completed, or completes, 15 years of total service, 20 years of total service, 25 years of total service, and 30 years of total service shall receive, per annum, a service longevity payment paid at a rate of 5%, 10%, 15%, and 20%, respectively, of her or her annual rate of pay as prescribed in the Salary Schedule that he or she occupies.

Sec. 3086. Applicability.

Section 3082(a) shall expire on September 30, 2019.

**10. TITLE III, SUBTITLE I. EMERGENCY MEDICAL SERVICES
CONTRACT AUTHORITY ESTABLISHMENT.**

a. Purpose, Effect, and Impact on Existing Law

This subtitle would make permanent emergency and temporary legislation passed by the Council in 2015. The Committee strikes this subtitle due to the short window of time between which it was submitted to the Council in the Mayor's Errata Letter and the Committee's markup. The Committee is recommending inclusion of the subtitle in its proposed fire and emergency medical services reform subtitle (*see* #9, above) (Title III, Subtitle H), with amendments.

b. Committee Reasoning

The Committee strikes this subtitle, because it is duplicative of the Committee's revised Title III, Subtitle H.

c. Section-by-Section Analysis

d. Legislative Recommendations for Committee of the Whole

B. RECOMMENDATIONS FOR NEW BUDGET SUPPORT ACT SUBTITLES

The Committee on the Judiciary recommends the following new subtitles to be added to the “Fiscal Year 2017 Budget Support Act of 2016”:

1. Title --. Subtitle --. Subject to Appropriations Amendments264
2. Title --. Subtitle --. Fair Criminal Record Screening Rulemaking Authority Amendment 266
3. Title --. Subtitle --. Office of the Attorney General Personnel and Procurement Clarification Amendment.....267
4. Title --. Subtitle --. Prohibition on Government Employee Engagement in Political Activity Amendment 270
5. Title --. Subtitle--. Notification of Legal Matters Affecting the District Amendment272
6. Title --. Subtitle --. Attorney General Litigation Support Fund Amendment 275
7. Title --. Subtitle --. Signature Requirement Modification Amendment... 277
8. Title --. Subtitle --. Ballot Access Modernization Amendment 279
9. Title --. Subtitle --. Neighborhood Engagement Achieves Results Technical Clarification Amendment 284
10. Title --. Subtitle --. Special Police Officer Enhanced Security Training Amendment.286
11. Title --. Subtitle --. Expansion and Coordination of Youth Services Amendment.291
12. Title --. Subtitle --. Office of Unified Communications Training, CPR, and Modernization Amendment 295
13. Title --. Subtitle--. Criminal Code Reform Commission Amendment..... 311

1. TITLE --. SUBTITLE --. SUBJECT TO APPROPRIATIONS AMENDMENTS.

a. Purpose, Effect, and Impact on Existing Law

This subtitle would repeal subject to appropriations clauses from the Campaign Finance Reform and Transparency Amendment Act of 2013 and the Voter Registration Access and Modernization Amendment Act of 2014. The former took effect on January 31, 2015, and the cost of the latter was absorbed by the Board of Elections. There is no fiscal impact associated with this subtitle.

b. Committee Reasoning

See (a).

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. Repeals the subject to appropriations clause of the Campaign Finance Reform and Transparency Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-79; 61 DCR 153).

Sec. 3. Repeals the subject to appropriations clause of the Voter Registration Access and Modernization Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-158; 61 DCR 1073).

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Subject to Appropriations Amendment Act of 2016”.

Sec. 2. Section 3 of the Campaign Finance Reform and Transparency Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-79; 61 DCR 153), is amended to read as follows:

“Sec. 3. Applicability.

“This act shall apply as of January 31, 2015.”.

Sec. 3. Section 3 of the Voter Registration Access and Modernization Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-158; 61 DCR 1073), is repealed.

**2. TITLE --. SUBTITLE --. FAIR CRIMINAL RECORD SCREENING
RULEMAKING AUTHORITY AMENDMENT.**

a. Purpose, Effect, and Impact on Existing Law

This subtitle would provide the Office of Human Rights with rulemaking authority to implement the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341 *et seq.*).

b. Committee Reasoning

As stated above, this subtitle would provide the Office of Human Rights with rulemaking authority to implement the Fair Criminal Record Screening Amendment Act of 2014. The Office of Human Rights is the administrative enforcement authority for the law.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. Adds a new section 7 to the Fair Criminal Record Screening Amendment Act of 2014 to provide the Office of Human Rights with rulemaking authority to implement the provisions of the law.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Fair Criminal Record Screening Rulemaking Authority Amendment Act of 2016”.

Sec. 2. The Fair Criminal Record Screening Amendment Act, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341 *et seq.*), is amended by adding a new section 7 to read as follows:

“Sec. 7. Rulemaking authority.

“The Office of Human Rights shall issue rules and regulations to implement the provisions of this Act.”.

**3. TITLE --. SUBTITLE --. OFFICE OF THE ATTORNEY GENERAL
PERSONNEL AND PROCUREMENT CLARIFICATION AMENDMENT**

a. Purpose, Effect, and Impact on Existing Law

This subtitle would make permanent emergency and temporary legislation passed by the Council to provide the Office of the Attorney General with the authority to issue rules and regulations to (1) implement certain titles of the District of Government Comprehensive Merit Personnel Act of 1978 for employees under his or her jurisdiction, and (2) government the procurement of goods and services for his or her Office.

b. Committee Reasoning

On December 15, 2015, the Council passed the “Office of the Attorney General Personnel and Procurement Clarification Emergency Amendment Act of 2015”, effective January 6, 2016 (D.C. Act 21-254; 63 DCR 518). This measure expired on April 5, 2016. On January 5, 2016, the Council passed identical temporary legislation, the “Office of the Attorney General Personnel and Procurement Clarification Temporary Amendment Act of 2015”, effective March 23, 2016 (D.C. Law 21-91; 63 DCR 5919), which will expire on November 3, 2016. The permanent version of the legislation, Bill 21-0526, was referred to this Committee. This subtitle makes only technical changes to the permanent bill.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. Amends Section 404 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the Attorney General to issue rules and regulations to implement titles VII, VIII, IX, IX-A, XI, XII, XIII, XIII-A, XIV-A, XVI-A, XVII, XIX, XXIV, XXVII, and XXXI of the Act for employees under his or her jurisdiction.

Sec. 3. Amends Section 108(b) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to authorize the Attorney General to issue rules to govern the procurement of goods and services for his or her Office.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Office of the Attorney General Personnel and Procurement Clarification Amendment Act of 2016”.

Sec. 2. Section 404 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 § 1-604.04), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) The Attorney General shall issue rules and regulations to implement the provisions of titles VII, VIII, IX, IX-A, XI, XII, XIII, XIII-A, XIV-A, XVI-A, XVII, XIX, XXIV, XXVII, and XXXI of this act for employees under the jurisdiction of the Attorney General.

“(2) The rules and regulations promulgated pursuant to subsection (a) of this section shall apply to employees under the jurisdiction of the Attorney General unless the Attorney General has issued a superseding rule or regulation.”.

Sec. 3. Section 108b of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88b), is amended as follows:

(a) Designate the existing text as subsection (a).

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

“(b)(1) The Attorney General shall issue rules to govern the procurement of goods and services for the Office of the Attorney General.

“(2) The rules promulgated pursuant to section 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 1-371; D.C. Official Code § 2-361.06), shall apply to procurement of goods and services for the Office of

the Attorney General unless the Attorney General has issued a superseding rule or regulation.”.

**4. TITLE --. SUBTITLE --. PROHIBITION ON GOVERNMENT
EMPLOYEE ENGAGEMENT IN POLITICAL ACTIVITY
AMENDMENT.**

a. **Purpose, Effect, and Impact on Existing Law**

This subtitle amends the Prohibition on Government Employee Engagement in Political Activity Act of 2010 to authorize the Attorney General to designate one employee while on leave to knowingly solicit, accept, or receive a political contribution from any person, except if the employee has filed as a candidate for political office.

b. **Committee Reasoning**

This subtitle was proposed by the Office of the Attorney General. Current law only provides that the Mayor and Councilmembers may designate one employee while on leave to perform the functions listed under D.C. Code § 1-1171.02(a)(2). This subtitle adds the Attorney General to the list of elected officials authorized to do so. The subtitle additionally requires the Attorney General to designate the employee in writing to the Secretary of the District of Columbia and authorizes the Attorney General to issue standards of conduct implementing the subsection.

c. **Section-by-Section Analysis**

Sec. XXXX. States the short title.

Sec. 2. Amends the Prohibition on Government Employee Engagement in Political Activity Act of 2010 to include the Attorney General in the list of elected officials who are allowed to designate one employee while on leave to knowingly solicit, accept or receive a political contribution from any person, except if the employee has filed as a candidate for political office.

d. **Legislative Recommendations for Committee of the Whole**

Sec. XXXX. Short title.

This subtitle may be cited as the “Prohibition on Government Employee Engagement in Political Activity Amendment Act of 2016”.

Sec. 2. Section 3(b) of the Prohibition on Government Employee Engagement in Political Activity Act of 2010, effective March 31, 2011 (D.C. Law 18-335; D.C. Official Code § 1-1171.02(b)), is amended as follows:

(a) The lead-in language is amended by striking the word “Mayor” and inserting the phrase “Mayor, the Attorney General,” in its place.

(b) Paragraph (2) is amended to read as follows:

“(2) Any designation pursuant to this subsection shall be made in writing by the Mayor and the Attorney General to the Secretary of the District of Columbia and by any member of the Council to the Secretary to the Council;”.

(c) Paragraph (4) is amended by striking the word “Mayor” and inserting the phrase “Mayor, the Attorney General,” in its place.

**5. TITLE --. SUBTITLE --. NOTIFICATION OF LEGAL MATTERS
AFFECTING THE DISTRICT AMENDMENT.**

a. Purpose, Effect, and Impact on Existing Law

This subtitle requires that the Office of the Attorney General be notified of lawsuits and proceedings involving independent agencies of the District government that concern: (1) the legality of a District or federal statute or regulation; (2) the constitutionality of a final agency decision or any action taken by the independent agency; or (3) the statutory authority of the independent agency to act.

b. Committee Reasoning

D.C. Code § 1-301.81(a)(1) provides that the Office of the Attorney General “shall have charge and conduct of all law business of the said District and all suits instituted by and against the government thereof....The Attorney General shall have the power to control litigation and appeals, as well as the power to intervene in legal proceedings on behalf of this public interest.” It is difficult for the Attorney General to defend the District’s interests when it is unaware of litigation initiated by or against District agencies.

This subtitle requires notice to – and not consultation with – the Office of any judicial or administrative proceeding in which the independent agency is a named party or before commencing or filing a pleading seeking leave to participate as a party or *amicus curiae* in a judicial or administrative proceeding, but only under certain conditions.

c. Section-by-Section Analysis

Sec. XXXX States the short title.

Sec. 2. Defines “agency” and “independent agency”; requires independent agencies to notify the Office of the Attorney General of any judicial or administrative proceeding in which the independent agency is a named party under certain conditions; additionally requires notice before commencing or filing a pleading seeking leave to participate as a party or *amicus curiae* in a judicial or administrative proceeding under certain conditions.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Notification of Legal Matters Affecting the District of Columbia Act of 2016”.

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 by adding a new subsection § 112 to read as follows:

“Sec. 112. Notification to the Attorney General.

“(a) For the purposes of this act:

“(1) “Independent agency” means any agency of the government of the District with respect to which the Mayor and the Council are not authorized by law to establish administrative procedures, and any agency that is not represented by the Attorney General in a judicial or administrative proceeding in which the agency is participating as a named party or *amicus curiae*. The term “independent agency” does not include the District of Columbia Superior Court or the Court of Appeals for the District of Columbia.

“(b) An independent agency shall notify the Attorney General of any judicial or administrative proceeding in which the independent agency is a named party when the judicial or administrative proceeding includes a challenge to:

“(1) The legality of a District or federal statute or regulation;

“(2) The constitutionality of a final agency decision or any action taken by the independent agency; or

“(3) The statutory authority of the independent agency to act.

“(c) An independent agency shall provide the notice to the Attorney General required by subsection (b) of this section as early as practicable to enable the Attorney General to evaluate the need for his or her participation in the proceeding, but in no event later than:

“(1) Seven business days after receiving notice of the judicial or administrative proceeding; or

“(2) If a challenge or potential challenge requiring notice under subsection (b) of this section arises during the course of a judicial or administrative proceeding, 3 business days after becoming aware of the challenge or potential challenge.

“(d) An independent agency shall notify the Attorney General before commencing, or filing a pleading seeking leave to participate as a party or *amicus curiae*, in a judicial or administrative proceeding that includes a challenge to:

“(1) The legality of a District or federal statute or regulation;

“(2) The constitutionality of a final agency decision or any action taken by the independent agency; or

“(3) The statutory authority of the independent agency to act.

“(e) An independent agency shall provide the notice to the Attorney General required by subsection (d) of this section within 3 business days after determining that it intends to commence, or seek leave to participate as a party or *amicus curiae* in, a judicial or administrative proceeding, and prior to filing a pleading in any such matter.”.

**6. TITLE --. SUBTITLE --. ATTORNEY GENERAL LITIGATION
SUPPORT FUND AMENDMENT.**

a. Purpose, Effect, and Impact on Existing Law

This subtitle would amend Section 106b(d)(3) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b(d)(3)), to raise the monetary cap on the Office of the Attorney General's Litigation Support Fund from \$1.5 million to \$5 million. The Fund is used for the purpose of supporting general litigation expenses associated with prosecuting or defending litigation cases on behalf of the District. Monies in the Fund come from any recoveries from claims or litigation brought by the Office on behalf of the District.

b. Committee Reasoning

In Title I, Subtitle D, of the "Fiscal Year 2016 Budget Support Act of 2015", the Council created the Litigation Support Fund to assist the Office of the Attorney General with litigation expenses. The intent behind the creation of the subtitle was to support the Office as it litigates larger cases that require significant expenditures in expert witnesses and related outlays. This Committee initially proposed a fund with a cap of \$10 million and a broader purpose to include consumer protection; the Committee of the Whole modified the Fund to its current structure.

On average, the Office has 20,000 legal matters pending in its 10 legal divisions, some of which are major multi-jurisdictional cases. The Committee supports the Office's commitment to joining with other states to vindicate the rights of District residents and believes that it must be armed with the legal support to do so. Accordingly, the Committee recommends inclusion of this subtitle, as proposed by the Attorney General, with amendments.

The Committee expands the Fund to the requested \$5 million. The Office currently has \$134,232 in commitments from the Fund and intends to use the remainder of the \$406,422 currently available by the end of the fiscal year. It has not yet "hit" the cap of \$1.5 million. The Committee therefore increases the cap from \$1.5 million to \$5 million. However, the Committee declines to allow the Office to have \$5 million in the Fund *at the end of the fiscal year*; this revolving cap would eviscerate the intention behind a cap, as the Office could deposit \$5 million in the Fund, use it all in one month, and then do the same the next month. Lastly, the Committee declines to expand the purpose of the Fund to include consumer protection education and outreach; the full Council indicated in the last budget that it did not have the appetite for more than litigation expenses, and in any event, in the Fiscal Year 2017 budget, the Office will have a new Office of Consumer Protection with 10 FTEs for this purpose.

c. Section-by-Section Analysis

Sec. XXXX States the short title.

Sec. 2. Raises the monetary cap on the Litigation Support Fund from \$1.5 million to \$5 million.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Attorney General Litigation Support Fund Amendment Act of 2016”.

Sec. 2. Section 106b(d)(3) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b(d)(3)), is amended by striking the phrase “\$1.5 million” both times it appears and inserting the phrase “\$5 million” in its place.

**7. TITLE --. SUBTITLE --. SIGNATURE REQUIREMENT
MODIFICATION AMENDMENT.**

a. **Purpose, Effect, and Impact on Existing Law**

This subtitle amends Chapter 16 (Candidate Nomination) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR) by repealing 3 DCMR § 1603.8. This subsection provides that the maximum number of signatures that the Board of Elections will accept for filing with respect to the offices of Delegate, Mayor, Attorney General, Councilmember, U.S. Senator, U.S. Representative, Member of the State Board of Education, or Advisory Neighborhood Commissioner, is two times the minimum number of signatures as required for that office.

b. **Committee Reasoning**

The Board of Elections has not demonstrated that removal of the signature cap will place an administrative burden on the agency. Signatures are not validated until after they are challenged.²⁹⁶ Once challenged, the Board counts the signatures starting from the first page of the submitted petition until it reaches the artificial cap of twice the minimum amount of signatures required.²⁹⁷ Thus, the Board does not review or count the remaining signatures after the cap despite the fact that the remaining signatures could help a candidate achieve ballot access.²⁹⁸ The effect of the cap could be to disqualify a candidate who could have submitted the required number of valid signatures but for the cap.

c. **Section-by-Section Analysis**

Sec. XXXX. Short title.

Sec. 2. This section repeals 3 DCMR § 1603.8.

d. **Legislative Recommendations for Committee of the Whole**

Sec. XXXX. Short title.

This subtitle may be cited as the “Signature Requirement Modification Amendment Act of 2016”.

²⁹⁶ 3 DCMR §§ 1603, 1607.

²⁹⁷ 3 DCMR § 1603.8.

²⁹⁸ *Id.*

Sec. 2. Subsection 1603.8 of Chapter 16 of Title 3 of the District of Columbia

Municipal Regulations is repealed.

8. TITLE --. SUBTITLE --. BALLOT ACCESS MODERNIZATION AMENDMENT.

a. **Purpose, Effect, and Impact on Existing Law**

This subtitle amends the District of Columbia Election Code of 1955 to allow the collection of electronic signatures for candidate nominations, referenda, initiatives, and recalls. The subtitle authorizes the Board of Elections to create rules and procedures to implement a mobile application to be used on mobile devices for the public to collect electronic signatures.

b. **Committee Reasoning**

This subtitle implements Bill 21-0193, the “Ballot Access Modernization Amendment Act of 2015”, introduced on May 5, 2015, by Councilmember Charles Allen with Councilmembers Grosso, Bonds, Silverman, Orange, and Chairman Mendelson co-introducing. The subtitle requires the Board of Elections to implement a mobile application petition pilot program that will allow the use of mobile devices, such as tablet computers, as a means to collect electronic signatures needed for a candidate, initiative, referendum, or recall in order to obtain ballot access. The Office of the Chief Financial Officer estimates that the fiscal impact for this subtitle is \$30,000. The Committee increased the Board’s proposed budget to incorporate the cost. The Committee is strongly in support of such technological improvements in the area of elections policy.

The Committee held a hearing on the bill on January 14, 2016.²⁹⁹ Testimony was generally favorable, and supporters included FairVote, the American Civil Liberties Union of the Nation’s Capital, D.C. Young Democrats, D.C. for Democracy, and the League of Women Voters.³⁰⁰ A mobile application to assist in collecting electronic signatures is projected to have significant operational and efficiency savings for the Board. Immediate access to the Board’s voter rolls will allow petition circulators to instantly confirm they are receiving a valid signature, thereby allowing petition circulators to work more efficiently by eliminating the risk they may be collecting an invalid signature.

Denver, Colorado, piloted its own mobile application petition program on May 5, 2015.³⁰¹ The Board’s Interim Director testified that during Denver’s Municipal

²⁹⁹ Committee on the Judiciary Public Hearing on Bill 21-0193, the “Ballot Access Modernization Amendment Act of 2015” (Jan. 14, 2016), http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=3013.

³⁰⁰ *Id.*, testimony available at <http://lims.dccouncil.us/Download/33765/B21-0193-HearingRecord1.pdf>.

³⁰¹ Amber F. McReynolds, Office of the Clerk and Recorder, Elections Division, City and County of Denver, CO, *2015 Professional Practices Program, Connecting Customers to Data: eSign – Electronic*

General Election, 20% of the campaigns used the mobile application petition, and 97% of signatures collected with the mobile application petition were accepted, whereas only 70% of the signatures on paper petitions were accepted.³⁰² Furthermore, more than half of the campaigns in Denver that used paper petitions had to submit their petitions at least twice due to an insufficient number of valid signatures, while those that used mobile application petition did not have to resubmit.

The Board of Elections determined that the rejection rate for signatures submitted on challenged nominating petitions during the 2014 Primary Election was 30.66%; 34.91% for the 2014 General Election; 44.98% for the 2014 Special Election; and 30.09% for the 2015 Special Election. The mobile application will likely significantly reduce these rejection rates. The Board testified that because the mobile application would interface with the Board's voter registration database, which will allow petition circulators to confirm a potential signer is registered and eligible to sign, there would be less potential for the appearance of fraudulent or otherwise invalid signatures and greater confidence that submitted signatures are legitimate.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. Defines and allows the use of a mobile application to collect signatures for nominating petitions, initiatives, referenda, and recalls.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. This subtitle may be cited as the "Ballot Access Modernization Amendment Act of 2016".

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding new paragraphs (29) and (30) to read as follows:

Signature Image Gathering Network, https://electioncenter.org/publications/2015PPP/Denver_CO-eSign.pdf.

³⁰² Pew Charitable Trusts, *Denver eSign Application Demonstrates Another Benefit of Online Voter Registration*, <http://www.pewtrusts.org/en/research-and-analysis/analysis/2015/06/23/denver-esign-application-demonstrates-another-benefit-of-online-voter-registration>.

“(29) “Mobile application” means specialized software, designed for a mobile device, in which electronic signatures are collected for electronic petitions.

“(30) “Mobile device” means a handheld, portable, wireless computing device, including a tablet computer or mobile phone.

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended as follows:

(1) Paragraph (17) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (18) is amended by striking the period and adding the phrase “; and” in its place.

(3) New paragraphs (19) and (20) are added to read as follows:

“(19)(A) No later than October 1, 2017, the Board shall:

“(i) Issue rules to implement the use of a mobile application, including how to register a mobile device with the Board in order to utilize the mobile application, for all subsequent elections.

“(ii) Implement a pilot program that allows a limited number, as determined by the Board, of candidates, qualified petition circulators, and proposers with the option to use a mobile application, in addition to the paper circulation process, to gather electronic signatures on a mobile device registered with the Board for the June 2018 Primary Election;

“(B) For the November 2018 General Election, and all subsequent elections, the Board shall make a mobile application available to all candidates,

qualified petition circulators, and proposers to install on a mobile device registered with the Board;

“(C) The mobile application shall:

“(i) Connect the user to the Board’s computerized voter registration list to immediately confirm that a petition signer is a registered qualified elector;

“(ii) Maintain an up-to-date count of the number of electronic signatures collected; and

“(iii) Allow signed petitions to be printed out for submission to the Board.

“(D) The Board shall require signed petitions from the mobile application to be printed out and submitted to the Board.

“(E) The Board may provide a mobile device to a candidate, qualified petition circulator, and proposer to utilize a mobile application and may charge a reasonable refundable deposit for the use of the mobile device.”.

(c) Section 16(g) (D.C. Official Code § 1-1001.16(g)) is amended by striking the phrase “same size as the original.” and inserting the phrase “same size as the original or shall utilize the mobile application made available under section 5(20).” in its place.

(d) Section 17(e) (D.C. Official Code § 1-1001.17(e)) is amended by striking the phrase “The proponent shall print from the original blank petition sheets on white paper of good writing quality of the same size as the original. Each recall petition

sheet shall be double sided and consist of numbered lines for 20 names and signatures with residence address (street numbers), and, where applicable, the ward numbers, and shall have printed on it the following:” and inserting “The proponent shall print from the original blank petition sheets on white paper of good writing quality of the same size as the original or utilize the mobile application made available under section 5(20).” in its place.

**9. TITLE --. SUBTITLE --. NEIGHBORHOOD ENGAGEMENT
ACHIEVES RESULTS TECHNICAL CLARIFICATIONS
AMENDMENT.**

a. Purpose, Effect, and Impact on Existing Law

This subtitle makes two clarifying changes to the Neighborhood Engagement Achieves Results Amendment Act of 2016, enacted on March 26, 2016 (D.C. Act 21-356; 63 DCR 4659). First, the subtitle amends Section 102(c) to clarify that the annual report of the Office of Neighborhood Safety and Engagement (ONSE) is not exempt from the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.). The current protections for personally identifying information in the section are sufficient to protect participants. The cross-reference to the District’s FOIA was inadvertent.

Second, the subtitle amends Section 301 (amending 18 DCMR § 2213.1) to provide that no person shall drive a vehicle with any object in any position that obstructs a significant portion of the view of the driver to the *front or sides* of the vehicle, or interferes with the driver’s control over the driving mechanism of the vehicle. Insertion of the word “back” in this section mistakenly created a violation that had not previously been unlawful. The amended regulation will effectuate the section’s intent to guard against pre-textual stops of drivers.

b. Committee Reasoning

See (a).

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. Amends Section 102(c) of the Neighborhood Engagement Achieves Results Amendment Act of 2016, enacted on March 26, 2016 (D.C. Act 21-356; 63 DCR 4659), to clarify that the annual report of the Office of Neighborhood Safety and Engagement (ONSE) is not exempt from the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.).

Sec. 3. Amends 18 DCMR § 2213.1 to provide that no person shall drive a vehicle with any object in any position that obstructs a significant portion of the view of the driver to the front or sides of the vehicle, or interferes with the driver’s control over the driving mechanism of the vehicle.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Neighborhood Engagement Achieves Results Technical Clarifications Amendment Act of 2016”.

Sec. 2. Section 102(c) of the Neighborhood Engagement Achieves Results Amendment Act of 2016, enacted on March 26, 2016 (D.C. Act 21-356; 63 DCR 4659), is amended to read as follows:

“(c) Beginning on January 31, 2017, and by January 31 of each year thereafter, the ONSE shall provide a report to the Council that excludes personally identifying information and includes the following information from the reporting period and in the aggregate:

“(1) The number of individuals successfully recruited and engaged;

“(2) The duration of individuals’ participation;

“(3) The status of participants’ progress; and

“(4) The participants’ age, race or ethnicity, gender, and ward of residence”.”

Sec. 3. Section 2213.1 of Title 18 of the District of Columbia Municipal Regulations is amended by striking the phrase “front, sides, or back of the vehicle” and inserting the phrase “front or sides of the vehicle” in its place.

10. TITLE --. SUBTITLE --. SPECIAL POLICE OFFICER ENHANCED SECURITY TRAINING AMENDMENT.

a. **Purpose, Effect, and Impact on Existing Law**

On December 15, 2015, the Committee on the Judiciary introduced Bill 21-0529, the “Special Police Officer Enhanced Amendment Act of 2015”. This subtitle incorporates the special police officer training requirements from the bill and increases the training requirements by requiring an additional eight hours of training on arrest powers, search and seizure laws, relevant provisions of the D.C. Code, and the use of force. It also requires thirty-two hours of training on de-escalation procedures, recognizing and preventing biased-based policing, police interactions with individuals with disabilities and behavioral or mental health issues, community policing, and linguistic and cultural competency. Finally, the subtitle requires the Metropolitan Police Department (MPD) to deliver an annual report to the Mayor and Council that includes: (1) the number of commissions issued by election ward and licensing agency; (2) the number of commissions revoked; (3) the reasons for revocation of commissions; (4) the date, location, and results of site inspections conducted by the Security Officers Management Branch of MPD; (5) the mandated training curriculum for special police officers; and (6) the name and credentials for certified curriculum instructors.

b. **Committee Reasoning**

Two years ago, the Department of Consumer and Regulatory Affairs/Occupational and Professional Licensing Administration (DCRA/OPLA) assumed the Special Police Officers (SPO) and Security Officers (SO) license issuance process for the Security Officers Management Branch (SOMB) of the Metropolitan Police Department. With more than 120 private security companies in the District, the Committee believes that establishing additional oversight through training is essential to the protection of District residents and visitors and for officer safety, as well. Special police officers can do their jobs more effectively when given adequate training that is tailored to community needs. Additional training provides a preventative, rather than reactionary, approach to improving public safety. The SOMB conducts site inspections of SPOs and SOs working on private property in the District of Columbia. While these inspections ensure that SPOs and SPOs are in compliance with established regulations related to uniforms and equipment safety, they do not capture data on disciplinary action and revocation of commissions.³⁰³

³⁰³ See, MPD’s Submitted Performance Oversight Responses, located at [http://dccouncil.us/SUBMITTED_Pre-Hearing Questions 2016 MPD %28%2Battachments%29 02 19 16 1630 hours.pdf](http://dccouncil.us/SUBMITTED_Pre-Hearing_Questions_2016_MPD_%28%2Battachments%29_02_19_16_1630_hours.pdf).

Last year, there were several reported incidents in the District of Columbia relating to the improper use of force by special police officers.³⁰⁴ As a result, the Committee’s proposed subtitle recommends additional training requirements for special police officers, some of which were approved for sworn officers by the Council in Section 207 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, enacted on March 26, 2016 (D.C. Act 21-356; 63 DCR 4659).

<i>Training Subject</i>	<i>Current Requirement</i>	<i>Subtitle’s Requirement</i>
Arrest powers	Part of 16-hour pre-assignment training	Part of 24-hour pre-assignment training
Search and seizure laws	Part of 16-hour pre-assignment training	Part of 24-hour pre-assignment training
District of Columbia Official Code	Part of 16-hour pre-assignment training	Part of 24-hour pre-assignment training
Use of force	Part of 16-hour pre-assignment training	Part of 24-hour pre-assignment training
Terrorism awareness, including building evacuation, unattended packages, and unknown substances	Part of 24-hour additional pre-assignment training	Part of 32-hour additional pre-assignment training
Emergency procedures, including evacuation and first-aid	Part of 24-hour additional pre-assignment training	Part of 32-hour additional pre-assignment training
Customer service and interaction with tourists	Part of 24-hour additional pre-assignment training	Part of 32-hour additional pre-assignment training
De-escalation procedures	<i>No requirement</i>	Part of 32-hour additional pre-assignment training
Recognizing and preventing biased-based policing	<i>No requirement</i>	Part of 32-hour additional pre-assignment training
Police interaction with persons with mental illness as defined in D.C. Official Code § 7-1131.02(24)(A)-(B)	<i>No requirement</i>	Part of 32-hour additional pre-assignment training
Police interaction with persons with substance abuse conditions as defined in D.C. Official Code § 7-1141.01(8)	<i>No requirement</i>	Part of 32-hour additional pre-assignment training
Community policing	<i>No requirement</i>	Part of 32-hour additional pre-assignment training
Linguistic and cultural competency	<i>No requirement</i>	Part of 32-hour additional pre-assignment training

The Committee has been apprised of forthcoming updates to the regulations relating to special police officer training, but they have not yet been published and no date has been provided by the Executive.

³⁰⁴ See, <http://www.washingtontimes.com/news/2015/dec/14/death-alonzo-smith-teachers-aide-ruled-homicide-dc/>; https://www.washingtonpost.com/local/public-safety/man-who-died-after-struggling-with-hospital-guards-broke-vertebrae/2015/10/06/e6a00c26-6c57-11e5-9bfe-e59f5e244f92_story.html.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. (a) Requires twenty-four hours of training for special police officers on arrest powers, search and seizure laws, the District of Columbia Official Code, and the use of force.

(b) Requires that pre-assignment training shall include an additional thirty-two hours of training relating to additional special police officer duties on terrorism awareness, including building evacuation, unattended packages, and unknown substances; emergency procedures, including evacuation and first-aid; and customer service and interaction with tourists.

(c) Technical.

(d) Technical.

(e) Adds new 32-hour training requirement relating to de-escalation procedures; recognizing and preventing biased-based policing; police interaction with persons with mental illness as defined in D.C. Official Code § 7-1131.02(24)(A)-(B); police interaction with persons with substance abuse conditions as defined in D.C. Official Code § 7-1141.01(8); community policing; and linguistic and cultural competency.

Sec. 3. Requires the Metropolitan Police Department to submit an annual report by March 31 on the commission issuances and revocations of special police officers, training curriculum for special police officers, and credentialing of training instructors.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Special Police Officer Enhanced Training Amendment Act of 2016”.

Sec. 2. Section 1100.7(g) of Chapter 11 of Title 6-A of the District of Columbia Municipal Regulations (6A DCMR § 1100.7(g)) is amended as follows:

(a) Strike the phrase “sixteen (16) hours” and insert the phrase “twenty-four (24) hours” in its place.

(b) Strike the phrase “additional twenty-four (24) hours and insert the phrase “additional thirty-two (32) hours” in its place.

(c) Paragraph (2) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(d) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

(e) New paragraphs (4), (5), (6), (7), (8), and (9) are added to read as follows:

“(4) De-escalation procedures;

“(5) Recognizing and preventing biased-based policing;

“(6) Police interaction with persons with mental illness as defined in D.C. Official Code § 7-1131.02(24)(A)-(B);

“(7) Police interaction with persons with substance abuse conditions as defined in D.C. Official Code § 7-1141.01(8);

“(8) Community policing; and

“(9) Linguistic and cultural competency.”

Sec. 3. Special police officers; reporting requirements.

(a) By March 31 of each year, the Metropolitan Police Department shall submit a report to the Mayor and the Council concerning special police officers that includes:

(1) The total number of commissions issued to special police officers by ward and licensing agency pursuant to 6-A DCMR § 1101 *et seq.*;

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(2) The total number of special police officer commissions revoked;

(3) The reasons for revocation of commissions under paragraph (2) of this subsection;

(4) The date, location, and results of site inspections of special police officers conducted by the Security Officers Management Branch of the Metropolitan Police Department;

(5) The mandated training curriculum for special police officers; and

(6) The name and credentials for certified curriculum instructors.

**11. TITLE --. SUBTITLE --. EXPANSION AND COORDINATION OF
YOUTH SERVICES.**

a. Purpose, Effect, and Impact on Existing Law

This subtitle establishes a Youth Services Coordination Task Force within the Office of the Deputy Mayor for Health and Human Services to study and report on the potential establishment of a single network of service providers for District youth.

b. Committee Reasoning

Youth services in the District of Columbia suffer from a lack of coordination. Numerous agencies contract with non-profit and community organizations to provide similar services to overlapping populations. Each agency establishes its own funding requirements, reporting requirements, and performance measurements. This system increases costs for the District government and increases administrative burdens for service providers. Furthermore, the continuity and coordination of services is impacted when youth transition between youth-serving agencies or leave the care of an agency.

This overall lack of coordination is being exacerbated by two factors. First, the number of youth committed to the care of the Department of Youth Rehabilitation Services and the Child and Family Services Agency has been declining, while the demand for services for youth in the community has grown. Second, the dissolution of the Children and Youth Investment Trust Corporation will likely further decentralize the provision of youth services.

The Committee therefore recommends the establishment of a task force within the Office of the Deputy Mayor for Health and Human Services to study whether a single network of service providers would better provide family counseling, family support services, vocational training, subsidized work experiences, substance abuse counseling and recovery assistance, mentoring, tutoring, GED preparation, community service opportunities, and recreational activities to youth. The Task Force would also study whether existing District-owned facilities can serve as hubs for youth services in each Ward of the city.

The Task Force would include the agencies under the purview of the Deputy Mayor for Health and Human Services, as well as representatives from the Council's Committees on Health and Human Services and the Judiciary, with the potential for the Mayor to include additional youth-serving agencies as she deems appropriate. The subtitle calls on the Task Force to issue a report within six months of its formation detailing its findings and recommendations.

The Department of Youth Rehabilitation Services currently operates D.C. YouthLink, which might serve as a model for how an inter-agency service coalition might be established. The Department provides a broad range of community-based services to youth pursuant to Individualized Success Plans. These services are provided by a coalition of service providers, often at one of the two Achievement Centers operated by the agency. The model, which is currently undergoing some necessary administrative restructuring, has nonetheless received positive reviews from many of the young people it serves. In fact, parents and young people have testified before the Committee to request that non-committed youth and their families may be allowed to take advantage of the YouthLink program, which the Committee finds disheartening.

The YouthLink model, however, has suffered from administrative inefficiencies, a lack of diversity and individualization in programming, and instability in part due to the declining population of youth served. These issues might be alleviated if YouthLink were incorporated into an inter-agency youth service coalition. The Task Force would be well positioned to study these issues in greater depth before providing recommendations.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. Establishes a Youth Services Coordination Task Force within the Office of the Deputy Mayor for Health and Human Services; establishes the composition of the Task Force; requires the Task Force to report on its findings and recommendations.

Sec. 3. Provides for administrative support and appropriations for the Task Force.

Sec. 4. Establishes a sunset provision for the Task Force.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Expansion and Coordination of Youth Services Act of 2016”.

Sec. 2. Establishment and purpose.

(a) There is established a Youth Services Coordination Task Force (“Task Force”) within the Office of the Deputy Mayor for Health and Human Services, for the purpose of studying the establishment of a single network of service providers for District youth that can provide family counseling, family support services, vocational training, subsidized work experiences, substance abuse counseling and recovery assistance, mentoring, tutoring, GED preparation, community service opportunities, and recreational activities to youth pursuant to Individualized Success Plans developed by each agency.

(b) The Task Force shall consist of the following persons or their designees:

- (1) The Deputy Mayor for Health and Human Services;
- (2) The Director of the Child and Family Service Agency;
- (3) The Director of the Department of Behavioral Health;
- (4) The Director of the Department of Disability Services;
- (5) The Director of the Department of Health;
- (6) The Director of the Department of Human Services;
- (7) The Director of the Department of Youth Rehabilitation Services;
- (8) The Chairperson of the Council Committee with jurisdiction over the Department of Youth Rehabilitation Services;
- (9) The Chairperson of the Council Committee with jurisdiction over the Department of Health; and
- (10) Two representatives from District youth-serving non-profits, as chosen by the Mayor.

(c) The Task Force may, at the discretion of the Mayor, include the Directors of other youth-serving District agencies, or their designees.

(d) The Task Force shall elect a chairperson by a majority vote of the members.

(e) No later than 6 months after the effective date of this subtitle, the Task Force shall provide a report to the Mayor, the Council, and the public that includes:

(1) Findings and recommendations on how best to establish a single network of service providers, with unified grant-making procedures and reporting requirements, for youth currently served by the Child and Family Services Agency, the Department of Behavioral Health, the Department of Health, the Department of Human Services, the Department of Youth Rehabilitation Services, and other District youth-serving agencies, as deemed appropriate by the Task Force; and

(2) Findings and recommendations on the feasibility of providing the services described in subsection (a) of this section in centralized District-owned facilities in each Ward.

Sec. 3. Administration and appropriations.

(a) The Office of the Deputy Mayor for Health and Human Services shall provide facilities and other administrative support for the Task Force.

(b) There are authorized to be appropriated from the general revenues of the District funds necessary to carry out the purposes of this subtitle.

Sec. 4. Sunset.

This subtitle shall expire on October 1, 2018.

12. TITLE --. SUBTITLE --. OFFICE OF UNIFIED COMMUNICATIONS TRAINING, CPR, AND MODERNIZATION AMENDMENT.

a. **Purpose, Effect, and Impact on Existing Law**

This subtitle represents a comprehensive approach to emergency medical services within public safety agencies. The subtitle makes five major reforms:

1. Requires OUC to implement a robust training and stress management program for telecommunicators (call-takers and dispatchers);
2. Requires OUC to implement an electronic application that notifies CPR-trained users that someone is in cardiac arrest nearby, enables trained users to respond to the a victim with CPR, and pinpoints the location of the nearest AED;
3. Requires OUC and FEMS to cross-train so that each telecommunicator and FEMS provider can work effectively to improve their response to service;
4. Requires FEMS to CPR train government employees, residents, and DCPS and DCPCS students, teachers and athletic directors; and
5. Requires that AEDs are within all schools.

b. **Committee Reasoning**

Bill 21-0290, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2015”, was introduced by Councilmember McDuffie and Councilmember Brianne Nadeau on June 30, 2015. As introduced, the bill requires the following:

1. Metropolitan Police Department officers and Fire and Emergency Medical Services Department firefighters and emergency medical service providers to complete joint training classes with OUC call-takers and dispatchers;
2. OUC to provide continuing education classes, training and certification on an annual basis in accordance with national recommendations;
3. OUC to implement a smartphone application that can alert and summons citizens trained in cardiopulmonary resuscitation (CPR) to begin resuscitation efforts while medical services providers are en route to an emergency event; and

4. OUC and the Fire and Emergency Medical Services Department to conduct a resident District-wide CPR training program for District students, employees and residents.³⁰⁵

The phone application would “use a smartphone app to alert people trained and certified in CPR that someone nearby is going into cardiac arrest.”³⁰⁶ The application also permits a resident trained in CPR to arrive and treat a victim of cardiac arrest before medical professionals. Studies show that this type of assistance increases the chances of a victim’s survival.³⁰⁷

The bill also requires CPR training, not only of government employees, and school-aged children, but also for OUC call-takers and dispatchers. During Fiscal Year 2015, some call-takers and dispatchers indicated anonymously that their training on tele-CPR needed improvement. The bill was therefore introduced to address this gap in training. The Committee is pleased that prior to the bill’s implementation, OUC conducted a CPR training course.

In researching the legislation, the Committee inquired about the deficiencies in the OUC training program. OUC provided the following list of requests:

1. The need for a full-time dedicated training staff within the agency. Full time training staff (on and off the floor) would increase agency outcomes, such as the creation and customization of curricula, hands-on training, and the development of manuals and guides.
2. Ability to provide a more robust remedial training program for 311 and 911 employees who are returning to work after leaves of absence or who may require specialized or customized training programs to build or enhance required skills.”³⁰⁸

The Committee also confirmed that “the agency itself is not nationally certified, however, our 911 employees are Nationally Certified as Emergency Dispatchers. In Fiscal Year 2014, the agency began the process of becoming certified by the Association of Public Safety Communicators Officials (APCO) under the APCO

³⁰⁵ Bill 21-0290, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2015”, introduced by Councilmember McDuffie on June 30, 2015, <http://lims.dccouncil.us/Download/34175/B21-0290-Introduction.pdf> .

³⁰⁶ See Alexander Howard, *D.C. Development: App Saves Lives By Connecting People With CPR Training To Cardiac Arrest Victims*, The Huffington Post (Oct 10, 2015), http://www.huffingtonpost.com/entry/pulsepoint-app-cpr-cardiac-arrest_us_5616d199e4b0e66ad4c70d43.

³⁰⁷ *Id.* See also American Heart Association News *Mobile phones should be used to speed help to cardiac arrest victims, guidelines say*, American Heart Association, (Oct. 16, 2015) <http://news.heart.org/mobile-phones-should-be-used-to-speed-help-to-cardiac-arrest-victims-guidelines-say/>.

³⁰⁸ *Supra* note 1.

– P33 Training Program Certification.”³⁰⁹ While national certification is on the horizon, as the telecommunicators have been trained according to APCO, this particular certification is only one element of a robust training program.

Bill 21-0290 prioritizes training. During the hearing on the bill, one witness testified that,

During the Fenty[] Administration[,] OUC was a part of RIF [and] the Training Staff [was] disbanded, since that time the agency did not hire or train from within. The training was administered by outside vendors pertaining to public safety. As of this date[,] the OUC has implemented Certified Training Officer [CTO] based on a volunteer basis. The employees were chosen on different criteria[:] work ethics, performance evaluation, leave usage, and disciplinary actions within the last three years. The agency was not sure if they had the funding to compensate the CTOs. In the spring of 2015, the agency paid the employees a small stipend while they were training new employees. If the CTO was not engag[ing] in training the stipend was suspended until they [training] again.³¹⁰

Furthermore, the witness indicated that standard operating procedures were unclear and inconsistent.³¹¹ To that end, Bill 21-0290 would require both FEMS and OUC to train jointly. It also requires strict call-taker and dispatcher training to eliminate misinterpretations of operating requirements by national trainers. National training teams, while useful for specific purposes, do not have knowledge of local protocol and nuances.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

Sec. 2. This section mandates the use of an application that notifies CPR trained users that someone is in cardiac arrest nearby, allowing community members to respond and provide CPR. It also informs the CPR-trained individuals of nearby Automated Electronic Defibrillators (AEDs). It eliminates any crime or civil action for providing CPR or using an AED on a victim.

³⁰⁹ *Id.*

³¹⁰ *Public Hearing on the State of Emergency Medical Services in the District of Columbia and Bill 21-0290, the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2015”* (Oct 15, 2015) (written testimony of President, Jacqueline White, NAGE Local R3-07).

³¹¹ *Office of Unified Communications: Fiscal Year 2016 Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 2 (Apr. 27, 2015) (written testimony of President, Jacqueline White, NAGE Local R3-07).

This section further requires that OUC create a training program that at a minimum includes CPR, telecommunications for the deaf, and stress management. The program must have set standards, testing of OUC staff, and a quality assurance program to ensure its effectiveness. It also requires cross-training for OUC staff with FEMS staff. Finally, it requires the Mayor to issue rules to implement these changes.

Sec. 3. This section requires FEMS to create a CPR training program at a variety of District facilities, including schools, parks, and government buildings. This section also codifies the public duty doctrine.

Sec. 4. This section creates and modifies CPR and AED requirements within schools in the District and modifies the law regarding AED registration. It mandates that an AED be located at every school in the District, an AED readily available for every athletic event, and requires AED maintenance and testing. It requires, within 60 days of being hired, every athletic coach, trainer, school nurse, and any expected AED user to be trained in AED use and CPR. A person trained in AED use must be at the school during school hours and other events.

This section also eliminates AED registration fees and mandates that any building with an AED inform the FEMS Chief and OUC. If the AED is eliminated, FEMS and OUC must be notified, otherwise a citation can be levied. It requires a Facility AED Coordinator to be trained in CPR and AED use. It makes the AED program requirement for schools, subject to appropriations. It also eliminates the requirement that each agency have a physician to oversee their AEDs provided that they partner with FEMS to do so.

Finally, it requires the Mayor to issue rules to implement these changes.

Sec. 5. This sections requires public and charter high schools to provide CPR and AED training to all students.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2016”.

Sec. 2 Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51 *et seq.*), is amended as follows:

(a) Section 3202 (D.C. Official Code § 1-327.51) is amended as follows:

(1) New paragraphs (5A), (5B), (5C) are added to read as follows:

“(5A) "Division of Development and Standards” means the division within the Office that trains Office personnel.

“(5B) "Emergency medical application" means a website or mobile platform where trained users can interact with the Office during medical emergencies.

“(5C) "National public safety association" means an organization or association that is nationally recognized for providing public safety communications professionals with professional development, technical assistance, advocacy, and recommendations for public safety standards and protocol.”.

(2) New paragraphs (6A), (6B), and (7A) are added to read as follows:

“(6A) "Public safety communications training officer" means an individual employed by the Office who demonstrates the ability to utilize tools, equipment, and technology used by public safety telecommunicators and has been trained by the Office in accordance with standards established by a national public safety training association recognized by the Office as appropriate for the District’s needs.

“(6B) “Public safety telecommunicator” means an individual employed by the Office as a first responder whose primary responsibility is to receive, process, transmit, or dispatch emergency and non-emergency calls for law enforcement, fire, emergency-medical, and other public-safety services through a call center via telephone, radio, or other communication device and is trained by a public safety communications training officer or by a certified facilitator of a national organization recognized by the Office.

“(7A) “Trained user” means a District resident or visitor using an emergency medical application, who has been trained by an organization recognized by the Department of Health to provide cardiopulmonary resuscitation to a victim of a cardiac arrest.”.

(b) A new section 3205a is added to read as follows:

"Sec. 3205a. Emergency medical application.

"(a) The Office shall utilize an emergency medical application that permits a public safety telecommunicator to assist a trained user in providing cardiopulmonary resuscitation to an individual reported to be exhibiting signs of cardiac arrest while emergency medical service providers are en route to the individual. The emergency medical application shall also, at minimum:

"(1) Notify the trained user that he or she is within a certain distance from an individual that is experiencing a cardiac arrest in a public location;

"(2) Notify the trained user of the nearest location of a publicly accessible defibrillator;

"(3) Assist emergency medical providers in monitoring patients or relaying information to hospital emergency rooms; and

"(4) Allow a trained user to alert the Office if an individual is experiencing a health emergency."

“(b) Notwithstanding any other law, a trained user shall not be subject to criminal or, in the absence of gross negligence, civil liability for administering cardiopulmonary resuscitation or using an automated external defibrillator pursuant to this subtitle:

"(1) In good faith to treat a person who he or she reasonably believes is experiencing a cardiac arrest;

"(2) Outside of a hospital or medical office; and

"(3) Without the expectation of receiving or intending to seek compensation for such service or acts.”.

(c) Section 3206 (D.C. Official Code § 1-327.55) is amended as follows:

(1) Strike the number “4” and insert the number “5” in its place.

(2) A new paragraph (5) to read as follows:

“(5) The Division of Development and Standards shall include the staff needed to implement a robust program of training for all employees of the Office. The training program shall be described in a training plan published by the Office that:

“(A) Establishes the required minimum number of hours of annual training and the certifications required for public safety telecommunications and public safety communications training officers;

“(B) Aligns with standards established by national public safety associations recognized by the Office;

“(C) Includes training on the following topics for public safety telecommunicators:

“(i) Cardiopulmonary resuscitation;

“(ii) Telecommunications devices for deaf individuals, including teletype; and

“(iii) Stress management;

“(D) Includes formalized quality assurance to identify areas in which future training would be beneficial and to ensure that existing training is effectively implemented; and

“(E) Incorporates examinations for public safety telecommunicators designed to demonstrate the public safety telecommunicators’ ability to utilize existing communication tools or available technologies to meet operational needs in both normal and back-up modes.”.

(d) Section 3207 (D.C. Official Code § 1-327.56) is amended as follows:

(1) Designate the existing text as subsection (a).

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

"(b) The Office shall coordinate with the Fire and Emergency Medical Services Department to cross-train, on an annual basis, public safety telecommunicators with police officers, firefighters, and emergency medical services providers."

(e) Section 3208 (D.C. Official Code § 1-327.57) is amended as follows:

(1) Designate the existing text as subsection (a).

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

"(b)(1) 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 issue rules to implement the Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2016, as approved by the Committed on Judiciary on May 5, 2016 (Committee Print of Bill 21-669).

"(2) The rules issued pursuant to paragraph (1) of this subsection shall include standards for the following:

"(A) Cardiopulmonary resuscitation training programs for District residents;

"(B) Maintenance by the Office for all devices that it owns, leases, or that are otherwise under its control that communicate with the emergency medical application; and

"(C) Standards for trained users of the emergency medical application to participate in intermediate cardiopulmonary resuscitation efforts.

"(3) By October 1, 2017, the Mayor shall submit proposed rules developed pursuant to this subsection 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 disapprove the proposed rules, within this 45-day period of review, the proposed rules shall be deemed approved."

Sec. 3. Section 1 of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401), is amended as follows:

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

"(b-1) The Department, in coordination with the Office of Unified Communications, shall establish a community cardiopulmonary resuscitation program to conduct cardiopulmonary resuscitation training and emergency medical application training for District residents and employees within the following District facilities:

“(1) District of Columbia Public Schools;

“(2) District of Columbia Public Charter Schools;

“(3) District of Columbia Department of Parks and Recreation facilities;

and

“(4) Any other District of Columbia government buildings.”.

(b) A new subsection (j”) to read as follows:

"(j) The Council ratifies the interpretation and application of the public duty doctrine by the District of Columbia Court of Appeals up through the decision of

September 25, 2014, in *Allen v. District of Columbia*, No. 1 O-CV-1425, and extends the public duty doctrine to claims against the District for the actions of contractors and their employees providing services under this section to the same extent as it applies to the District and its employees.”.

Sec. 4. The Public Access to Automated External Defibrillator Act of 2000, effective April 27, 2001 (D.C. Law 13-278; D.C. Official Code § 44-231 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-231) is amended as follows:

(1) New paragraphs (2A), (2B), (2C) are added to read as follows:

"(2A) "CPR" means cardiopulmonary resuscitation.

"(2B) "CPR and AED program" means a training course on CPR and the operation and use of an AED that has been approved by the Mayor pursuant to section 3c .".

"(2C) "Facility AED Coordinator" means the person who acquires the AED or his or her designee.”.

(2) A new paragraph (5) is added to read as follows:

"(5) "School" means a school in the District of Columbia public school system, a public charter school, an independent school, a private school, or a parochial school.”.

(b) Section 3 (D.C. Official Code § 44-232) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “Expected AED users receive training from and be certified by the American Heart Association, the American Red Cross, or an equivalent state or nationally recognized course,” and inserting the phrase, “The Facility AED Coordinator receives training from or is certified by the American Heart Association, the American Red Cross, or an equivalent state or nationally recognized course, such as the Heart Saver CPR AED course,” in its place.

(B) Paragraph (3) is amended by striking the phrase “; and” and inserting the phrase “; provided, that a physician is not required if a person or entity enters into an agreement with the Department pursuant to which the Department provides the equipment, training, and oversight required by this section; and” in its place.

(2) Subsection (b) is repealed

(3) Subsection (c) is amended to read as follows:

“(c) Any person or entity who acquires an AED shall notify the Chief Fire and Emergency Medical Services Department (“Chief of the Department”) or his or her designee and the call center, defined in D.C. Code §327.51(a)(2), of the AED and the location and type of AED. If an AED is removed, the Chief of the Department shall be notified. The Chief of the Department may issue a citation if the requirements of this subsection are not followed, provided that the Chief of the Department has adopted regulations to issue such citations.

(c) A new section 3c is added to read as follows:

"Sec. 3c. CPR and AED program.

"(a) Within 120 days after the effective date of the Cardiopulmonary Resuscitation and Office of Unified Communications Training, CPR, and Modernization Amendment Act of 2016, as approved by the Committed on Judiciary on May 5, 2016 (Committee Print of Bill 21-669), each school shall meet the requirements of section 3 and:

"(1) Establish procedures for responding to a medical emergency involving cardiac arrest, including the appropriate use of CPR and an AED;

"(2) Have at least one AED on-site at the school;

"(3) Have a schedule of maintenance established for each AED that is in accordance with the manufacturer's guidelines and includes:

"(A) Periodic testing;

"(B) Periodic inspection; and

"(C) Annual maintenance.

"(4) Ensure that each AED at the school is appropriate for use on children and adults;

"(5) Have had the following individuals successfully complete a CPR and AED program; provided, that individuals newly hired for the following positions shall be required to successfully complete a CPR and AED program within 60 days after their hire date:

"(A) Athletic coach, coaching assistant, and athletic trainer;

"(B) Athletic director;

"(C) Team or game physician;

"(D) School nurse; and

"(E) Every anticipated AED user employed by the school, as designated by the school;

"(6) Require that at least one individual trained in a CPR and AED program be present during the school's hours of operation and during any athletic activity; and

"(7) Inform all school employees, at least annually, of the location of each AED in the school.

"(b)(1) The Mayor shall:

"(A) Establish baseline requirements for a CPR and AED program; provided that, the program offered by the Fire and Emergency Medical Services Department pursuant to section 1(b-1) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401) shall be deemed to meet the requirements of this section;

"(B) Develop guidelines for any CPR and AED program that may be established pursuant to this act; provided, that the Mayor may approve the existing programs listed in section 3(a)(1) or other programs that the Mayor determines meets the guidelines or the requirements of this act;

"(C) Approve each existing CPR and AED program that the Mayor determines meets or exceeds the baseline requirements for a CPR and AED program

or otherwise meets the requirements of this act and any new CPR and AED programs established pursuant to this act.

"(D) Require each school to maintain a written record of the periodic testing, inspection, and maintenance of each AED. .

“(E) Require the successful completion of a CPR and AED program by each employee in a position listed in subsection (a)(5) of this section.

"(2) A CPR and AED program may be conducted by a private or public entity.

“(c) Subsections 3(a)(2), 3(a)(3), 3(a)(4) and 3(b)(1)(D) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan as certified by the Chief Financial officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.”

Sec. 4. Section 402 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Public schools and public charter schools shall provide instruction in cardiopulmonary resuscitation to students in Grades 9 through 12 as follows:

(1) Beginning with the 2016-2017 school year, instruction in cardiopulmonary resuscitation must be included in at least one health class necessary for graduation.

(2) The instruction required by this section must:

“(A) Be an instructional program developed by the American Heart Association or the American Red Cross or be nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation;

“(B) Include appropriate use of an automated external defibrillator, which may be taught by video; and

“(C) Incorporate hands-on practice in addition to cognitive learning.

“(3)(A) The instruction required by this section may be provided by the public school or charter school directly or the public school or charter school may arrange for the instruction to be provided by available community-based providers.

“(B) The instruction is not required to be provided by a certificated teacher.

“(C) Certificated teachers providing the instruction are not required to be certified trainers of cardiopulmonary resuscitation.

“(4) A student is not required to earn certification in cardiopulmonary resuscitation to successfully complete the instruction for the purposes of this section.”.

**13. TITLE --. SUBTITLE --. CRIMINAL CODE REFORM COMMISSION
AMENDMENT.**

a. **Purpose, Effect, and Impact on Existing Law**

On December 1, 2015, Councilmember McDuffie introduced Bill 21-0507, the “Criminal Code Reform Commission Amendment Act of 2015”. This subtitle incorporates that bill, which proposes creating a stand-alone independent agency that be responsible for: (1) Recommending comprehensive reforms to the criminal code; (2) reviewing recent criminal code reforms adopted by other jurisdictions and surveying best practices recommended by criminal law experts; (3) enabling the adoption of Title 22 as an enacted title of the District of Columbia Official Code; and (4) providing a legal analysis of proposed legislation, upon request by the Council.

In preparing its recommendations, the Commission shall consult with an advisory group that consists of the following individuals: (1) the United States Attorney for the District of Columbia, or his or her designee; (2) the Director of the Public Defender Service for the District of Columbia, or his or her designee; (3) the Attorney General for the District of Columbia, or his or her designee; (4) the Chairperson of the Council committee with jurisdiction over the Commission, or his or her designee; and (5) two professionals from established organizations, including institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council.

Lastly, the Commission will have mandatory reporting requirements so that the Council can stay informed of its progress. The Commission will be required to file quarterly reports with the Council that provide a summary of prior quarter activities, and file an annual report with the Council on or before March 31st of each year.

b. **Committee Reasoning**

On March 1, 2005, then-Councilmember Patterson introduced Bill 16-0172, the “Criminal Code Reform Establishment Act of 2005”. This bill proposed the establishment of a Criminal Code Reform Commission that would prepare comprehensive recommendations to the Council and the Mayor on reform to existing criminal statutes. The bill was referred to this Committee, which held a hearing and noted that:

“The Committee received no testimony in opposition to the establishment of a commission to review and recommend improvements to the criminal code of the District of Columbia. However, a common theme among the six public witnesses at the May 31st public hearing, was that the work of the criminal code reform commission should

harmonize with the work of the existing District of Columbia Sentencing Commission.”³¹²

As a result, the Committee recommended that the Committee Print amend the law that established the District of Columbia Sentencing Commission and expand the duties and responsibilities of that Commission to include criminal code revision. The title of the Commission was subsequently amended to the “Sentencing and Criminal Code Revision Commission” and the work of the Criminal Code Revision Project officially began on January 1, 2007.

Despite its progress, the Criminal Code Reform Project has encountered difficulties in reaching consensus on the intended scope of Project revisions, which has led to an inability to meet the statutory deadline of September 30, 2016, for completion of its work. As noted by Laura Hankins, Special Counsel for the Public Defender Service of the District of Columbia and member of the Criminal Code Revision Project:

“Due at least in part to a disagreement about what the current mandate is, the project has worked on “translating” District criminal law rather than reforming or revising it. “Translation” has meant that staff reviews the legislative history of a criminal statute as well as all of the related D.C. case law. Staff will also research how other jurisdictions, particularly those that have “modernized” their criminal codes, treat particular criminal conduct or legal issues. Then we work together to draft language that “translates” how the D.C. Code and case law currently proscribes an offense.”³¹³

In addition to concerns with the scope of the Project, there is also discomfort among judges on the Commission in voting for statutory changes that they may be called upon to interpret. The Committee believes that creation of this independent agency will lead the District to a more effective and fair administration of justice and eliminate the administrative hurdles preventing the current project from effectuating its mission.

c. Section-by-Section Analysis

Sec. XXXX. States the short title.

³¹² See, Committee Report on Bill 16-0172, the “Advisory Commission on Sentencing Amendment Act of 2006”, <http://lims.dccouncil.us/Download/1109/B16-0172-COMMITTEEREPORT.pdf>.

³¹³ *Public Hearing on Bill 21-0507, the “Criminal Code Reform Commission Amendment Act of 2015”* (Jan. 6, 2016) (written testimony of Laura Hankins, Special Counsel, Public Defender Service for the District of Columbia).

- Sec. 2. Amends the title of the Sentencing and Criminal Code Revision Commission to the Sentencing Commission and amends the District of Columbia Comprehensive Merit Personnel Act of 1978 to make the Criminal Code Revision Commission the personnel authority for the Criminal Code Revision Commission.
- Sec. 3. Establishes the Criminal Code Reform Commission as an independent commission and sets the requirements for the Executive Director of the Commission and the duties of the Commission.
- Sec. 4. Establishes an advisory group with which the Commission must schedule monthly meetings and consult in preparing its final recommendations to the Council.
- Sec. 5. Requires the Commission to file quarterly reports and an annual report with the Council that provide a summary of the Commission's activities; mandates that the Commission submit its final recommendations to the Council before October 1, 2018.
- Sec. 6. States that all functions, programs, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds made available for the Criminal Code Revision Project are transferred to the Criminal Code Revision Commission; transfers all grants, contracts, and obligations of the Criminal Code Revision Project to the Criminal Code Revision Commission.
- Sec. 7. Authorizes funds to support the Commission and gives the Commission the authority to hire staff and obtain office space and materials; requires all Commission employees to become residents of the District of Columbia within 180 days of hire, with the exception of the first Executive Director, who is exempt from this requirement.
- Sec. 8. Provides that the Commission shall sunset on October 1, 2018.

d. Legislative Recommendations for Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the "Criminal Code Reform Commission Amendment Act of 2016".

Sec. 2. Amendatory title.

The Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 3-101) is amended as follows:

(1) The section heading is amended by striking the phrase “and Criminal Code Revision”.

(2) Subsection (a) is amended by striking the phrase “and Criminal Code Revision”.

(3) Subsection (b) is amended by striking the phrase “In addition to the duties required under section 2a, the” and inserting the word “The” in its place.

(b) Section 2a (D.C. Official Code § 3-101.01) is repealed.

(c) Section 3 (D.C. Official Code § 3-102) is amended as follows:

(1) Subsection (a) is amended by striking the number “15” and inserting the number “12”.

(2) Paragraph (1) is amended as follows:

(A) Subparagraph (H) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(B) Subparagraph (I) is amended by striking the phrase “; and” and inserting a period in its place.

(C) Subparagraph (J) is repealed.

(d) Section 4 (D.C. Official Code § 3-103) is amended as follows:

(1) Subsection (c) is amended by striking the number “8” and inserting the number “7”.

(e) Section 406 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 § 1-604.06), is amended to read as follows:

(1) Subparagraph (b)(19) is amended to read as follows:

“(b)(19) For employees of the District of Columbia Sentencing Commission, the personnel authority is the District of Columbia Sentencing Commission;”.

(2) A new subparagraph (b)(25) is added to read as follows:

“(b)(25) For employees of the Criminal Code Revision Commission, the personnel authority is the Criminal Code Revision Commission.”.

Sec. 3. Establishment of the Criminal Code Reform Commission.

(a) The Criminal Code Reform Commission ("Commission") is established as an independent agency within the District of Columbia government, consistent with the meaning of the term "independent agency" as provided in section 301(13) 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 § 1-603.01(13)).

(b) The Commission shall be composed of the Executive Director and such staff as necessary to complete the work of the Commission.

(c) The Executive Director shall:

(1) Be a member in good standing of the District of Columbia Bar;

(2) Be responsible for and oversee the daily operations of the Commission;

(3) Supervise Commission staff; and

(4) Develop and institute internal policies, procedures, and processes to ensure efficient operations.

(d) The Commission shall perform the following duties:

(1) Recommend comprehensive reforms to criminal statutes that:

(A) Use clear and plain language;

(B) Apply consistent, clearly articulated definitions;

(C) Describe all elements, including mental states, that must be proven;

(D) Reduce unnecessary overlap and gaps between criminal offenses;

(E) Eliminate archaic and unused offenses;

(F) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties;

(G) In consultation with the Codification Counsel in the Office of the General Counsel for the Council of the District of Columbia, organize existing criminal statutes in a logical order;

(H) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; and

(1) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment;

(2) Consult with the Code Revision Advisory Group pursuant to Section 202;

(3) Review criminal code reforms in other jurisdictions, recommend changes to criminal offenses by the American Law Institute, and survey best practices recommended by criminal law experts;

(4) Propose such other amendments as the Commission believes are necessary;

(5) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code; and

(6) Upon request by the Council, provide a legal analysis of proposed legislation concerning criminal offenses, including information on existing District of Columbia law, other jurisdictions' laws, model legislation, and current Commission recommendations.

(e) The Commission may consult with other District of Columbia, federal, and state agencies, conduct community outreach, perform trainings, and engage in other activities regarding criminal code reform to advance the Commission's statutory duties.

(f) The Commission may request such information as may be necessary to fulfill its statutory responsibilities. Each department, agency, instrumentality, or

independent agency of the District of Columbia is authorized and directed, to the extent permitted by law, to furnish the Commission with such requested information.

(g) Before October 1, 2018, the Commission shall submit its final recommendations to the Council in accordance with section 203(c), at which time the work of the Commission shall be complete.

Sec. 4. Advisory group consultation and other communications.

(a) In preparing its recommendations to the Council, the Commission shall schedule monthly meetings with a Code Revision Advisory Group (“Advisory Group”) comprised of the following members:

(1) The United States Attorney for the District of Columbia or his or her designee;

(2) The Director of the Public Defender Service for the District of Columbia or his or her designee;

(3) The Attorney General for the District of Columbia or his or her designee;

(4) The Chairperson of the Council committee with jurisdiction over the Commission or his or her designee; and

(5) Two professionals from established organizations, including institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council.

(b) Meetings of the Advisory Group shall be conducted by the Commission’s Executive Director.

(c) The Commission shall provide drafts of its recommended reforms to criminal statutes to the Advisory Group. Advisory Group members may provide to the Commission written comments on those recommendations within a reasonable period of time, to be determined by the Executive Director, but not less than one month.

(d) The Commission shall consider all written comments that are timely received from Advisory Group members, under subsection (b) this section, and propose all final recommendations to the Council based on the comments received.

(e) The members of the Advisory Group, with the exception of the Chairperson of the Council committee with jurisdiction over the Commission or his or her designee, shall vote by consensus on all final recommendations to the Council proposed by the Commission.

(f) The Commission shall compile and make publicly available a record of all written comments received from Advisory Group members under subsection (b) of this section.

Sec. 5. Reporting requirements.

(a) The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter.

(b) The Commission shall file an annual report with the Council before March 31 of each year that includes:

(1) A summary and copy of all recommendations for reforms to criminal statutes developed by the Commission during the previous calendar year;

(2) A summary and copy of comments received from the Advisory Group during the previous calendar year and their disposition;

(3) A summary of other Commission activities during the previous calendar year;

(4) A description of any problems discovered with prior Commission work or changes to prior work that are necessary due to legislative changes or court rulings;

(5) A description of any issues that could delay or prevent the Commission from timely fulfilling its statutory duties; and

(6) A description of planned activities for the next calendar year.

(c) Before October 1, 2018, the Commission shall submit to the Council its final recommendations, under section 201, for reforms to criminal statutes in the form of a report that:

(1) Includes draft legislation or other specific steps for implementing the recommendations;

(2) Includes charging, sentencing, and other relevant statistics regarding the offenses affected by the recommendations; and

(3) Explains how and why the recommendations change existing District law.

Sec. 6. Transition from District of Columbia Sentencing and Criminal Code Revision Commission.

(a) All functions, authority, programs, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Criminal Code Revision Project, established pursuant to section 2a of the Advisory Commission on Sentencing Amendment Act of 2006 (D.C. Official Code 3-101.01) are transferred to the Criminal Code Revision Commission.

(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Criminal Code Revision Project transferred to the Criminal Code Revision Commission under subsection (a) of this section shall continue in effect according to their terms until lawfully amended, repealed, or modified.

Sec 7. Budget and staffing.

(a) There are authorized such funds as may be necessary to support the Commission.

(b) The Commission has the authority to hire staff and to obtain appropriate office space, equipment, materials, and services necessary to carry out its responsibilities.

(c) The Criminal Code Revision Project Director of the District of Columbia Sentencing and Criminal Code Revision Commission shall be deemed the Executive Director of the Commission as of the effective date of this subtitle.

(d) All employees of the Commission shall be, or shall become with 180 days of hire, a resident of the District of Columbia, provided that, the first Executive Director of the Commission shall be exempt from this requirement.

Sec. 8. Sunset.

COMMITTEE ON THE JUDICIARY
Fiscal Year 2017 Budget Report

This subtitle shall expire on October 1, 2018.

V. COMMITTEE ACTION AND VOTE

On Thursday, May 5, 2016, at 12:15 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 2017 budget for the agencies under its jurisdiction, the provisions of the Fiscal Year 2017 Budget Support Act of 2016 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 Anita Bonds, Mary M. Cheh, Jack Evans, and LaRuby May present.

Chairperson McDuffie then provided a brief overview of the draft report and summarized the Committee's recommendations and comments.

Chairperson McDuffie next welcomed comments from other Members. Councilmember Cheh congratulated the Chair for his work on the proposed budget and indicated her support for particular items funded by the Committee, including: the acceptance of funds from the Committee on Transportation & the Environment to fund the cancer treatment costs of the District's presumptive disability law; funding for the Department of Corrections to assume control of the Central Treatment Facility; the pilot ambulance technician training program at the University of the District of Columbia – Community College; and the replacement of funds for victim services grants.

Councilmember Bonds congratulated the Chair for his work on the proposed budget. She noted her support for funding of provisions of the Neighborhood Engagement Achieves Results Amendment Act of 2016, the budget subtitle requiring the Deputy Mayor for Health & Human Services to convene a task force to study the provision of youth services; the creation of a Maternal Mortality Review Commission; the enhanced special police officer oversight and training; the restoration of a cut to the budget of Safe Shores; and for reforms to the Office of Unified Communications.

Councilmember May thanked the Chair for his work on the proposed budget. She highlighted the new ambulance technician training program; the capital funding for the design phase of the new jail; the restoration of the budget of Safe Shores; and funding for the Alternatives to the Court Experience program.

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 12:43 p.m.

VI. ATTACHMENTS

- A. April 6, 2016, FY 2017 Budget Oversight Hearing Witness List and Testimony
- B. April 7, 2016, FY 2017 Budget Oversight Hearing Witness List and Testimony
- C. April 12, 2016, FY 2017 Budget Oversight Hearing Witness List and Testimony
- D. April 14, 2016, FY 2017 Budget Oversight Hearing Witness List and Testimony
- E. April 20, 2016, FY 2017 Budget Oversight Hearing Witness List and Testimony

ATTACHMENT A

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
AGENDA AND WITNESS LIST
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

**ANNOUNCES A BUDGET OVERSIGHT HEARING FOR THE
DEPARTMENT OF YOUTH REHABILITATION SERVICES
OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS
OFFICE OF HUMAN RIGHTS**

**Wednesday, April 6, 2016, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. BUDGET OVERSIGHT HEARING**
 1. **Department of Youth Rehabilitation Services** (approx. 10 a.m.)
 - i. Public Witnesses
 1. Sheryl Brissett, Executive Director, National Center for Children and Families
 2. Ralph D. Belk, Deputy Executive Director, National Center for Children and Families
 3. Marlon John, Senior Accountant, National Center for Children and Families
 4. Mohammed Doka, Chief Financial Officer, National Center for Children and Families
 5. Gail Avent, Executive Director, Total Family Care Coalition
 6. Dr. Fred Phillips, Founder, Progressive Life Center

7. Charles J. Evans, Regional Director for D.C. Operations, Progressive Life Center
8. Jamel Harris, Public Witness
9. Youth, Public Witness
10. Daniel Okonkwo, Executive Director, D.C. Lawyers for Youth
11. Deborah Shore, Executive Director, Sasha Bruce Youthwork, Inc.
12. Ashley McSwain, Executive Director, Community Family Life Services
13. Gina Bulett, Program Director, Georgetown University Center for Social Justice Research, Teaching & Service
14. Georgino Joasil, Student Site Coordinator, Georgetown University Center for Social Justice Research, Teaching & Service
15. Penelope Spain, Chief Executive Officer, Open City Advocates
16. Josue Salmeron, Deputy Directory, Collaborative Solutions for Communities
17. Gable Barmer, President, J&G Consultants
18. Antonio White, Public Witness
19. Michael Sindram, Public Witness

ii. Government Witness

1. Clinton T. Lacey, Director

2. **Office of Victim Services and Justice Grants** (approx. 12:30 p.m.)

i. Public Witnesses

1. Victoria Hougham, Director of Victim Services, National Center for Victims of Crime
2. Michelle Palmer, Executive Director, Wendt Center for Loss and Healing
3. Jenny Brody, Co-Executive Director, D.C. Volunteer Lawyers Project
4. Nikki Charles, Co-Executive Director, Network for Victim Recovery of D.C.
5. Rachel Friedman, Deputy Director, Men Can Stop Rape
6. Paula Thompson, Executive Director, Voices for a Second Chance
7. Natalia Otero, Executive Director, SAFE, Inc.
8. Erin Sweeny, Policy Attorney, DC Coalition Against Domestic Violence
9. Peg Hacskaylo, Executive Director, District Alliance for Safe Housing

10. Paul Lipp, Cornerstone Housing Program Director, District Alliance for Safe Housing
11. Kimberly Harris, Public Witness
12. Michael Sindram, Public Witness
13. Colleen Gallopin, Deputy Executive Director, D.C. Forensic Nurse Examiners
14. Fiona Oliphant, Acting Director, Asian Pacific Islander Domestic Violence Resource Project
15. Carolina Herrera, Language Access Deputy Director, Ayuda
16. Amelia Missieledies, Director, The Person Center
17. Carol Loftur-Thun, Executive Director, My Sister's Place
18. Brant Miller, Program Manager, The DC Center for the Lesbian, Gay, Bisexual and Transgender (LGBT) Community

ii. Government Witness

1. Michelle Garcia, Director

3. **Office of Human Rights** (approx. 2:30 p.m.)

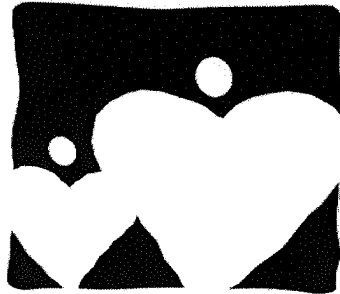
i. Public Witness

1. Michael Sindram, Public Witness

ii. Government Witness

1. Mónica Palacio, Director

IV. ADJOURNMENT



THE NATIONAL
CENTER
FOR
CHILDREN
AND
FAMILIES

Stronger Spirit. Stronger Community.

Fiscal Year 2017 Budget Oversight Hearing

Testimony of
Dr. Sheryl Brissett Chapman
Executive Director
The National Center for Children and Families (NCCF)

Before the Committee on Judiciary, Council of the District of Columbia

Wednesday, April 6, 2016
10:00AM
Room 412
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Good morning, Chairman McDuffie. My name is Dr. Sheryl Brissett Chapman, and I am the Executive Director of The National Center for Children and Families (NCCF) and Adjunct Associate Professor, Howard University School of Social Work. I have been involved with youth rehabilitation for the past 40 years and now sit at the helm of century old youth serving non-profit, one of the District's former orphanages. Thank you for the opportunity to provide testimony today regarding the FY'17 budget and funding for community based programs.

NCCF assumed the role of Lead Agency for East of the River DC YouthLink just over a year ago, and the model again will undergo a major transformation in FY '17. While transformation is necessary and healthy for evolving an effective model, it is best driven by evidence.

Comprehensive program models generally take a minimum of 5 years of stability in funding, personnel, and methodology before they can be effectively evaluated and proven to be the primary intervention or treatment driving any form of human change. NCCF's J.C. Nalle Community School, for example, reflects a significant partnership that was created among the Children's Aid Society in New York City, DCPS, Freddie Mac Foundation, and NCCF to adapt the nationally acclaimed community school model for the first time in the city. Over a decade later, in 2014, Child Trends independently documented the community school's exemplary and sustained success in improving math proficiency in one of the poorest elementary schools in Ward 7 (which also represents the residence of many of DYRS' committed youth).

As I indicated when I came before you in February, NCCF has obtained feedback from many of DCYL's Service Providers. A large contributing factor to the lack of process evaluation is DCYL's primary focus on ambitious and long-term outcomes for youth rather than the incorporation of moderately placed benchmarks that accurately reflect the success of the program.

The Coalition Service Providers must be more aggressively engaged in developing and negotiating an effective system to identify outcomes that they agree to deliver, rather than being told how and what matters. Without this, the model will be driven by frustration and negativity towards its implementation. Most prominent is the SOP, which drives the model's approach, payment schedules and resultant financial instability for our providers. NCCF's CFO will speak to this in his remarks.

Moving forward into FY '17, NCCF highly recommends that DYRS redesign DC YouthLink to: 1) place maximum emphasis on creative, innovative practices and program strategies; 2) contract for services for a 12 month period, with multiple year options to renew, based on performance; and 3) capture provider driven outcomes that reinforce documented protective features for youth, such as the youth's positive temperament, an adult and non-parent who is trusted, family structure, community opportunities to give back, and second chances.

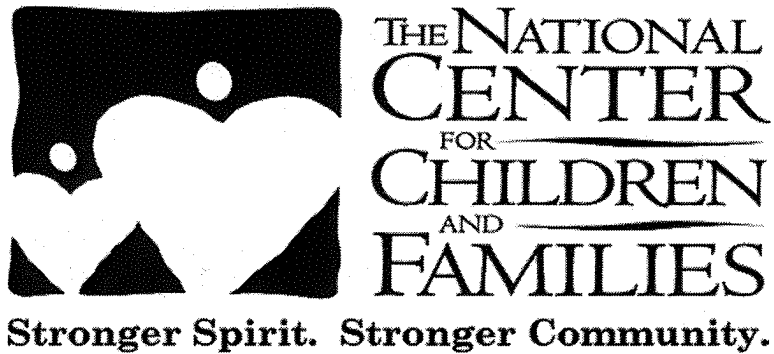
As I close, I must report that it is somewhat disconcerting that some providers now report that they are unsure if they will need to let their staff go, or if they will be able to stay in the same location. This is distracting. Providers are also worried that their work now has an end-date. While there have been high hopes for the DC YouthLink model and reported success over the years, the lack of a transparent evaluation process to produce substantive data has limited this promising program. Nevertheless, NCCF is very pleased to have been a recent part of the partnership with the Trust, DYRS, and PLC and our combined efforts to positively influence the lives of challenged youth in the District. For this reason, we emphatically support the Council's endorsement of the DYRS budget and its emphasis on community based programming - we would ask that you ensure that the funding is adequate to meet the diverse needs of the youth served by DYRS, and their families, *within* their communities.

Thank you for your attention.

DCYL Service Providers – 2016 Proposed Outcomes and Measures

Service Area	Proposed Outcomes	Measures	Time Frame
Family Support	90% of youth will be reintegrated into family structure	70% of youth will accept responsibility for their behavior/apologize to parents 100% of parents will report positive change in behaviors	24 weeks 12 weeks
	85% of families will demonstrate safe conflict resolution (threats, physical altercations, destruction of property, police involvement) in the family	60% of parents completing the Black Parenting Curriculum will report increased knowledge of adolescent development and mental health diagnosis in youth	6 weeks
	95% of parents will demonstrate support of students pursuit of education	50% of youth will improve skills resulting in positive peer selection (youth/adult agree on selected youth)	12 weeks
		90% of youth/parents will contact TFCC/other supports to prevent violence in the home 40% of parents will attend at least two parent conferences during school year 60% of parents will ensure educational materials and supports are available to increase youth matriculation through educational programs (parent report card)	52 weeks 24 weeks 52 weeks
Civic Engagement	75% of youth will successfully complete civic engagement/community service hours per month based on youth's ISP	80% of youth will sign ISP at orientation/intake indicating 10 hours of community service as the monthly benchmark	4 weeks
Mentoring	75% of youth will be successfully engaged in programming	60% of youth will not appear on the absences/no show list provided to DYRS	52 weeks
	50% of youth will successfully increase school attendance	50% of youth will not appear on the school absence list for more than 2 unexcused absences per quarter	12 weeks
	75% of youth will successfully attain goal identified for quarterly Family Engagement	100% of parents will be engaged in a face-to-face contact with agency as indicated by FAM/Care and signed contact sheet by the youth and family member	12 weeks
Mental Health	80% of youth will complete at least 1 of 3 curriculums offered	80% of youth who complete the curriculum will earn the Certificate of Completion	13 weeks
	60% of youth will complete at least 2 of 3 curriculums	60% of youth develop new Mental Wellness Indicators during treatment	13 weeks
	100% of youthful fathers will develop positive parenting skills following completion of "Quenching the Father Thirst" curriculum (for Teen parents)	100% of youthful fathers who complete the curriculum will demonstrate ability to articulate appropriate parent skills verbally and complete a written example	13 weeks
	100% of youth who complete the curriculum will develop knowledge of the 13 pillars of good character, "Character Education" curriculum	100% of youthful father will be observed demonstrating appropriate skills with their child 100% of youth will demonstrate ability to articulate each pillar and a written example of how this was demonstrated in their life	12 weeks
	100% of youth who complete Aggression Replacement Therapy curriculum will increase self regulation	100% of youth who complete the curriculum will articulate verbally and in writing use of the social skills learned from the ART curriculum	15 weeks
	100% of youth who complete "Quality of Life Fulfillment" curriculum will report improved social/emotional well-being	100% of youth will engage in activities with IAMD that support their social/emotional development (service participation: therapy, engagement of resources, recreation opportunities) based on Provider verified documentation	15 weeks

ABE/GED	100% of youth will increase "My GED" practice scores	75% of youth will increase score by 5pts on My GED Assessment Score Sheet	4 weeks
	65% of youth will demonstrate a desire to complete GED	65% of youth will attend programming and arrive on-time over a 30 day period and show progress in the completion of assignments.	4 weeks
ABE/GED	75% of youth will increase test score on the GED practice test by 5 points	75% of youth will increase GED score on practice sheet - pre and post testing scores	8 weeks
	50% of youth will increase program attendance from Q1 to Q2	50% of youth will increase attendance based on data retrieved from FamCare	4 weeks
Creative Arts	80 % of youth will attain music goals	90% of youth will present the product of their creative arts program in a public forum via a special event, show, performance or venue.	24 weeks
	70% of youth will attain writing goals	80% of youth will present an artistic portfolio of their work samples to demonstrate knowledge of their craft, skills abilities and talent.	24 weeks
	80% of youth will attain fashion goals	Youth will obtain new opportunities to become a part of an arts community or an arts ; 90% of youth will identify fashion goals in their ISP/demonstrate in arts venue.	24 weeks
	50% of youth will obtain the Video Productions Certification, 10th week	50% of youth will meet the interim Video Production test requirement 50% of youth will pass the Certification test upon the completion of the coursework	5 weeks 10 weeks
Creative Arts	70% of youth will complete a Public Service Announcements (Anti-Bully, youth Violence Prevention)	50% of youth will identify at least 1 trusted adult	15 weeks
		50% of youth will identify at least 1 trusted peer	15 weeks
		55% of youth will increase pro-social communication skills through sharing of journal entries/news articles	10 weeks
		55% of youth will demonstrate increase in self-advocacy based on preparedness/leadership role exhibited in TDM (written goals and needs statement)	10 weeks
		65% will increase writing skills based on CASAS pre-mid and post-test scores, through weekly journaling	22 weeks
Creative Arts	40% of youth will complete 10 hours community service (service log)	50 % of youth will participate in at least 10 hours of community service	12 weeks
	65% of youth will develop conflict resolution skills based on Conflict Resolution Curriculum developed by JMG	65% of youth will demonstrate utilization of conflict skills as observed and recorded by JMG staff	12 weeks
		90% of youth will demonstrate positive peer relationships (youth/instructor report), 8 weeks	90% of youth will demonstrate the ability to work collaboratively to create a dance piece
Creative Arts	90% of youth will engage in healthy recreation (dance) at least 75% of the time, 25 weeks	90% of youth will acquire 10 hours of community service hours (log) through community performances	25 weeks
		80% of youth will achieve their fitness goal (instructor report)	12 weeks
		80% of youth will report enjoyment associated with participation in dance	25 weeks



Fiscal Year 2017 Budget Oversight Hearing

Testimony of
Mohammed Doka, CPA
Director of Finance and Administration
The National Center for Children and Families

Before the Committee on Judiciary, Council of the District of Columbia

Wednesday, April 6, 2016
10:00AM
Room 412
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Good morning, Chairman, McDuffie. My name is Mohammed Doka, and I am a certified public accountant and Director of Finance and Administration, The National Center for Children and Families (NCCF), where I manage 28 million dollars annually, which supports a staff of 200, 27 programs, and their individual budgets. Thank you for the opportunity to provide testimony today regarding the FY'17 budget.

During FY'16, I provided overall financial oversight of the \$3.8 M DC YouthLink budget (actual expenditures totaled \$3.1 M) Duties consisted of managing the accountants, ensuring the compensation and human resources for the lead agency personnel, and the delivering the administrative functions. In this role, I respectfully wish to provide you with my observations and recommendation for the upcoming budget year.

During NCCF's initial eighteen months as a DCYL Lead Agency and grantee, there have been very specific standards required by the Trust regarding all payments to Service Providers they include:

DCYL Payments
Attendance invoices
Flexible Funds and Program Needs
Outcomes payments
Outreach invoices
Quareterly Outcomes (Clean Drugs and No Re-arrest payments)
Youth and Family Engagement expenses
Youth Programmaatic Tracking and Reporting payments (YPTR)
Youth Stipends

- There has been minimal modification to the standard operating procedures over this period.

- During 18 months, NCCF was required to modify its budgets 11 times, which required dual approval from both the Trust and DYRS
- Providers are often frustrated. They often have to undergo retraining on how to process invoices. It's tedious, time consuming and provokes anger. It is a barrier to positive working relationships
- As a non-profit, NCCF did not always receive sufficient notification and lead time to process Flex funding and emergency requests. The big challenge is accounting standards that we must be able to verify, and that does not allow us to do immediate responses.
- Data was often incorrect and needed to be reviewed and revised repeatedly– data that drives concerns about financial accuracy.
- Providers continue to receive multiple purchase of service agreements in a course which produces financial insecurity – not certain when money would be available.

The most significant impact of the DC YouthLink stop-go financial procedures is the challenge to the planning process. It lacks fluidity, produces chaos, inefficiencies, and as a result in missed program targets and expectations, e.g., Making timely payments to the Service Providers.

In closing, I note that the new DCYL model will rely on an administrative lead structure. We recommend that the financial elements that have been identified above, are all substantively addressed going forward.

Thank you fore hearing this feedback.



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Committee on the Judiciary
Mr. Kenyan McDuffie, Chair

Budget Oversight Hearing
Department of Youth Rehabilitation Services (DYRS)
District of Columbia

Wednesday, April 7th 2016

Testimony Of:

Dr. Frederick B. Phillips, Founder & Senior Advisor
Progressive Life Center

Good Morning Chairman McDuffie and fellow member of the Judiciary Committee of the DC City Council. I am Dr. Frederick Phillips, Founder and now Senior Advisor of Progressive Life Center. Professionally, I am Community –Clinical Psychologist and Licensed Social Worker. I am accompanied by Charles Evans, PLC’s DC Regional Director who provides management oversight of all of PLC programs and activities in the District of Columbia. I will provide some background on PLC and its value proposition and Mr. Evans will discuss the budgetary issues and results.

Founded in 1983 as a non-profit human services organization, PLC’s mission is to empower youth, families and communities through culturally competent human services practice. Our primary and interrelated areas of include child welfare, juvenile justice, and mental health. Our corporate headquarters in located in Washington, DC, Ward 5, and in addition to our program operation in DC, we have program sites in Maryland, Delaware, and Pennsylvania. We also have a mental health clinic in Accra, Ghana. A sample of programs and services we have provider include: federally-funded substance-abuse prevention program for youth; national evidence-based programs including healthy family, family preservation, wraparound child welfare and juvenile diversion programs. We are a licensed child placement agency in DC, Maryland, Delaware, and Pennsylvania where we provide therapeutic foster care, kinship care, and adoption programs. We are currently implement two evidence-based treatment programs in Wards 5 and 6 of DC called Homebuilder’s Intensive Family Preservation, which is designed to prevent out of home placement of children who are at imminent risk; and Project Connect, designed to treat families with substance abuse problems.

PLC has been a Lead Agency of the DCYL program since its inception in 2009 and has a unique experience base with the program and its evolution. We believe that we have been a true partner with the DC City Council, DYRS, our fellow lead agencies, and the multiple and talented provider community. As we look to the future, we seek to support DYRS in its twin programmatic thrust of; one, the Credible Message Mentoring initiative and two, the belief that true and lasting healing is anchoring in a vibrant, healthy, and responsive community. The value which PLC brings to this forward thinking can be summarized below.

1. PLC's twenty-year history as an accredited agency by the Council on Accreditation. PLC brings a host of proven administrative systems which are keys to achieving a high level of fiscal and programmatic accountability in DCYL in general and onto the provider agencies and personnel in particular. Our professional focus on Quality Assurance is conducted in an atmosphere of respect, appreciation and guidance. We value the providers and seek to enhance their respective capacity to deliver the services to our youth and families.
2. Our clinical experience and innovation. PLC developed and utilizes a culturally competent approach to healing and mental health called NTU. This approach has received national and even international recognition; for example, in the past few months we have been invited to offer the clinical model to professionals in California, Florida, Ghana and London. We have published over twenty journal articles, book chapters and spawned numerous master's thesis and doctoral dissertations on NTU psychotherapy.
3. Our Knowledge creation, Knowledge dissemination, and Skill Transfer processes are professionally driven and client and customer tested. Recent offerings include a focus on the Adolescent Brain. Progressive neuroscientists are bringing into clarity the view that the development of the brain in adolescence has some distinctive features which allow for better understanding and shaping of adolescent behavior. Examples include inclination for risk-taking behavior and also movement to more reliance on their contemporaries as a biological imperative. This information and much more we seek to share with our provider community over the next year.
4. Our organizational knowledge of Community Psychology. Community Psychology is the branch of psychology concerned with person environment interaction and the ways society affects individual and community functioning. Community psychology focuses on social issues, social institutions, and other settings that influence individual, groups, and organizations. Community psychology as a science seeks to understand relationships between environment conditions and the development of health and well-being of all members of a community. Understanding and

creating healthy inventions for the impact of community violence as a traumatic process is a keen example. Another example is paying attention to the impact of multi-generational stress and trauma on the families and individuals in the community. We not only understand these processes scientifically but we have interventions that can be implemented.

5. PLC is a good and proven partner. We value healthy partnerships as we deem connectedness as a biological imperative. We understand our role and those of all of our partners and seek to provide leadership when needed and followership when warranted.



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Committee on the Judiciary
Mr. Kenyan McDuffie, Chair

Budget Oversight Hearing
Department of Youth Rehabilitation Services (DYRS)
District of Columbia

Wednesday, April 7th 2016

Testimony Of:

Mr. Charles J. Evans, Washington DC Regional Director,
Progressive Life Center

Good morning Chairman McDuffie and members of the Judiciary Committee. I am Charles Evans, Regional Director of DC Operations for the Progressive Life Center. Today I will be providing an overview for PLC's management on the DCYL program in Fiscal Year 2015.

In FY15 PLC was awarded \$4.9 million dollars to provide managerial guidance, support, and oversight of services delivered to youth in the community and in DYRS's Youth Services Center and Achievement Center. In FY15, PLC coordinated services for 466 youth. PLC also provided high quality customer service, technical assistance, and capacity building to the 16 community based organizations that make up the DCYL Service Coalition.

In FY15, the total paid to the Service Coalition for direct services to youth was \$1.3 million. The amount paid to each provider varied by the number of referrals received, the amount of service areas the provider operated in and the amount of time a youth was served by that provider. On average, youth referred to PLC were typically connected to at least 2 services for an average of nearly 5 months. As part of the current DCYL payment structure, providers were also compensated for assisting youth with achieving key benchmarks or outcomes. The total paid by PLC on 441 approved outcomes to providers was nearly \$162K. Of the service domains, the largest amount of dollars went to those providers in the workforce development category, followed by mentoring and tutoring. Historically, these services have received the highest payment amount within this model. At the other end of the spectrum parenting services received the smallest amount followed closely by substance abuse and creative arts. The parenting service was ultimately combined with the family support domain. While the overall costs for the substance abuse and creative arts domains were low, the 6 new providers were added toward the end of the fiscal year and we anticipate this amount will increase in FY16.

As a model, DCYL has received awards for its innovation and community based collaboration. With its successes came an increased scope of work that naturally increased cost. The DCYL model has evolved, in every instance, at the request of DYRS to meet the needs of the youth in our care. For example, the model shifted from being one that was strictly community based to one that could also offer services in facilities. In FY15, this addition resulted in \$1.2 million in programmatic costs at YSC and the Achievement Center. In FY14 PLC was asked to assume the responsibility of providing stipends to youth in workforce development, ABE/GED, and tutoring domains. In FY15, this accounted for \$146K. For the last 2 fiscal years, part of PLC's scope of work also included organizing youth and family and summer events which in FY15 totaled \$180K. With that said, one indicator of the success of our work in FY15 was the low recidivism rate which was 8%.

The Leads are charged with a fiduciary responsibility to ensure District dollars are spent appropriately. The Leads are also accountable to the Service Coalition not only to ensure that they are operating successfully within this model but also providing a level of capacity building that prepares them to take advantage of and secure other opportunities as well. Also, and most certainly not least, this model serves youth who have greater needs today than perhaps any group that has been served by this model. Many of our youth experience substance abuse and mental health related challenges, come from historically destabilized families and more than ever are a part of rapidly changing communities where gentrification is literally shifting the ground under their feet. In short, these are times of great challenge and transition for the youth and families in our care and the DCYL model has been one part of an effort to provide critically needed services, supports and opportunities.

In FY16, in order to meet the budget mandates of DYRS PLC has made administrative cuts to 3 positions as well as reduced the overall direct cost to program by nearly 20%. The budget for FY16 has also reduced the dollars allotted to youth and family engagement by 50% while cutting all funding for summer activities. However, PLC remains committed to connecting families to services within DYRS and the community. The workforce development service of the DCYL model will be phased out as DYRS takes a more active role in this area. Additionally, DYRS plans to administer a stipend program that will remove the stipend management and payment responsibility from the Leads. Also, the coordination of services provided at YSC through PLC will conclude this month. The summation of these reductions has moved PLC's approved operating budget to \$2.8 million. This amount represents a 23% reduction in the budget from the previous year. As you can see, the DCYL budget has been significantly reduced and it is our sincere hope that it is the children, youth, and families that ultimately reap the benefits.

Even though the focus of this particular testimony has been on the numbers that tell a part of the story+, we all know that the work with youth and families can never boil down strictly to dollars and pennies. There is a tremendous amount of sincere concern, love and sweat equity that will never and can never be fully monetized. PLC believes strongly in the vision of Director Lacey to revolutionize the way we look at and work within the DC juvenile justice system and would like to play an active role as a thought partner and implementer. PLC also appreciates the partnership with our co-Lead NCCF. Of course, none of this is possible without the work of the Service Coalition which provides the most critical services to the youth and families who need them most. Their dedication and commitment to their work is greatly appreciated and respected.

With all this said, I will conclude with these comments, thank you for this time to speak and will await any questions.

April 6, 2016

Good morning.

My family was invited on a weekend retreat to West Virginia during a pivotal time in our life; it was the anniversary of our nephew's death whose life was transitioning through the efforts of DYRS. A 15 year old male mistakenly killed my nephew who had only been home a couple of months after being released from juvenile detention center in North Carolina.

Progressive Life Center gave us the opportunity to bond as a family through counseling, creative games, relaxation exercises and a multitude of positive activities.

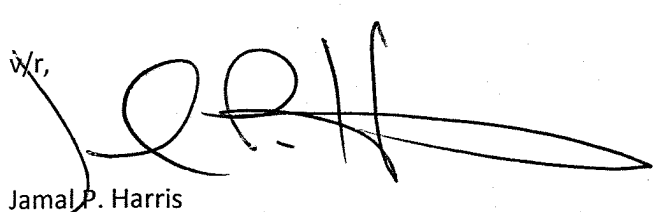
During our trip, we bonded with the staff and the other families; we were able to share experiences and empathize and encourage each other, we were able to effectively communicate and learn to embrace the positive change within us.

During one of our nature walks, some of us met one of the Board of Directors for The American Chestnut Foundation. He shared with us how the species became destroyed by a fungal disease and we listened to the importance of restoring them to our eastern woodlands help benefit our environment and society. This well established man took the time to share with us his goals, his dreams and ambitions in life; this trip fed our spirit and I could not afford to pay for such a luxury.

I would like to thank you for allowing Progressive Life Center the same opportunity to build and strengthen our environment and society by restoring the family and redirecting lives in some of our misguided youth.

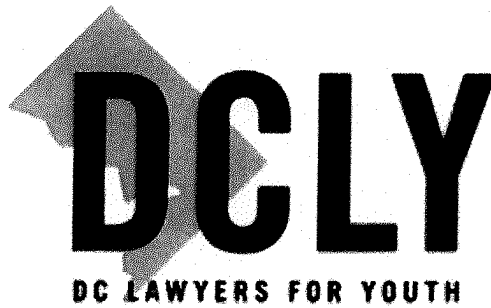
Thank you.

v/r,



Jamal P. Harris

202.702.2077



**Testimony of Daniel Okonkwo
Executive Director
DC Lawyers for Youth
Public Hearing before the Committee on the Judiciary
On Budget of the Department of Youth Rehabilitation Services
Wednesday, April 6, 2016, 10:00 am
John A. Wilson Building
1350 Pennsylvania Avenue NW
Washington, DC**

Good morning Chairman McDuffie, and members of the Committee on Judiciary. My name is Daniel Okonkwo and I am the Executive Director of DC Lawyers for Youth. DCLY is an organization whose mission is to advocate for continued positive youth justice reform in the District, which we define as making the District's juvenile justice system the smallest and the best system. The smallest juvenile justice system is one that serves only those youth that are a threat to public safety and who require rehabilitation and support services. The best juvenile justice system is one that addresses young people's individual needs and releases that young people from its care ready to achieve positive life outcomes.

DYRS has an awesome and important responsibility to help our District's committed youth become successful adults and citizens. I would like to compliment the DYRS Director and his Executive Staff. Since his appointment, Director Lacey has been both accessible and willing to meet regularly with advocates, direct service providers, and attorneys. This type of transparency and open communication between the agency and those working with young people is essential to making the District's juvenile justice system the best it can be. DCLY also commends DYRS on the work they are doing in the community, such as focusing on family engagement as well as commencing the Credible Messenger program. These initiatives are

excellent examples of the types of support our committed youth need when they are in the community. Research shows that supervising youth in the community can reduce the risk of recidivism and improve life outcomes for young people.¹ Therefore, my testimony today will simply focus on 1) the need for funding DYRS at a level that will allow the agency to provide high-quality, individualized, community-based services for committed youth and 2) the need to reinvest money cut from the DYRS budget in front end services that prevent entry into the juvenile justice system, for example, the Alternatives to the Court Experience ACE program (ACE).

I know that during the budget process many agencies experience budget cuts and from this year's submitted budget it appears that DYRS is no different. If that is to occur, however, any budget cuts at DYRS should come from the line items for Residential Services, specifically those for the secure detention facilities. Youth who receive community-based services have been shown to achieve better outcomes and have less future involvement with the juvenile justice system. Therefore, these are not the service areas that should suffer should there be budget cuts and it is troubling that the budget request indicates a half-million dollar reduction in community-based programs. We would like to hear more from the Agency on this matter.

Additionally, the money taken from the DYRS budget should be reinvested in front end preventive services such as the Alternatives to the Court Experience program and other diversion programs. The idea behind this recommendation is that we should focus on diversion and those services and supports that keep youth out of the system to in the first place. The reinvestment of money cut from the DYRS budget would allow our city's diversion programs, such as ACE to expand the numbers of youth they are able to serve and ultimately prevent more young people from entering our criminal justice systems.

It is a fact that the number of youth currently committed to DYRS is significantly lower than it has been in previous years. It appears that the Agency has accounted for these lower numbers by reducing the budget request for Residential Services. This is a positive development

¹ E. P. Mulvey and C. A. Schubert, *Smarter Use of Placement Can Improve Outcomes for Youth and Communities* (MacArthur Foundation, 2014), 3, <http://www.pathwaysstudy.pitt.edu/documents/MacArthur%20Brief%20Smarter%20Use%20of%20Placement.pdf>.

if 1) the agency will spend less money to send young people to residential treatment centers outside of the District and 2) if those dollars will be reinvested in front end services for young people.

The lower numbers of youth committed to DYRS is also an opportunity to reimagine how we use the District's secure detention facilities and how community-based services are delivered. Fewer committed youth means that the Agency should be able to improve its delivery of high quality, individualized, robust and consistent services to youth in the community. DYRS needs to have the budget to accomplish this important part of their mission. Fewer youth at New Beginnings also is an opportunity to reimagine how to use this facility to benefit all justice-system involved youth, including youth who are charged as adults and currently held at the DC Jail.

Historically, in the District, the human service agencies have been agencies away from which dollars have been taken during the annual budgeting process. I urge the Council not to allow that to happen this year. Currently, as you know, the number of youth committed to DYRS is currently at a significant low. The fact that DYRS has less committed youth in its care should not automatically mean its budget should be reduced. The agency's recidivism rate is dropping, which I believe shows that DYRS appears to be good value for money. Therefore, now is not a time to further reduce their budget, nor should DYRS be the agency whose budget cuts fund other agencies, unless those dollars are used to deliver front end, preventive services and supports for young people.

DCLY is grateful to have had many recent discussions with Director Lacey and his staff, and we commend DYRS on its youth- and family-centered advocacy. We hope to support DYRS in its endeavors to ensure compliance through intervention, prevention and community-supports, rather than through the institutionalization of low- and medium-risk level committed youth. Again, with the notably low number of committed youth, our District has the opportunity to implement DCLY's recommendations and improve the lives and outcomes of committed youth and their families in a community-based setting.

Testimony of

**Deborah Shore, Executive Director , Sasha Bruce Youthwork
To the City Council, Judiciary Committee
Budget Hearing on the Department of Youth Rehabilitation Services**

April 6, 2016

Chairman McDuffie and members of the Judiciary Committee:

Thank you for the opportunity to testify before you today. I am Deborah Shore, Executive Director of Sasha Bruce Youthwork, a youth and family service agency in the city.

Our organization has worked with youth who are involved with the juvenile justice system since our inception 40 years ago. Currently, we serve youth in shelter care ,both young men and young women. We also have a number of neighborhood based community services at Ballou High School, HD Woodson HS Richardson Dwellings/Clay Terrace Youth Center and at the Randall Rec Center in SW and we have a Workforce Training Program, Youthbuild, which is on Alabama Ave, SE which teaches construction trades, provides GED preparation and helps youth get jobs. We also see many youth in our homeless youth programs that have been in the DYRS system, perhaps as many as 40%. Our organization knows the young people in our city who are most at risk or embroiled and are concerned about the lack of a coordinated, coherent approach to giving them a hand up.

The budget for DYRS is quite opaque if you are looking at it as the way to evaluate whether the resources are being properly appropriated but it was clear that the Strategic planning division was being eliminated. Of course the positions are picked up elsewhere but given the importance of showing a credible basis for positive outcomes, it seems especially important that this function be protected. So I suggest that be emphasized.

What I want to focus my testimony on today are the gaps in the services for the youth at risk in our city, services for young women who as a percentage are increasing within DYRS, whether family oriented services are being fully implemented now and how too many youth are leaving the juvenile justice system and are still at such high risk especially for homelessness.

As I understand it, we are seeing a lowering of the number of youth who are engaged in the juvenile justice system or at least in DYRS which is good news but the alienation of the youth who are engaged is more profound. I believe with everything I know that we have not focused enough attention on connecting with the youth in the communities that are most at risk and helping to provide a pathway to positive engagement. There is not enough effort to know these young people or communities or I should say with the resources and backing that is needed.

For instance, we have had a Youth Center at Clay Terrace for 5 years now. We have very little partnership or city support for violence reduction, or truancy prevention or anything that helps us to do this fundamental work of relating to youth and keeping them on a positive pathway. This program should be part of a broader effort for caring, in the operational definition, for these young people and families. We now have funding to do mentoring as a sub-contractor on an OJJDP grant which will run out in September. We will struggle to put together something else to keep those doors open. Our staff and Board volunteer there. We have a Men's Group which has been running for a couple of years every week and is well attended. The genesis of this arrangement came out of community meetings which occurred because of the remarkable violence happening there 5 years ago. We were invited in by the community and the DC Housing Authority who renovated the space. The one thing the community said to us was that they did not want us to get in there and then leave. They had had too much of that. And we will not leave but how much more powerful it would be to have partnerships with all of the incredible resources our city has but for the young people of Clay Terrace where there are narrow doors with which to enter...I know there are other parts of this Administration who are working on creative ways to make the pathways easier but I believe that teenagers in our city who are not staying connected to school and work and are at high risk do not have enough of our attention. How about Youth Centers like at Richardson at Washington Highlands or any of the places in the city which have a lot of people who are struggling...

I want to also say that I am concerned about what is going on with young women and girls in our city. They are getting engaged in the juvenile justice system in larger numbers than ever and are being charged with violent offenses. SBY knows these young women and works with them at our shelter and in our various programs. I know that for many young women their first involvement with the juvenile justice system is truancy. I strongly in support the efforts nationally to once and for all remove status offenders from detention and we should not do this here either. We had a young woman in our shelter home this past year who had a month old child. If we had more alternatives ways to figure out what is going on with the young women and men who are becoming truant and widening the door for entrance into helpful services, we not be moving backwards and detaining young people who are essentially status offenders but more effectively working to help them with the situations in their families and schools. This work certainly should be done in conjunction with community agencies who are best able to gain the confidence of young people and families who are mistrustful of the government and will remain in these communities.

I am involved on the national level as Board Chair of the National Network for Youth which does advocacy at the federal level in behalf of runaway and homeless youth and the programs that serve them. It is acknowledged nationally that participation in the Juvenile Justice system is a critical pathway into young adult homelessness. More family services and coordination of services for the youth

in the DYRS system and who are exiting would be an enormous contribution in preventing further disconnection. We exited participation in the DC Youthlink program 2 years ago because there was not enough focus on family work and we were unable to maintain support for our staff as a result.

The current DYRS Director has proposed a concept to have Credible Messengers working within communities. I look forward to more details and believe it to be a worthy idea. I think many of the staff we employ at SBY are in fact credible messengers which is why our services have been effective with so many young people.



GEORGETOWN UNIVERSITY
Center for Social Justice
Research, Teaching & Service

After School Kids (ASK) Program

Good Morning Councilmember McDuffie, my name is Gina Bulett, I am the Program Director for the After School Kids program at Georgetown University's Center for Social Justice. Thank you for the opportunity to testify today. As a member of the DC Youthlink, we provide tutoring, civic engagement, and healthy lifestyles services through weeknight and Saturday programming. Today, I would like to tell you a little bit about the work we do, the outcomes we are helping youth achieve, and why these services are so important to our youth.

All of our services utilize a near-peer, experiential model where our youth work directly with undergraduate college students on Georgetown's main campus. They learn first-hand what the college experience is like through relationship-building with their tutors and using campus facilities like the dining hall, classrooms, and other campus spaces. To facilitate this learning, we address the immediate needs of transportation assistance and a meal to ensure our youth are present and ready to engage.

Our tutoring program is a very individualized experience as we support youth ranging from middle school to college. In addition to developing academic mastery, our universal goal is to support our youth in seeing how they can change their lives through making an investment in their education. That can range from getting a youth to a place of bringing in homework independently and beginning to pass their classes with the goal of graduating high school, to helping a youth enroll and pass an apprenticeship entrance exam, or working with a community college student make a strong transition plan and enroll in a 4-year university. We support them in changing their relationship with education, often marked by past difficulties, to one



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After School Kids (ASK) Program

where they have more confidence in their abilities and progress. Last year, as one of our youth started the program and was initially resistant. When working to academically engage him, he would say, "I'm stupid and can't do this". Through our consistent encouragement, he was able to generate the best report card that he ever had in the community. In his journey to turning around his high school experience, he is now able to vocalize, that it is not his academic ability level holding him back anymore, but that he needs to improve his attendance and timeliness at school and is on the pathway to doing so. He isn't the only making positive progress. Just last night, one of our youth who entered tutoring mid-way through the third quarter was able to bring her chemistry grade up from an F to a C, getting a 105% on her last quiz after starting the quarter failing every assessment. Another student, who is attempting to transfer into a 4-year college just got accepted into his top pick.

Another way in which we prepare our youth for the next step is through our civic engagement program, where youth are able to complete community service hours for their high school graduation. Through our program, youth get to experience a variety of hands-on community service opportunities as well as learn more about the issues affecting their communities. Our overarching goal is to help youth cultivate diverse service experiences to help inform their own opinions and interests in how they want to give back to their community. To this end, youth have done direct service with the homeless, participated in community gardening, attended advocacy events for critical issues like affordable housing.

Again, thank you for the opportunity to come here and testify today. As a Youthlink member, we had the opportunity to sit down with Director Lacey and discuss our



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evidence-based practices, the measurement of outcomes, and strengthening relationships. We look forward to continue working with your committee, DYRS, and the DC Youthlink to meet the needs of our youth, empowering them to achieve positive outcomes as they transition to adulthood.

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After School Kids (ASK) Program

Good Morning, my name is Georgino Joasil and I am a sophomore at Georgetown University. I work for the Georgetown ASK program as a tutoring site coordinator. My responsibilities go beyond ensuring that our youth make academic gains, but that they experience different possibilities for themselves through education.

Every week our youth are transported to our main campus for tutoring allowing them to embody the experience of a college student. It is always amazing to see their growth in how they maneuver around campus. In the beginning, they are more likely to be timid and hesitant to participate. I empathize with their nervousness because even I was nervous my first couple of days on campus just last year. They begin to be able to navigate without much assistance and their personality begins to blossom. It is as if they are beginning to internalize the idea that they belong there. Nobody can tell them they should not be on campus. It is as if their place is earned in only for a couple of hours each week. This is astonishing considering many do not get the chance to even visualize college life, let alone step foot on a college campus weekly. Unconsciously, I believe our youth begin to conceptualize an alternative future for themselves than they many have previously imagined.

I truly believe that visualization helps our youth in preparing for that next step. I can recount instances when I would see the change right before my eyes. We have three students this semester, in particular, who we helped make college an attainable goal. There is something powerful about supporting students in becoming first generation college students. College is viewed as more of a burden than as a gateway. However, these kids were able to see past their immediate circumstances to strive for something more.

In effect, we hope most of our youth can return to their communities with a new sense of their possibilities.

In addition, they can begin to slowly impact their own communities because the fact of the matter is these participants are just a small fraction of many other individuals who suffer from the same isolation. Exposing them to new ideas about how they can participate in DC only helps to serve their own communities once they return.

I try not to have favorites in this field of work but there is always a few stories which will always stand out. Those three students are definitely in such category. Another includes a teen mother who suffered from a great deal of past trauma and had a learning disability. She was one of the first participants I got to encounter during my time as a Coordinator for ASK. Each and every week I would witness her struggle with the material and let her frustrations be known to everyone around her. Nevertheless, when it came time for her to leave the program and enter a new phase in her life, she only expressed sorrow about leaving the program. This was a family to her. Our staff



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managed to show her we thought she was worth the fight. There was a worthy final product in her which we made her believe about herself. I am happy to announce she is now working to finish her education because she knows it will make a difference in her daughters' lives. Often, there could be difficulty in measuring the quantitative progress of each participant. However, I would be willing to go to bat with anyone who would say our program does not serve a greater purpose than simply getting our kids to achieve higher marks in school.

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**Testimony of
Penelope Spain, Co-Founder & Chief Executive Officer
April 6, 2016**

Good afternoon. My name is Penelope Spain and I am the Co-Founder and CEO of Open City Advocates, a nonprofit established in 2005 to serve youth residing in New Beginnings (formerly Oak Hill) and throughout their reentry back into the community. On average, we serve approximately 40 clients per year with the majority between the ages of 17 to 25. At any given time, we have clients in New Beginnings, in residential treatment centers, in the community, in the DC Jail, and in federal prisons. Open City Advocates is independently funded through individual and corporate donations, foundation grants, and a grant from the DC Office of Victim Services and Justice Grants. We do not contract with DYRS, nor do we participate in DC YouthLink. That said, I strongly urge the DC Council to allocate robust funding to DYRS, particularly to expand services to families and formerly committed youth, to increase the availability of housing to committed and formerly committed youth, and to support DYRS's overhaul of DC YouthLink.

As you may remember, I strongly endorse Director Clinton Lacey. I believe he is guiding the agency in the right direction and am confident that he is the right leader to steward the agency's funding. I am excited to see the opening of the second Achievement Center in Ward 8, the low numbers of youth being sent out of state, and the limited use of New Beginnings only for the highest risk youth.

At Open City Advocates, we strive to serve those hardest to reach – older youth with lengthy histories of delinquency, who have often burned bridges with family and friends, aged

out of many services, and are most at risk for entering the adult criminal justice system. It is important that we not give up hope on these older youth in the deep end of the juvenile justice system who have struggled in our city agencies and courts for years. At Open City Advocates, we have seen that given the proper supports, these youth can become assets to our city and leaders in their communities. Our mentoring and advocacy services have cut recidivism rates by two-thirds compared to other youth leaving New Beginnings, 77% have increased their employment, and 86% have re-enrolled in school upon release – double the national average. I tell you these results not to tout our own program, but to inform funding decisions and encourage expansion of a few key areas of DYRS's services.

First, DYRS is expanding the focus of its services to the entire family of each committed youth. I heartily applaud these efforts. A child's delinquency is often integrally tied to issues going on within the home. We cannot lock kids up at New Beginnings or send them out of state to residential treatment centers and expect their trajectory to be magically changed when they come home. Only by engaging and strengthening those closest to our youth can we help our young people define a healthier sense of self and forge a more positive path for the future.

Unfortunately, some youth do not have a robust family unit or one that can provide a safe and stable home. For these youth, DYRS must expand and improve its independent living services, as well as allow youth to access services beyond the term of their commitment. Although DYRS has allowed for some youth to request an extension of services through DC YouthLink, the time period is too short and only allows youth to continue with services they previously received, not to begin new ones. Expanding the availability of housing and services for post-commitment youth does require resources, but I believe it will be an investment worth making and one which will make our city safer.

Lastly, you may remember that I spoke rather harshly about the DC YouthLink initiative during the most recent DYRS oversight hearing, stating that it is an overly bureaucratic system that provides cookie-cutter services and allows its agencies and organizations to eschew responsibility. I am pleased, however, to have learned of some of DYRS's proposed changes and I look forward to reviewing the DC YouthLink RFP soon to be issued. It is my understanding that DYRS will take more direct control over the determination of services, limit the administrative agencies involved, and eliminate the burdensome "fee for outcomes" component that inadvertently eroded youth buy-in. I hope that these and other changes to the initiative result in DYRS taking full responsibility for the delivery of high quality, individualized services for youth. For the first time since the DC YouthLink initiative began, I finally feel confident asking that the Council afford DYRS robust funds to rework the initiative and make it one that truly meets the needs of our youth and our city.

Thank you for giving me the opportunity to testify today. I welcome any questions the Council members may have.

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY
BUDGET OVERSIGHT HEARING**

APRIL 6, 2016

CHAIRMAN MCDUFFIE, COMMITTEE MEMBERS, AND STAFF, THANK YOU FOR THIS OPPORTUNITY TO OFFER TESTIMONY REGARDING THE COMMITTEE ON THE JUDICIARY BUDGET IN GENERAL AND THE DEPARTMENT OF YOUTH REHABILITATION SERVICES IN PARTICULAR.

FOR TWENTY YEARS THE COLLABORATIVE SOLUTIONS FOR COMMUNITIES, FORMERLY KNOWN AS THE COLUMBIA HEIGHTS SHAW FAMILY COLLABORATIVE, HAS WORKED WITH FAMILIES AND YOUNG PEOPLE MOST AT RISK OF POSSIBLE INVOLVEMENT WITH THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS. SINCE 2003, WHEN THE COLLABORATIVE WORKED CLOSELY WITH CHIEF CHARLES RAMSEY AND MAYOR ANTHONY WILLIAMS IN ESTABLISHING THE GANG INTERVENTION PARTNERSHIP, WE HAVE WORKED HARD AT SUSTAINING A HIGH LEVEL OF COORDINATION AND COMMUNICATION WITH DYRS AND COURT SOCIAL SERVICES ON HELPING YOUNG PEOPLE THAT ARE ALREADY IN THE SYSTEM FROM GOING DEEPER INTO THE SYSTEM.

THE COLLABORATIVE'S WORK FOCUSES ON THE YOUNG PERSON AND THE FAMILY. WE BELIEVE FAMILY MEMBERS - - NUCLEAR AND EXTENDED - - FORMAL AND INFORMAL - - MAKE THE BEST MENTORS AND SUPPORT NETWORK FOR THEIR CHILD. FAMILIES OFFER AN AUTHENTIC AND VALUABLE WINDOW INTO THE LIFE OF A YOUNG PERSON. TOO OFTEN WE ONLY SEE THE CHALLENGES OF A FAMILY. OUR WORK IS BASED ON THE BELIEF THAT THERE ARE STRENGTHS IN EVERY FAMILY. AND WHEN FAMILIES REALIZE THEIR OWN AUTHORITY AND POWER TO MAKE THE RIGHT DECISIONS ON BEHALF OF THEIR CHILD, AND MAKE THINGS RIGHT BETWEEN FAMILY MEMBERS ON BEHALF OF THEIR CHILD, CHANGE REALLY HAPPENS. THROUGH OUR SOLUTION-FOCUSED BRIEF THERAPY AND FAMILY GROUP CONFERENCING APPROACH TO WORKING WITH YOUNG PEOPLE AND FAMILIES - - WE BELIEVE STRONG FAMILIES MAKE SAFE COMMUNITIES.

Collaborative Solutions for Communities / Josue Salmeron / Deputy Director
Committee on Judiciary Budget Oversight Hearing
April 6, 2016

CHAIRMAN MCDUFFIE, WE APPLAUD YOUR LEADERSHIP ON THE NEAR ACT AND THE JUVENILE JUSTICE REFORMS THAT YOU ANNOUNCED YESTERDAY. WE ALSO APPLAUD THE WORK OF DYRS DIRECTOR CLINTON LACEY AND THE MAYOR'S SAFER, STRONGER DC ADVISORY BOARD. THE COLLABORATIVE IS COMMITTED TO HELPING ADVANCE THE UNMISTAKEN PROGRESSION THAT THE COUNCIL IS TAKING TOWARDS BUILDING A PUBLIC HEALTH ORIENTED SYSTEM TO KEEPING YOUNG PEOPLE AND THEIR FAMILIES SAFE.

SPECIFICALLY REGARDING DYRS AND THE JUVENILE JUSTICE REFORMS, WE HAVE THE FOLLOWING COMMENTS:

- 1. WE LOOK FORWARD TO WORKING WITH DIRECTOR LACY ON DEVELOPING THE TRAINING CURRICULUM FOR THE CREDIBLE MESSENGER INITIATIVE. WE BELIEVE CREDIBLE MESSENGER EQUIPPED WITH A SOLUTION-FOCUSED SKILL SET AND THE ABILITY TO COORDINATE FAMILY GROUP CONFERENCES WILL MAKE THE INITIATIVE EVEN MORE POWERFUL AND SUCCESSFUL.**

- 2. WE ABSOLUTELY SUPPORT YOUR PROPOSAL TO MOVE ALL YOUNG PEOPLE UNDER THE AGE OF 18 YEARS OLD OUT OF DC JAIL. THE COLLABORATIVE HAS WORKED WITH YOUNG PEOPLE DETAINED AT THE DC JAIL WHILE THEY ARE AWAITING TRIAL OR PLACEMENT. DC JAIL IS NOT THE APPROPRIATE SETTING FOR PERSONS UNDER 18.**

- 3. THE COLLABORATIVE ALSO ENTHUSIASTICALLY SUPPORTS YOUR PROPOSAL TO ESTABLISH A VICTIM – OFFENDER MEDIATION PROCESS TO REDUCE OVER- INCARCERATION AND SENTENCING. RESTORATIVE JUSTICE RECOGNIZES THERE ARE REAL LIMITS TO A CRIMINAL JUSTICE SYSTEM THAT IS EXCLUSIVELY PUNITIVE. WE KNOW THAT VICTIMS OF CRIME STRUGGLE FOR A LONG TIME - - EVEN AFTER A COURT CASE THAT MAY HAVE BEEN RESOLVED BY A COURT. WE ALSO KNOW MANY YOUNG PEOPLE WHO BRING HARM TO OTHERS THEMSELVES HAVE BEEN BRUISED BY ABUSE, NEGLECT AT DIFFERENT POINTS IN THEIR LIFE. IT IS TRUE - - HURT PEOPLE - - HURT PEOPLE. RESTORATIVE JUSTICE IS A LEGITIMATE AND PROVEN PRACTICE THAT HELPS**

BRING ABOUT THE POSSIBILITY FOR HEALING AND UNDERSTANDING BETWEEN TWO PEOPLE, THEIR FAMILIES, AND THEIR COMMUNITIES.

BY ESTABLISHING A RESTORATIVE JUSTICE OPTION, DC IS PRESENTING A REAL ALTERNATIVE TO PUNISHMENT AND NOT SIMPLY ALTERNATIVE PUNISHMENTS. THE COLLABORATIVE'S FAMILY GROUP CONFERENCING MODEL IS BEING USED ACROSS THE COUNTRY AND WORLD TO HELP FACILITATE VICTIM – OFFENDER MEDIATIONS. WE LOOK FORWARD TO SHARING MORE DETAILS ABOUT THE MODEL WITH YOU.

FINALLY, IN OUR WORK WITH THE SAFER, STRONGER DC ADVISORY BOARD, WE ARE WORKING CLOSELY WITH THE WENDT CENTER AND OTHERS IN STRENGTHENING THE CRISIS CONTINUUM. WITH FEDERAL FUNDING, THE COLLABORATIVE HAS HAD A LONG-TERM RELATIONSHIP WITH MEDSTAR AT THE WASHINGTON HOSPITAL CENTER. WHEN A YOUNG PERSON UNDER 24 YEARS OLD IS HOSPITALIZED DUE TO A VIOLENT CRIME, MEDSTAR CONTACTS US TO MEET WITH THE YOUNG PERSON AND THE FAMILY TO COORDINATE SERVICES, AND TO ASSESS AND DECREASE THE POTENTIAL FOR RETALIATION.

THE CRISIS CONTINUUM WILL EXPAND THAT ASSISTANCE TO A LARGER GROUP OF VICTIMS IDENTIFIED BY THE SAFER, STRONGER ADVISORY BOARD. HOWEVER, THE MAYOR'S PROPOSED BUDGET CUTS \$2.3 MILLION FROM THE VICTIM ASSISTANCE FUND THAT WOULD HELP FUND THE CONTINUUM. WE ENCOURAGE THE COMMITTEE TO RESTORE THOSE FUNDS.

THANK YOU FOR YOUR CONTINUED LEADERSHIP. I AM HAPPY TO DISCUSS WITH YOU ANY QUESTIONS.

Committee on the Judiciary
Budget Oversight Hearing ~ Department of Youth Rehabilitation Services
Chairman Kenyan McDuffie

April 6, 2016

Good morning Chairman McDuffie and other members of the Committee on the Judiciary. Thank you for the opportunity to testify in regards to the Department of Youth Rehabilitation Services (DYRS) FY17 budget. My name is Gable Barmer and I serve as the President of J&G Consultants, LLC. I am going to focus today's testimony on community-based services for committed youth.

Background

¹The mission of the DYRS is to give court- involved youth the opportunity to become more productive citizens by building on the strengths of youths and their families in the least restrictive, most homelike environment consistent with public safety.

History

The innovative community based model that was launched by DYRS in 2008 -2009 has been held nationally as an effective and highly successful initiative. The initial model was derived from two (2) evidenced- based models from Milwaukee, WI and Wayne County, MI. Both models were strong in various areas. Now is the time for DYRS to transition from a replication form of the aforementioned models to an "adaptation" to address the needs of District youth. This can only be successfully accomplished through partnerships with DYRS' sister agencies, the DC Court Social Services (youth probation) and Court Social Services Agency (adult probation and parole) systems. Cross system communication will increase the success for each youth that is committed to DYRS.

While there were concrete outcomes relative to community-based partner engagement services that the youth and their families received, the model presented several administrative and organizational challenges. For example, DYRS entered into a fiscal relationship with the DC Trust (Trust). The Trust then subcontracted with two (2) Lead Entities. The model went through several iterations and has become the DC YouthLink. There have been flashes of success over the past eight years, however additional changes are imminent.

Progress

Success is apparent for DYRS youth based on the key areas, i.e. re-arrests are down, educational and workforce have increased, and a reduction in recidivism has been well documented. Finally youth are able to live in their neighborhoods after being committed to DYRS. While there is a reduction in overall commitments to the

¹ <http://dyrs.dc.gov/page/mission-and-vision>

Agency, the percentage of youth that are referred to out of town placements has drastically reduced.

Where do we go from here?

The DYRS leadership has a unique opportunity to take the many years of data collection, surveys and feedback from youth and their families; and the broad learning from stakeholders to further craft a state-of-the-art initiative. The first eight (8) years were more than an exercise in deep engagement and lessons learned. The past experiences have positioned the DYRS to be in a much more prudent position to better monitor and create systematic controls for community-based partners and other key stakeholders.

The DC YouthLink model is heavily dependent upon a collection of experienced and knowledgeable community-based partners. Once the youth are referred to a community-based partner, a co-created plan is designed and implemented with the input of the youth and their support network of trusted adults. The community-based partners are tasked with ensuring that stated goals are met, while working closely with key stakeholders to develop enhancements and improvements that will lead to greater outcomes for each youth.

Summary

The Positive Youth Justice model is a highly successful initiative for high-risk youth. To that end, I am requesting that you consider fully funding this initiative in the FY17 budget. DYRS, through the leadership of Director Yancey and Deputy Director Linda Harllee-Harper, is well on its way to further reduce annual youth commitments by implementing this highly successful program model. As a DC resident that grew up east of the river in Anacostia, I fully understand that sometimes bad mistakes are made by good people. In such instances, the opportunity to rehabilitate must be provided to give the youth a chance to turn their lives around. One lesson that I learned as a DC Public Schools Teacher (DCPS) and previous CEO of a community-based human services Agency in the District was that youth are good at heart. Chairman McDuffie, through the DC YouthLink initiative, the DYRS youth that have earned the opportunity to reengage in the community - will do so through a structured safety net of providers - and community stakeholders that have their best interest at heart.

Thank you for the opportunity to testify. I'd be happy to answer any questions that you may have.

The Committee of the Judiciary
Testimony against DYRS

Date: 04/06/2016

Antonio White, MPA

Hello Chairman McDuffie and committee members, my name as some of you may know is Antonio White and I am a 35year DC resident and homeowner living in ward 7 at this time. I am also a 15 year plus DC Government DYRS employee, hired as an Intensive case manager in 2002 with my Masters from UDC in Public Administration, Government Management.

After my release from prison in 1991 and attaining my BA degree in Urban Studies, because of a program the Barry administration had in place for ex offenders that I happened to be the only one to ever graduate from in 1993, my desire was to work and give back to my city. I continued my education and was accepted by the DC Council of Governments in a graduate fellowship program giving me the ability to work in Federal or Local government after graduating in 1996 with my Masters. I chose DC Government for my career employment at that time, but was not hired until 2002 by DYRS.

I am here today requesting that you and this committee have DYRS honor the ruling by the Arbitrator that was rendered in my case dated November 29, 2015 and pay me all back pay with steps and raises and cost of living increases that should have occurred.

According to the ruling official I was to have been returned to my previous position by January 15, 2016. But I have heard nothing from the agency to date pertaining to my reinstatement or back pay. I was informed that the agency wanted to offer me a settlement to not return since this is the second time during my career they have done this to me and they've lost both times after slandering me both times.

The neglect of DYRS and its assistant director Linda Harlee Harper and OLRB in this matter is currently going to cost tax payers what I estimate to be over \$240,000 in back pay to date. They have not allowed me or my union president Timothy Traylor to review and clean my files in order for me to seek new employment for reasons unknown to me other than Ms. Harpers sheer dislike for me for no apparent reason. To date they have crippled my ability to find new employment and caused me many personal heart ships even though, I have abstained from seeking legal outside help to address this matter.

I came here today to expedite my back pay and to ask the chairman how this agency has people left over such as Ms. Harlee Harper and Garin Dalcey from the Neal Stanly time period that were instrumental in what happen to me, continue to run the agency affairs in the same manner that he did. I was informed they no longer hire for my position and wanted to offer me a settlement. Since I was or am a DC Government career employee with over four and a half years left in order to receive my twenty years on the job pension. I am requesting a legitimate settlement offer after my reinstatement be submitted to me due to the ill feelings this agency has shown towards me during my career. And if you need a real DC citizen that shares real concerns about the youth in this city I am one candidate that is more than qualified to fill Ms. Harlee Harpers position.

**In the Matter of the Grievance Arbitration between the
District of Columbia Department of Youth Rehabilitation Services and the
American Federation of Government Employees, Local 383**

(termination—Antonio White)

FMCS Case No. 14-52529-A

For the Employer:

Vincent Harris, Esq.

For the Union:

Rushab Sangvhi, Esq.

November 29, 2015

Jane Rigler, Arbitrator

DYRS had a well-founded basis for its doubts about whether Antonio White was able to perform his job as required. It chose to try to improve White's performance by the issuance of a PIP but then did not fulfill its own PIP responsibilities—it failed, subsequent to June 27, 2013, to promptly, consistently, and regularly monitor White's work and provide meaningful feedback.

There is no evidence White did anything to make himself available to meet with his supervisor to discuss the PIP, that he ever inquired about the PIP's status or expressed concern for his job, or that he was seriously interested in improving his job performance. These manifestations of White's apparent indifference to his job with the Agency did not, however, absolve DYRS of its responsibility to properly effectuate the PIP.

The burden in this discharge case is on the Agency to prove it satisfied its contractual obligations by having cause to terminate White. Its termination of him during the PIP period for job performance issues which were an integral part of the PIP it issued was inconsistent with its contractual obligations. Article 14. ¶5's provisions mean that White's exceedingly serious deficiencies should not have resulted in the short-circuiting of the PIP process.

Conclusion.

The Agency did not prove it had cause to terminate Antonio White, and the grievance is SUSTAINED.

As a remedy for the contract breach, the following is ORDERED:

1. The Agency, no later than December 7, 2015, will reinstate Antonio White to the position of DYRS case manager, at the same rate of pay he enjoyed as of October 4, 2013. White, on reinstatement, will be subject to a PIP, the terms of which may be modified from that issued on June 27, 2013 to reflect changes which the Agency believes will enhance the likelihood that

**FEDERAL MEDIATION AND CONCILIATION SERVICE
ARBITRATION BEFORE
ARBITRATOR JANE RIGLER**

In the Matter of the)	
Arbitration Between:)	
)	
AMERICAN FEDERATION OF GOVERNMENT)	
EMPLOYEES, LOCAL 383,)	FMCS Case No.
)	140702-52529-A
Union,)	(Antonio White Termination)
)	
and)	
)	
DISTRICT OF COLUMBIA DEPARTMENT OF)	
YOUTH REHABILITATION SERVICES,)	
)	
Agency.)	
)	

SETTLEMENT AGREEMENT

1. **PARTIES**—The Parties, Antonio White (“Grievant”) through his representative, the American Federation of Government Employees, Local 383 (“Union”), and the District of Columbia Department of Youth Rehabilitation Services (“DYRS” or “Agency”) (collectively, “Parties”) through its representative, the District of Columbia Office of Labor Relations and Collective Bargaining (“OLRCB”), hereby agree to the following as compliance with the Arbitrator Rigler’s Decision and Award in FMCS Case No. 140702-52529-A.

2. **UNION**—In consideration of the Agency taking the actions described below in Paragraph 3, the Union agrees to:
 - a. **WAIVER, RELEASE & INDEMNIFICATION** -- The Union and Grievant shall waive, release, indemnify, forever discharge, and hold harmless from liability the Agency and the District of Columbia Government, as well as its officers, agents, employees and representatives (in their official and/or personal capacities), from any claims, demands, grievances or causes of action that were asserted in this matter or that could have been asserted in this matter or in any other forum or proceeding or tribunal under any theory of liability arising out of the allegations outlined in FMCS Case No. 140702-52529-A that the Union or its successors and/or assigns has or may have. This waiver, release, indemnification, forever discharge and hold-harmless provision hereby includes, but is not limited to, a release of any right to administrative, judicial or Congressional relief, or any other type of relief, except for any allegation of a breach of this settlement agreement.

b. **RESIGNATION** -- The Grievant shall submit to the Agency a letter of resignation.

3. **AGENCY**----In consideration of the Union taking the actions described in Paragraph 2 above, the Agency agrees to:

a. Pay Antonio White back pay from the effective date of his termination to the date of Arbitrator Rigler's Order and Opinion, November 29, 2015. The amount of back pay shall reflect a cost of living wage increase of three percent (3%), applied to all District of Columbia employees, which went into effect on October 5, 2014. The Agency shall ensure that payment of back pay, subject to the normal statutory and other deductions, including but not limited to any withholding necessary for the payment of federal, state, and local taxes, be made available for pick-up and signage of receipt by Grievant Antonio White within sixty (60) days of the date this Settlement Agreement is fully executed.

b. Pay Grievant eighteen (18) months of front pay from the date of Arbitrator Rigler's Order and Opinion, November 29, 2015. The amount of front pay shall reflect a cost of living wage increase of three percent (3%), applied to all District of Columbia employees, which went into effect on October 5, 2014. The Agency shall ensure that payment of front pay, subject to the normal statutory and other deductions, including but not limited to any withholding necessary for the payment of federal, state, and local taxes, be made available for pick-up and signage of receipt by Grievant within sixty (60) days of the date this Settlement Agreement is fully executed.

c. Modify and amend all relevant documentation, including any records included or to be included in Grievant's Official Personnel File (OPF), to reference the termination giving rise to this matter as a voluntary resignation.

4. **NON-PRECEDENTIAL**----The Parties agree that this Agreement is completely void of any precedential value whatsoever. The Parties also agree that this Settlement Agreement was entered into based upon the particular facts and circumstances of this case only. Neither the Settlement Agreement nor the terms herein shall be construed as a basis, by any person or persons, to justify or repudiate similar terms in any subsequent matter. This Settlement Agreement shall not be quoted, construed, cited or relied upon by any Party in any manner in connection with any other judicial or administrative procedure, except to the extent necessary to enforce this Settlement Agreement or as required by law.

5. **NON-DISCLOSURE/CONFIDENTIALITY**----The Parties agree to keep the nature and terms of this Agreement completely confidential. The terms of the Agreement shall not be disclosed to any person or entity beyond the Grievant, his immediate family member(s), attorney(s) and/or accountant(s), Union officials and those Agency personnel, as may be necessary to process and implement the Agreement, and the persons signing below, as required by law, as necessary to implement the terms of the Agreement, or as ordered by a court or administrative body of competent jurisdiction. The Parties further agree this Agreement constitutes "Confidential Information." Nothing in this Agreement shall prevent disclosure of Confidential Information if such disclosure is required by an administrative or judicial order, or

Vincent D. Harris Date
Attorney Advisor, OLRCB

Antonio White Date
Grievant,

Michael D. Levy Date
Supervisory Attorney Advisor, OLRCB

Lionel Sims Date
Director, OLRCB



111 Michigan Ave NW
Washington, DC 20010-2916
ChildrensNational.org

April 5, 2016

The Honorable Kenyan McDuffie
District of Columbia City Council
1350 Pennsylvania Avenue NW, Suite 506
Washington, DC 20004

Re: Budget Hearing on the Office of Victims Services

Dear Chairman McDuffie:

On behalf of Children's National Health System (Children's National), as a member of the District of Columbia's Multidisciplinary Team on Child Physical and Sexual abuse, the District of Columbia's Victim Assistance Network, and the maltreated children and youth we serve, I want to express our appreciation for the grant support provided through the Office of Victim Services and Justice Grants (OVSJG), and to express our support for the 12.6% proposed budget increase for their office.

Children's National has been serving children and families in the Washington, DC metropolitan area since 1870. Children's National is consistently ranked among the top pediatric hospitals by U.S. News & World Report and the Leapfrog Group. Children's National has been recognized by the American Nurses Credentialing Center as a Magnet® designated hospital, the highest level of recognition for nursing excellence that a medical center can achieve. Home to the Children's Research Institute and the Sheikh Zayed Institute for pediatric Surgical Innovation, Children's National is one of the nation's top NIH-funded pediatric institutions. With a community-based pediatric network, eight regional outpatient centers, an ambulatory surgery center, two emergency rooms, an acute care hospital, and collaborations throughout the region, Children's National is recognized for its expertise and innovation in pediatric care and as an advocate for all children.

The Freddie Mac Foundation Child and Adolescent Protection Center (CAPC) at Children's National is the only medical center in the District with a team of health professionals dedicated to victims of child maltreatment, which includes physical abuse, neglect, emotional abuse, sexual abuse to include commercial sexual exploitation, and sexual assault, and one of the first hospitals in the country using a medically-modeled team approach to assess and treat these victims, making it a Center of Excellence. Despite the city's decrease in substantiated cases of child maltreatment according to *Child Maltreatment 2014*, the CAPC has provided care to an increasingly complex patient population in the last two years with over 20 fatalities, several cases of torture, over 15 cases of medical child abuse, over 40 cases of commercial sexual exploitation; and hundreds of sexually victimized, physically abused, and neglected children and

youth. In addition, with the general medical and public health communities' increased awareness of adverse childhood experiences and their impact on health across the lifespan; the identification of childhood victimization and need for CAPC's expertise is likely to increase.

The support from the Victims of Crime Assistance Program (VOCAP) and more recently the LOCAL grant programs has been an integral part of CAPC services at Children's National. Since 1997, the Child and Adolescent Protection Center has received grant support from the Office of Victim Services to provide specialized services to a target population of children and adolescents, from birth to 18 years of age, who have been sexually victimized in the District. Sexual abuse of children and adolescents is a large national and local problem occurring 1 in 10 children by the age of 18 years. Specialized services are provided by pediatric Sexual Assault Nurse Examiners, pediatricians that are board certified child abuse specialist who conduct forensic Medical Examinations, and licensed clinical social workers and a psychologist who provide evidence-based, and trauma-informed mental health assessments and treatment.

OVSJG provides critical funding for the Child and Adolescent Protection Center (CAPC). Currently, grant funds support a portion of the Center's medical and mental health providers, our Victim Service Coordinator, and the Sexual Assault Nurse Examiners. The LOCAL grant has supported part-time pediatrician who has served as the medical director for the Sexual Assault Nurse Examiner (SANE) program for children and youth. Having the co-leadership of a child abuse pediatrician helps to ensure that the forensic medical model is patient-focused, trauma informed, scientifically sound and evidenced based. The SANE medical director also care for patients who experience other forms of maltreatment, many of whom have unmet medical needs which are identified when they are seen for medical services. Others supported by the funds are the SANE Nurse Coordinator who not only manages the pediatric SANE nurses, but also performs forensic medical examinations for acute and non-acute cases of sexual victimization. Without this support, the CAPC would not be able to meet the medical and mental health needs of the children and youth in our community. We would neither be able to provide the crisis intervention and support to other divisions at Children's National, nor our medical expertise to the District's Multidisciplinary Team (MDT).

The MDT, which is a National best practice, was formed as a result of legislation passed in 2002 requiring multidisciplinary review and investigation of cases of child sexual and physical abuse in the District of Columbia. It consists of Children's National, Safe Shores, the DC Children's Advocacy Center, the Child and Family Services Agency, the Office of the Attorney General, the Metropolitan Police Department, and the United States Attorney's Office. Activities of the MDT include participation in the MDT case review meetings for physical abuse and sexual abuse to coordinate care, evaluations and services for victims of abuse and provide information that promotes the well-being of the children and families served through this process. The public-private partnership of the MDT also serves a collaborative effort to identify and enhance processes and work through systemic challenges; and to promote and provide relevant ongoing

training of MDT members. Recognizing the benefits of multi-agency collaboration, CAPC and several other agencies have now established an MDT case review specifically focused on cases of commercial child exploitation. Since July 2016 CAPC has evaluated 37 young people for suspected commercial sexual exploitation as compared to 7 children between July 2014 and June 2015. We are fortunate that OVS encourages and supports such collaborative efforts for the betterment of the city's children and youth.

Since 1997, the degree of grant support through OVS has fluctuated with the fluctuations of the budget for OVS. As a result, our program staffing and consequently capacity for service has waxed and waned accordingly. **As a recipient of the LOCAL grant funds, we are concerned that the 3.2% decrease in the Mayor's proposed FY 2017 Budget will negatively impact our services and patient population.** To improve the capacity and access to the District's child welfare, law enforcement agencies and multidisciplinary teams, CAPC needs at least one additional full time child abuse pediatrician, and an additional trauma-informed mental health provider, **at a cost of nearly \$250,000 above our grant proposal last year.** The traditional ways in which the provision of healthcare is compensated does not fully apply to CAPC. In accordance with the Violence Against Women Act, it is clear that the forensic medical examination for allegations of sexual victimization of individuals 11 year old and older may not be billed to the victim. For example, in FY 2015, the cost of these exams for this age group was \$54,616.00. In some cases, Crime Victims Compensation (CVC) covers the cost, but in the District of Columbia, medical insurance companies are expected to be the payer of first resort, and only patients with a police report are eligible for CVC. So while patients cannot be charged, this cost CAPC \$39,177.00 in expenses in FY 2015. **With fiscal deficits like this, the Center would not have the skilled professionals needed to serve this vulnerable population without increased support of OVSJG.**

While the Center provides its expertise to the city's law enforcement, child welfare agency and courts, and while it provides comprehensive assessments for vulnerable children with allegations of abuse and neglect, government support of our work is quite limited. In fact, the time and expertise provided to the District, which is currently reimbursed at a rate of 13%, should be fully compensated. Over the years, only the Office of Victim Services and the Justice Grants Administration have provided critical funding for the Child and Adolescent Protection Center, supporting only some services. In the past, over half of the Center's annual budget has been funded by OVS through the Victim of Crime Act Formula Grant and by JGA through the Justice Administration Grant. Currently, over 30 % of the Center's annual budget has been funded by OVS through a LOCAL grant. The grant support from these District offices helps the Center narrow its budget gap and maintain these critical core services to the this vulnerable population of young people

We can never predict the number of victims that may need these specialized services; however, to ensure we have appropriate funding to respond when a victim is in need is crucial. As our

communities become more trauma-informed, and as the recognition of child abuse and neglect including commercial child exploitation increases, the demand for developmentally appropriate, forensic medical evaluations and mental health care is likely to increase. It is only with more support of OVSJG that the expertise housed in Children's National can be made available to victimized children and youth and to the government agencies charged with promoting their welfare and justice. Therefore, we wholeheartedly support the overall increased budget allocation for the Office of Victim Services and Justice Grants. It is, therefore, our hope and expectation that the Child & Adolescent Protection Center at Children's National will be able to meet the very complex and critical needs of the victimized children and youth of the District of Columbia. Without increased support from OVSJG, we will not be able to meet the need.

The experience and expertise of the CAPC professionals place them in a unique position to provide expert consultation to those investigating allegations of abuse and expert testimony in civil and criminal litigation, which is on average 80% uncompensated and costs the Center over \$57,000 annually. Despite our fiscal burden, we remain committed to serving this vulnerable population of children and youth with excellence, and hope that the District of Columbia Government, and your committee, will help to ensure fulfillment of our mission. We want to again thank you and the Office of Victim Services and Justice Grants for their support, and we look forward to our continued collaboration with Director Michelle Garcia and her team to serve DC youth.

Respectfully submitted,



Allison M. Jackson, M.D., M.P.H., F.A.A.P.

Division Chief

Freddie Mac Foundation Child & Adolescent Protection Center
Children's National Health System

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Youth Rehabilitation Services



Fiscal Year 2017 Budget Oversight Hearing

Testimony of
Clinton Lacey
Director

Before the

Committee on the Judiciary

Council of the District of Columbia

April 6, 2016
Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington D.C. 20004



Good morning Chairman McDuffie, members, and staff of the Judiciary Committee. I am Clinton Lacey, Director for the Department of Youth Rehabilitation Services. I am joined by our Agency Fiscal Officer, Janine Fletcher; Senior Deputy Director, Linda Harllee Harper; and our Chief of Staff, Adam Aljoburi. I am here today to testify on behalf of Mayor Muriel Bowser's proposed fiscal year 2017 budget. A budget that is the byproduct of Mayor Bowser's leadership and that ensured that the entire District's voice was heard throughout the budget process. A District-wide budget appropriately named "A Fair Shot." While this title resonates District-wide, it does perhaps resonate a little more deeply with our agency because when it comes to youth that we serve, that is exactly what is needed- a fair shot at life; to overcome the trauma and disadvantages they've experienced; and to repair some of the harm caused through their actions and decisions that have led to their commitment to DYRS. This budget does just that. It gives us the resources to ensure that our youth and families receive real opportunities to succeed.

Prior to this hearing, our agency's fiscal officer, Janine Fletcher, discussed the budget with the Chairman's staff in greater detail. Of course I'd be happy to arrange for a more detailed level of review with any member of the Committee. But to provide an overview, we took a deep dive during the budget formulation process to ensure that we continue focusing on reinvesting in our youth and their families right here in our local community while continuing to improve public safety outcomes.

Keeping Our Youth Closer to Home

Our projected budget is slightly lower for the upcoming fiscal year and this is by design. You won't find much fat here: Ninety percent (90%) of the agency's fiscal year 2017 budget goes



directly to services that prepare our youth to succeed, which, we know has a direct impact on their positive engagement and the overall safety of our neighborhoods.

We are able to absorb this reduction because of our fundamental belief, based on evidence-based research, that our youth should be rehabilitated as close to home as possible. Many jurisdictions have become over-reliant on using expensive, residential treatment centers that are often far from youth's homes - a practice which is counter to our Positive Youth Justice Principles. These policies and practices are grounded in the misguided notion that incarceration and institutionalization are the primary solutions to juvenile delinquency. Certainly, these types of placements are sometimes necessary to provide specialized services and to protect public safety, yet research and our current data and experience shows us that most of the youth committed to DYRS can be rehabilitated through the continuum of programs and services that DYRS has to offer our youth right here in the District. Our research demonstrates that the more connected a young person is to their community, the lower their risk to reoffend. So yes, while our budget is lower, it will allow DYRS to give our young people a fair shot by continuing to reduce our use of out of state residential placements.

Keeping Our Girls Closer to Home

Last month, I sat here in front of you and stated that across the country, jurisdictions continue to struggle with appropriately serving the growing number of girls in the juvenile justice system. And we recognize that more must be done for the girls under our care. Historically, the District has disproportionately sent girls to out-of-state residential facilities due to a lack of local placements. Currently, girls under the agency's care needing residential placement are either



housed at the Youth Services Center while awaiting placement or in an out-of-state residential facility.

We realized the importance of finding a solution to this complex problem, and we are taking the steps to become national leaders in gender specific juvenile justice programming. I am ecstatic to announce that this summer we will be launching a female specific 10- bed unit at New Beginnings. This unit will focus on the psycho-social development and individualized needs of adolescent girls all within a restorative justice framework. Specialized DYRS staff with a background and interest in girls' programming will work on the unit ensuring the successful implementation of the therapeutic model. We are also bringing in national experts in girls' programming and gender-responsive training to support our efforts.

This is just one of the advances we're making to ensure that all District residents – including our girls - are provided with a fair shot.

A New Way to Serve

As you know, Chairman, DYRS is drastically changing the way we deliver services to our youth and their families. We are placing our case management team directly in the driver seat of the rehabilitation process. This change is putting us in a position to more effectively support our youth by streamlining processes and reconfiguring our service delivery model at all levels. What does this mean?

First, we will be reconfiguring the D.C. YouthLink Model to ensure that we are minimizing administrative costs and focusing the dollars directly on services to our youth and families. We are holding ourselves more accountable for managing our youths' progress from start to finish.



In order to do that, DYRS will be transitioning from our DC YouthLink partnership with the DC Trust. We will also be shifting from two lead entities to a single administrative partner, which will assist us in supporting our community-based service providers. We believe these changes will enhance our overall service delivery model.

Further, DYRS, in coordination with Safer, Stronger DC, the Mayor's comprehensive public safety agenda, will be expanding the Credible Messenger Initiative to support those community-based services provided through DC YouthLink. The Credible Messenger Initiative is DYRS's most comprehensive attempt to serve our youth and families by investing in the communities we serve. We will implement this enhanced mentoring model delivered by highly trained mentors; parent support coaches; and restorative justice initiatives. We launched this critical work through our facilities-based Covenant of Peace weekend events. This spring we are excited to expand the Credible Messenger initiative to our community-based youth and their families.

Continuing Staff Excellence

The work highlighted in this testimony and throughout our previous interactions cannot be accomplished without an engaged, well trained, staff that understands and embraces our Positive Youth Justice approach. Our staff have bought-in, with approximately 200 staff members already trained in restorative justice, with the ultimate goal of having an internal cadre of leaders able to continue training the entire agency. Further, all staff are now trained in Trauma Informed Care. We train our entire staff in these important principles and practices because we believe that to achieve true organizational culture change, it is vital that everyone at every level is clear about our direction and about those principles that drive our work.

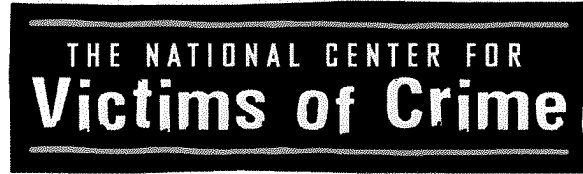


We are currently doing some exciting work and the Mayor's FY17 budget reflects this notion by allowing us to further our goals. Fundamentally, the work of this agency is about giving each young person under our care a fair shot by providing them with services, resources, and opportunities necessary to benefit from Mayor Bowser's stated priorities: affordable housing, transportation, infrastructure, public safety, public education, as well as job training and employment services. At DYRS, we drive our youth to take responsibility for their thinking and actions as they develop the self-respect, fortitude, discipline, coping skills and overall capacity to navigate the world around them in positive and productive ways. In short, we want to give our youth the same opportunities that any invested parent would provide their own child. This is the standard we are setting at DYRS. That is why this budget fits our needs.

I have been Director at DYRS for 14 months now, and while we have made significant progress, we are excited about the work that lies ahead. The resources allocated to the agency in the Mayor's proposed fiscal year 2017 budget are critical to achieving the mission I've laid out. You are all key allies in this effort and I appreciate your continued hard work in ensuring we capture this unique opportunity to give these young people every chance they deserve to become successful contributing members of our District.

In closing, I would like to thank Deputy Mayor Donald for her unrelenting support. I would also like to recognize our staff for their dedication to this challenging yet rewarding work. Now I'd be happy to answer any questions the Committee might have.





Testimony by Victoria Hougham, Director of Victim Services,
on behalf of The National Center for Victims of Crime

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY

BUDGET OVERSIGHT HEARING FOR THE
OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

Thursday, April 7, 2016, 10 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Ave., NW
Washington, DC 20004

Good afternoon and thank you very much for having me here today. My name is Victoria Hougham and I am the Director of Victim Services at the National Center for Victims of Crime. We were honored to receive funding from the Office of Victim Services and Justice Grants this past September to launch DC's first citywide phone, chat and text message crime victim hotline. I appreciate the opportunity to be here to highlight the important work we are doing on the DC Victim Hotline in collaboration with OVSJG as well as to emphasize the importance of this partnership and the funding received to DC residents.

In 2014, the Metropolitan Police Department reported more than 41,000 criminal offenses under the seven reporting categories of homicide, forcible rape, robbery, aggravated assault, larceny/theft, burglary, and stolen vehicles. This figure represents only a fraction of the crime victims in the District of Columbia, many of whom are victims of crimes outside of this limited set of categories, and others who never report the offenses they've suffered.

The District of Columbia offers a wealth of services that can support victims of crime, ranging from practical assistance including crime victim compensation, shelter, mental health counseling, assistance in the justice system, and more. Special services exist for victims of domestic violence, sexual assault, child abuse, homicide, or human trafficking, as well as services tailored for victims who are immigrants, who are LGBT, or who are deaf.

Unfortunately, too many victims do not benefit from these services. In its *Vision 21: Transforming Victim Services Final Report*, the Office of Victims of Crime, Department of Justice, found that millions of crime victims nationwide never receive victim support services or direct assistance from a victim support agency. Because many victims are connected with services through law enforcement agencies, the large number of crime victims who remain outside the criminal justice system are unaware of, or unconnected with, the services available to help them and their families move forward. Even those who report crimes will not necessarily gain access to crime victim specific services and information. Surveys in other jurisdictions have indicated that the majority of victims are unaware of services in their community. The DC Victim Hotline aims to reach all victims of crime throughout the city by promoting the service with grassroots outreach and close collaboration with service providers in the city.

The DC Victim Hotline was developed in partnership with OVSJG to connect crime victims with the many services our city has to offer so that all crime victims in our city can access the help they need.

We are pleased to share that after five months of planning, training and grassroots outreach, we will be officially launching the DC Victim Hotline next week on April 13th, during National Crime Victims' Rights Week. With only a few months of outreach to partner agencies we have already received over 120 calls from people looking for information and support after experiencing a crime. In the last week, we have started advertising throughout the Metrorail system and also online using a pay-per-click advertising campaign. We've seen an immediate increase in call and chat volume.

OVSJG has been instrumental in prioritizing and promoting the hotline as a valuable resource, and we appreciate their time and support in the development phase of the project. The funding from OVSJG has been sufficient to develop initial protocols, conduct basic outreach and staff the hotline. However, with the imminent launch we anticipate a significant need for increased staffing. At current funding levels the Hotline is staffed with five Victim Assistance Specialists which will not be sufficient to staff an active 24 hour hotline. The staff is organized to work one after another, with few overlapping hours in the office. I am here today to ask for increased funding in the coming year to ensure quality around-the-clock coverage of the line.

With the increase in volume we anticipate needing at least three additional, full-time victim assistance specialists, preferably people who are bilingual in Spanish and English. This increase in staff would require an increase in funding of approximately \$126,000.

We expect that with the public launch, the DC Victim Hotline will become an essential resource in the victim services community. In order to ensure that all residents have equal access to the support, information and resources they need after a crime we also need to increase our outreach, advertising and ability to answer the phone, chat and text lines. This will require an increase in funding of approximately \$15,000.

There is great potential for this hotline to make a significant impact in the lives of crime victims in DC and for the work we are doing to be a model for communities around the country. With increased funding we are confident this partnership will continue to thrive and expand to better serve victims in our community as they heal and access services on their own terms. Thank you very much.

DC Victim Hotline

1-844-4HELPDC

1-844-443-5732

What is the DC Victim Hotline?

The **DC Victim Hotline** (DCVH) provides free, confidential, around-the-clock information and referrals for victims of all crime in the District of Columbia. The DC Victim Hotline combines:

- ◆ A phone and text hotline: **1-844-4HELPDC** (1-844-443-5732)
- ◆ An innovative online chat: **www.DCvictim.org/Chat**
- ◆ Online resources: **www.DCvictim.org**

With extensive specialized training, our **Victim Assistance Specialists** are ready to help crime victims:

- ◆ Understand their rights and options
- ◆ Find information and connect with resources
- ◆ Craft next steps to regain control over their lives

Who do you serve?

The DC Victim Hotline serves victims of **any crime** in the District of Columbia. The hotline also has a special focus on populations, crimes, and topics that are generally underrepresented or underserved in victim services. DCVH helps and empowers victims as they navigate the **physical, emotional, and financial** consequences of all crime, including but not limited to:

- ◆ Arson
- ◆ Assault
- ◆ Bullying
- ◆ Burglary
- ◆ Child Abuse
- ◆ Domestic Violence
- ◆ Elder Abuse
- ◆ Financial Fraud
- ◆ Hate/Bias Crimes
- ◆ Homicide
- ◆ Human Trafficking
- ◆ Property Crimes
- ◆ Sexual Assault
- ◆ Stalking
- ◆ Terrorism

When can I access services?

DCVH operates the phone hotline **24 hours a day, 7 days a week**. Chat and text are available during select weekday hours. Our web content and resource directory are always available at **www.DCvictim.org**.

What if I speak another language?

Both English and Spanish-speaking Victim Assistance Specialists are available. Additionally, any specialist can access an interpreter by phone for more than **200 languages**.

What types of resources and referrals are available?

Victims of crime have a variety of needs, from simple to complex. Some of the topics that we can share information about or provide referrals to include:

- ◆ Crime Reporting
- ◆ Case Management
- ◆ Mental Health Support
- ◆ Housing Options
- ◆ Financial Compensation
- ◆ Legal Services
- ◆ Medical Services
- ◆ Victims' Rights

What information will I need to provide?

All DCVH services are **completely anonymous**. Our Victim Assistance Specialists begin each conversation by inquiring about any safety or privacy concerns callers may have. We will never request any personally identifying information, nor do we store any user information (including phone numbers).

Revised 4.1.16

WENDT  CENTER
FOR LOSS AND HEALING

Committee on the Judiciary

Chair Kenyan McDuffie

BUDGET OVERSIGHT HEARING

Testimony of

Michelle Palmer, LICSW
Executive Director, Wendt Center for Loss and Healing

April 6, 2016

Good afternoon, Chairman McDuffie and other members of the Committee on the Judiciary. My name is Michelle Palmer and I am the Executive Director of the Wendt Center for Loss and Healing. As the city's leading mental health provider working with victims of violent crime, the budget for the Office of Victim Services and Justice Grants is of great importance to the Wendt Center and indeed to the residents of D.C.

Since 1975 the Wendt Center has supported the emotional healing and restoration of individuals and families, affected by grief/loss or trauma in the D.C. metro area and has served proudly as part of the network of service providers dedicated to meeting the unique needs of survivors of crime. OVS funding has enabled us to address the needs of a wide variety of survivors of crime including co-survivors of homicide, victims of child abuse and neglect, sexual assault, domestic violence, and aggravated assault.

The need for trauma informed mental health services for victims are only becoming more acute as crime continues to impact the lives of so many D.C. residents. According to the Metropolitan Police Department, as of yesterday, homicide was up by 8% as compared to this time last year, assault with a dangerous weapon was up by 7%, robbery was up by 24% and sexual abuse was up by a staggering 39%. This last figure is particularly troubling when you consider that this number is made up of ONLY those who reported the crime to the police.

The 2017 budget proposed by the Mayor proposes to cut \$600,000 from victim services and \$2.3 million from the Victims Assistance Fund. The proposed \$600,000 reduction in funding is the Comptroller Source Group (CSG). This is the funding used by OVSJG to fund community based victim services such as the mental health services provided by the Wendt Center. During FY14, with funding from OVSJG, the Center provided individual, family and group therapy to 292 victims of crime. In FY15, again with funding from OVSJG, we provided those same services to 584 victims of crime, a 50% increase from FY14.

The \$2.3 million proposed reduction in the Victim Assistance Fund will negatively impact the city's ability to implement the SAVRAA recommendations as well as fund the city's newly formed crisis continuum that was developed to by the Network for Victim Recovery of DC, DC SAFE, the DC Forensic Nurse Examiner Program, Medstar Washington Hospital Center, Collaborative Solutions (formerly Shaw/Columbia Heights Family Collaborative) and the Wendt Center in response to the increase in violent crime. A continuum that is part of the recently passed NEAR Act of 2016. The crisis continuum fills a

crucial need for victims of violent of crime to help ensure that victims are not falling through the cracks. With a 17% increase in all violent crimes as compared to last year, now is NOT the time to cut funding necessary to serve victims of crime.

Chairman McDuffie, and members of the Council, this is not simply a professional issue for me. One of the homicides this year was someone very dear to me and one of the assaults with a dangerous weapon this year was a young woman I worked with for several years and, as a result of her assault is left permanently disabled and in need of intense trauma focused therapy. I have experienced both personally and professionally the critical need for services to victims of crime and their families. While I applaud several of the Mayor's initiatives, they simply must NOT come at the expense of victims of crime. I urge the Council to work with Mayor to ensure that local funds allocated to OVSJG do not fall below FY16 levels. Additionally, I ask the Council to return the \$2.3 million dollars removed from the Victim Assistance Fund. This money is intended to and essential for supporting and restoring the well-being of victims of violent crime. Thank you for your attention and your advocacy and legislative efforts on behalf of victims of crime. I am happy to answer any questions you may have.



DC Volunteer Lawyers Project
5335 Wisconsin Avenue, NW, Suite 440
Washington, DC 20015
Tel. (202) 885-5542
www.dcvlp.org

Office of Victim Services Budget Oversight Hearing

April 6, 2016

Testimony of Jenny Brody

Co-Executive Director, DC Volunteer Lawyers Project

Good morning, I am Jenny Brody, Co-Executive Director of the DC Volunteer Lawyers Project.¹ We receive funding from the Office of Victim Services to provide legal representation to some of the more than 5,000 domestic violence survivors who seek protection orders in D.C. Superior Court each year. We also represent victims in custody and divorce matters, and provide holistic legal, housing and social services to victims at a walk-in domestic violence clinic, located in southwest DC, that we operate in partnership with two other OVS grantees, My Sister's Place and the District Alliance for Safe Housing. Approximately 90 percent of our clients are African American women living in Wards 5, 7 and 8, half of whom are caring for young children.

I want to provide an overview of why the legal services funded by OVS are so important for domestic violence victims. I also want to highlight the steep increases in the number of victims filing for protection orders in Superior Court. Specifically, between 2014 and 2015, there was a 5.8% increase in number of victims filing for protection, and, based on statistics kept by SAFE, we understand that there was an even larger increase in the past year. It is critically important to ensure that that funding for OVS keeps up with the increase in demand for services, especially legal services.

Legal services are vitally important to ensuring victims' safety from abuse. Domestic violence survivors who file for a protection order are taking a courageous step, but one that can be dangerous, because studies show that the risk of violence increases significantly when a victim tries to leave an abuser. The good news is that a protection order is a potent tool to protect victims. One national study showed that, in 86 percent of

¹ The DC Volunteer Lawyers Project provides high-quality, free legal services to domestic violence survivors in protection order, custody and divorce, and immigration cases and to other low-income District residents with urgent family law needs. In 2014, with training, supervision and support provided by DCVLP, our volunteer lawyers donated over 10,000 hours of free legal services to their clients. For more information, go to: www.dcvlp.org.

cases, victims who obtained protection orders were safe from further violence six months later. And an ongoing survey of DCVLP clients shows that, to date, 100% have been safe from further violence at 3 and 6 months after obtaining a CPO.

The troubling news is that only 40-45% of people seeking protection orders in DC Superior Court actually succeed in getting an order. In contrast, DCVLP attorneys obtain protection orders on behalf of our clients in 90-95% of cases in which the victim goes forward. So funding legal services for victims is critical to their success in obtaining a protection order.

A second critical issue facing many of our clients is fear of losing their children. Approximately half of our clients have a child in common with their abuser, and many abusers threaten to take the children away as a means of coercing the victim to remain in the relationship. This is a potent and terrifying threat. A protection order grants the victim temporary custody of her children, but the victim must file an action for permanent custody before the protection order expires. With OVS funding, DCVLP represents victims in cases to obtain permanent custody of their children, along with child support and a divorce, if needed.

A third important function of legal services is providing victims with the information they need to escape from abuse, which is the purpose of our walk-in clinic. There are many excellent legal protections and resources available to domestic violence victims in DC, but unless victims know about them, they don't help. I'll give an example of one client we saw at the clinic recently. Mary (not her real name) was married to Tom, who was an active duty in the military. They had a 3 year old daughter. When Tom returned from serving in Afghanistan, he became withdrawn and started drinking

heavily. He began shouting at Mary, pushing and shoving her, and then threatening her, stating that if Mary left him, he had ways to make her “disappear,” and that when she disappeared, Tom would get custody of their daughter. Mary was terrified, but did not think that she could obtain a protection order because she had no visible injuries. She also feared that if she sought a divorce, she would lose base housing and would have no way to support her daughter. Our clinic lawyer advised Mary that she had grounds to seek a protection order without showing injuries, and discussed with Mary other types of evidence that could be entered to support her case. The clinic lawyer also discussed with Mary the process for seeking a divorce, and went over the DC Child Support Guidelines to calculate how much child support she could expect. In addition, the lawyer referred Mary to DASH advocates, at the clinic, to discuss housing options available to domestic violence victims. At the end of her clinic visit, Susan understood her legal rights and saw that there was a path out of her terrible situation.

For all of these reasons, the legal services funded by OVS are critically important to help victims and their children escape from abusive relationships and to build safe and stable lives. To ensure that this important work continues, and to enable legal services providers to increase the number of clients we are able to serve, we urge the committee to fully fund OVS in the next fiscal year.

Mr. Chairman, thank you again for your work to help domestic violence victims escape abusive relationships. I am happy to answer any questions you have.

Committee on the Judiciary and Public Safety**OVS FY 16 Budget Hearing****Testimony of Nikki Charles, *NVRDC Co-Executive Director, Director of Therapeutic & Advocacy Services***

Thank you Chairman McDuffie, and other Committee members. My name is Nikki Charles, Co-Executive Director at Network for Victim Recovery of DC (NVRDC). NVRDC empowers victims of all crimes to achieve survivor defined justice through a collaborative continuum of advocacy, case management, and legal services—providing all services free of charge. This includes free legal services (without any income restrictions)—provided to over 400 victims of various crime types in FY15. This is in addition to the 24/7 Sexual Assault Crisis Response Project, which after three and a half years in operation, has served 1429 victims of sexual assaults, 450 in FY 15 alone, by providing crisis intervention, exam accompaniment, transportation, housing and compensation assistance and ongoing case management. Additionally, NVRDC runs a number of robust and growing programs in addition to the core direct services we provide to the city, including the District's Collaborative Training & Response to Older Victims, the Victims' Legal Network and the Identity Theft Assistance Project.

While NVRDC has many diverse funding streams, the bulk of our direct services programs are funded with OVS dollars, including the newly piloted Crisis Continuum project that expands acute crisis services beyond sexual assault and domestic violence to victims of serious, intentional violence through a continued partnership with several organizations including DC Forensic Nurse Examiners, DC SAFE, the Wendt Center for Loss and Healing and Collaborative Solutions, formerly the Columbia Heights/Shaw Family Collaborative. It is our belief that victims of community violence that don't fall under the high level of services that exist for victims of sexual assault and domestic and intimate partner violence, deserve that same level of care. What we know from providing collaborative services in a continuum for almost four years is that the need is great and growing and that the impact on recovery is significant.

While the numbers of people served clearly represent the need for these continued services, the measure of our programs' impact is best illustrated by our clients' experiences:

My case manager “worked together with MedStar Washington Hospital Center, DC Forensic Nurse Examiners and Metropolitan Police Department to provide me with medical care quickly, I did not need to repeat the crime details to multiple parties or fill out redundant paperwork, and I did not need to be alone or worried during any of these processes. She not only provided resources for care, but also a physical presence to support me through one of my worst days.”

-An NVRDC client

Providing this level of acute comprehensive services is clearly a best practice, but the fiscal impact of doing so for all violent crime victims is not insignificant. Funds from OVS allow all of us in this room to serve our clients, yet, needs are still not being met for many, which is why we are working hard to establish a

functioning continuum of crisis services without impacting existing services for specific crime populations such as domestic/dating violence, sexual assault, and stalking. There remains a woeful shortage of mental health and legal services. This is why just maintaining OVS's budget is not enough, and cutting it, specifically in the area of victim services funding, should never be an option. We need to improve and expand our cohesive and consistent safety net across the city. At a minimum, the 2.6 million dollars in VAF funds must be restored to the OVS budget, so that we can continue to provide and expand services that create meaningful impact in the lives of all crime victims in the District. NVRDC would strongly encourage the Council to consider how supporting crime victims is more than an investment in their recovery but an investment in community health overall.

Thank you for your time today and I am happy to answer any questions you may have.

To: Council of the District of Columbia

From: Rachel Friedman
Deputy Director
Men Can Stop Rape

Date: March 5, 2016

Re: Office of Victim Services and Justice Grants Budget Hearing

My name is Rachel Friedman, and I am the Deputy Director of Men Can Stop Rape, a national nonprofit based in Washington, DC. Men Can Stop Rape was founded in 1997, and our mission is to create cultures free from violence, especially men's violence against women and girls. Our primary initiatives are youth development programs for boys, young men, girls, and young women; the ASK technology platform; a national initiative called the Healthy Masculinity Action Project; training and technical assistance for international, federal, state, and grassroots organizations that seek to engage boys and young men in gender-based violence prevention; and media messaging campaigns that address consent, bystander intervention, and healthy, nonviolent masculinity.

I am here today to talk about the importance of maintaining OVSJG's funding at \$12.4 million in Local support, including restoring \$742,000 which supports life-saving sexual and domestic violence programs. We also ask that the council again prevent the \$2.6 million Crime Victims Assistance Fund from being used to balance the budget. Your leadership will ensure that OVSJG receives level funding and continues to have the capacity and resources to support organizations that serve victims of sexual and domestic violence, marginalized communities, safe housing, and intervention and prevention programs.

We have worked with the Office of Victim Services and Justice Grants on prevention programming since 2008. This year, we are directly serving nearly 700 middle school and high school students in 51 Clubs throughout all eight Wards of the city and indirectly reaching thousands more through member-led community service projects and media messaging. Member participation in these projects provides tangible workforce development skills like media production, technology development, graphic design, networking, and event planning. Examples include the upcoming premiere of our online docu-series "Counter Stories," which is a youth-led program that explores the intersections of art and social justice; and the second annual "Project Me," an all-day female empowerment conference that will be held at the University of the District of Columbia as part of our Sexual Assault Awareness Month activities.

Under the agency's leadership, we have brought our youth development programs to all middle schools and high schools in the DC Public School System. These include our Men of Strength, or MOST, Club and Women Inspiring Strength and Empowerment, or WISE, Club. Through weekly curriculum sessions and community service projects, MOST and WISE members develop vital social and emotional learning skills that are foundational for building equitable relationships with peers; setting and achieving short- and long-term life goals like academic performance, consistent school attendance, career aspirations, and personal development; and gaining the skills to reduce school and community violence through bystander intervention. Based on the success of these youth development programs, Men Can Stop Rape is providing programming for the third year in a row on "Show Up, Stand Out," the District's truancy reduction initiative.

Since 2012, we have coordinated over 55 city resources through a first-of-its-kind website and mobile application that provides before, during, and after sexual violence resources in one place. Assault. Services. Knowledge., or ASK, DC is available in eight languages and is geared toward District residents and visitors. University Assault. Services. Knowledge., or UASK, DC offers students at all eight universities in the District comprehensive campus-specific and community resources. Both platforms offer immediate crisis interventions like a panic button and the ability to send GPS and emergency notifications to selected contacts. In addition to detailed information about advocacy, medical care, counseling, and legal options, our smartphone technology offers a variety of community-specific resources, including multilingual and ASL assistance and services for trafficking victims, LGBTQ, military personnel, and teens and minors. For the past two years we have hosted an annual "You Are Not Alone" conference, successfully mobilizing all District campuses around utilizing UASK DC, bystander intervention, trauma-informed care, and coalition-building between administrators and service providers. In addition, Men Can Stop Rape is actively involved in the DC Victim Assistance Network (VAN), and I am currently serving my second term on the VAN's Leadership Council.

In closing, I'd like to reiterate our request that OVSJG not receive a reduction in Local Funds or the Crime Victims Assistance Fund. Thank you for this opportunity to share the importance of maintaining OVSJG's full budget. I am happy to answer any questions.

Voices for a Second Chance
Testimony Before
DC Council Committee on the Judiciary
Kenyan McDuffie, Chair
Wednesday, April 6, 2016

Good morning Chairman McDuffie and members of the committee. I am Paula Thompson, the Executive Director of Voices for a Second Chance, a nonprofit organization that has for 46 years provided programs and supportive services for incarcerated and newly released men and women in the District. Our services are both basic and profound, but all are critical to help inmates maintain family and community connections while incarcerated and upon release.

We believe the process of a successful reentry into the community should begin on the first day of incarceration to the end. We provide a road to success with a network of services and programs that encourage positive choices and personal accountability. Our success is the community's success. We partner with citizens from the moment of arrest through release. We work hand and hand with them and their families throughout the incarceration and help prepare these men and women for a productive re-entry into the community.

VSC is unique among area non-profits that partner with the DCDOC and work with the incarcerated, in that we are the only service provider in the District offering "first responder" services to incarcerated and newly released inmates returning to the community. Each year, VSC provides over 5,000 services to approximately 4,300 individuals. Often, these are services which in other jurisdictions might be provided by a city or county jail system— such as free third party phone calls for inmates to their families, loved ones, attorneys and other community providers, and storing of inmate property. Along these lines, we also provide greeting cards to keep the incarcerated connected with family, we provide mental health screenings and share those findings

with pertinent DCDOC staff for follow-up, and we facilitate individual and group counseling focused on trauma.

VSC is also there "in between," offering vital support and a connection to the outside world for the incarcerated.

Our services include:

- Case management services for inmates on-site at the DC Jail and the CTF, from their intake into the DCDOC system until their return to the community; and
- Family Connections services (our newest program offering) for families and children of inmates and those re-entering homes from prison and/or jail. Family Connections offers a continuum of supportive services for children of incarcerated parents and their caregivers to strengthen the possibility of successful family reunification through special projects and programs. Our Thanksgiving food giveaway and adopt-a-family during the holidays provides much needed necessities to families. Two years ago, we launched a partnership with Stanton Elementary School (DCPS) to provide a safe supportive space using group sessions for students to express living with the absence of a parent due to incarceration. In addition to supports for children we offer group counseling sessions for the custodial parent/caregiver for space to address the challenges they face with the absence of their loved one.
- The VSC re-entry program is designed to help recently released men and women navigate reentry into the community from the DC correctional facilities by providing essential transitional supports assistance with vital records, job searches, education, and transportation supplements. VSC also partners with halfway houses located in the District such as Hope Village and Fairview to provide these transitional supports. In addition to the services mentioned, we welcome newly released inmates daily who visit our office for basic human needs such as clothing and toiletries, making telephone calls, transportation subsidies, funds for a birth certificate or police clearance, or a haircut certificate, basic human needs that are vital for productive

reintegration. For those in the process of rebuilding their lives, use of our mailing address for education/housing/employment inquiries offers a degree of solace. Individual and group counseling to aid those challenged with the reintegration process needing emotional support. As a direct result of our work that begins during our case management inside the correctional facilities, this program has had very successful results with the released population.

To provide all of these critical programs and services, VSC relies on a mix of both public and private funding. Unfortunately, VSC recently experienced a significant funding cut for FY16-- approximately \$100,000— from grant funding that was provided in FY15 by the District government. This cut threatens the continuation of many of the vital services outlined above. In FY15, the District's Justice Grants Administration awarded VSC a total of \$227,000 to support our inmate and reentry services. While we understand that government funding priorities often change, we did not anticipate this cut and the timing of the notification of the cut did not give us adequate opportunity or notice to fill the significant gap that has been created.

Specifically, funding from the JGA grant funded our women's reentry initiative serving female inmates housed in the CTF, "first responder" intake and case management services for men housed at the DC Jail, individual counseling, life skills group sessions, and reentry services for returning citizens. For example, during a typical three-month period, our case managers respond to more than 1,000 requests from over 400 inmates. The reduced grant funding required VSC to reduce staff and the number of days we visit the women at CTF, which resulted in the suspension of life skills trauma group offerings for many of the women who benefit from this program.

More citizens are returning from incarceration with complex needs, and there is no magic bullet to guarantee success. But as our base continues to grow, VSC's financial needs are even greater. The concern is that the priorities for this population are waning as demonstrated in the commitments proposed by the administration to support these citizens. The only COMMUNITY CORRECTIONS resource for community

based organizations has been a federal source. There is no commitment from the administration to allocate local funds for reentry. Instead, the precedence is to devote the majority of local funds for victim services and truancy reduction – noble and necessary priorities. At the same time, a more adequate response would be a comprehensive and balanced approach to address public safety priorities includes funds for juvenile/adult reentry programs and services as a significant priority.

Because VSC works with people from inside facilities like CTF, DC Jail and federal prisons and in the community once they are released, we believe that we can speak to the challenges that reduced and deficient funding presents to returning citizens and their families, especially the children. The reduced funding means that there are limited or no resources to support successful reintegration that includes family connections, housing, employment, mental and behavioral health and counseling. After months, years and, in some cases, decades of incarceration, citizens returning to the community need more support from community based organizations at the grassroots level like VSC to become fully integrated. Fractured funding and fractured services are a hindrance to our clients' success because they cannot depend on VSC and other community based organizations to be consistent in our provision of services.

VSC has a proven track record of successful client support both inside correctional facilities and in the community. For 46 years, VSC has bridged the gap from incarceration to community for tens of thousands of men and women in the District of Columbia. We provide tools for citizens with criminal records to have a second chance to be part of and contribute to the community. We cannot continue to empower this population when funding is continuously decreasing.

Thank you for the opportunity to share VSC's impact on public safety and reentry. I respectfully appeal for your serious and thoughtful consideration that funding for juvenile/adult reentry supportive services to community providers be a priority for this committee and administration, as you try to balance many priorities during the budget process. Our returning citizens should be greeted with the ability to build a productive



SURVIVORS AND ADVOCATES FOR EMPOWERMENT

Supporting and Empowering Domestic Violence Survivors since 1997

Apoyando a Víctimas de Violencia Doméstica desde 1997

Testimony of Survivors and Advocates for Empowerment (DC SAFE)

Budget Hearing - Office of Victim Services and Justice Grants (OVSJG)

Committee on the Judiciary - DC Council

April 6, 2016

Thank you, Chairman McDuffie and members of the Committee, for the opportunity to provide remarks at today's Hearing. My name is Natalia Otero, and I am the Executive Director of DC SAFE, the city's provider of crisis intervention services for domestic violence survivors. DC SAFE had the opportunity a month ago to share with this Committee details of the important work that the Office of Victim Services and Justice Grants (OVSJG) has grown through providers like our organization; today, we'd like to encourage the Committee and the Council to support a budget plan that recognizes that work for its vital role in public safety and in the health of our community.

DC SAFE provides domestic violence crisis care, including a 24/7 Line for First Responders and community organizations to directly connect a victim to an advocate; a crisis response team ready to be dispatched into the community to meet survivors at safe locations; a crisis housing project unique in its ability to place families in housing on a 24-hour basis; a supportive advocacy program designed to provide flexible and tailored advocacy services and legal information; and a coordinated multi-agency response through the Lethality Assessment Project, making DC a leader in use of this best practice, and a model jurisdiction.

As a crisis provider, DC SAFE is also a part of a network that includes NVRDC, DCFNE, and the Wendt Center, that functions as the District's crisis response continuum, providing immediate and ongoing holistic supportive care to all victims of violent crime. Additionally, these organizations work closely with MedSTAR to create access for victims in need of, medical forensic care. As we described in our testimony at the OVSJG Performance Oversight Hearing, we have recently launched the Crisis Continuum Project, an evaluation pilot aimed at creating an additional access point for our collaborative 24-hour response, teaming advocates and nurses at the MedSTAR trauma bay, and providing linkage to trained grief and loss counselors for victims and their families, to ensure that all victims of crime are served. NVRDC, DC SAFE, The Wendt Center, and DCFNE are veterans of this work, but the CCP offers a new access point to ensure that no one is alone to navigate the traumatic and complex process of obtaining help, and healing, after a violent crime.

We were pleased to see this process supported in the recently enacted Neighborhood Engagement Achieves Results (NEAR) Act of 2016. We believe this project can achieve results in meeting the needs of vulnerable victims of crime as well as stopping the cycle of violence. We urge the Council to work quickly with the Mayor to develop and release a framework for funding the core activities that the NEAR Act describes, which will be important tools in intervening in current violent trends in DC. However, we would add that this funding should not come at the expense of other victim service funds, which are vital to ensuring that crisis and front-end interventions are effective in the long-term, by supporting the extensive networks of providers whose wraparound care can make all the



SURVIVORS AND ADVOCATES FOR EMPOWERMENT

Supporting and Empowering Domestic Violence Survivors since 1997

Apoyando a Víctimas de Violencia Doméstica desde 1997

difference. The CCP is an innovative approach, it will prevent survivors from falling through the cracks, and make interventions more effective; but access cannot be created at the expense of follow-on care.

In this light, we ask that the Council work to restore VAF funds which are threatened by the current Budget proposal. The reduction in this funding would be shortsighted, as these funds are essential to accomplishing the recommendations of the SAVRAA task force, and are statutorily intended to support critical victim services. Additionally, DC SAFE is extremely troubled by the significant decrease in Local funding for OVS. Sustainable investment on the part of the City in critical public safety projects that support victims of crime is essential. We are currently seeing more crime victims in need than ever, and a decrease in this funding will degrade the response available to them and place them in danger. As an agency that receives over 10,000 calls per year, assists over 6,000 survivors, and houses over 400 individuals and families in shelter, DC SAFE is accustomed to extremely economical use of resources, but also knows that victim service providers cannot meet a growing need with shrinking budgets. In the last year alone, we saw a 25% increase in our client base, and expect a similar increase this year. Whatever the final form that the Budget takes, we *must not* balance it on the backs of victims, and we believe strongly that local investment is vital to maintaining sustainable programming for our community.

DC SAFE is grateful for OVSJG's support and for the Council and Committee leadership on making sure its programs are strong, effective, and adequately resourced. Consistent and sustainable funding is of utmost importance to those of us who are here today to testify. We hope that the Council can work with the Mayor to maintain a strong baseline for OVSJG funding, and work quickly with the Mayor's budget office to ensure that the NEAR Act has its core goals and projects fully and immediately funded, without cutting into other vital Victim Service funding. Thank you for your time, and your strong and unwavering support for survivors in our community. I appreciate the opportunity to testify and am happy to answer any questions.



Council of the District of Columbia
Committee on the Judiciary
Budget Oversight Hearing on the Fiscal Year 2017 Budget Request Act of 2016 and
Fiscal Year 2017 Budget Support Act of 2016

April 6, 2016

Testimony of Karma Cottman
Executive Director, DC Coalition Against Domestic Violence

Chairman McDuffie, members of the Committee and staff: My name is Karma Cottman and I am the Executive Director of the DC Coalition Against Domestic Violence (DCCADV or the Coalition). The Coalition is the federally-recognized statewide coalition of domestic violence service providers in the District of Columbia. Our members provide emergency and transitional shelter, legal representation, crisis intervention, advocacy, counseling and support services to survivors of domestic violence and their families. Our culturally specific organizations provide outreach, education and support to specific populations in our city, including African-American, Latino, Asian and Pacific Islander, Immigrant and LGBTQ survivors of domestic violence. Working together with our member organizations and community partners, the Coalition seeks to strengthen and help shape the city's response to domestic violence by advocating for systems change, providing training and technical assistance to government and community-based agencies, raising awareness, and developing policies that support survivors as they heal from abuse and rebuild their lives on their own terms.

We appreciate the Chairman's leadership in prioritizing the needs of survivors, and ask that the Committee continue its support for domestic violence services in Fiscal Year 2017 by: (1) maintaining local support for the Office of Victim Services (OVS)¹ at FY 2016 funding levels; and (2) preventing the Crime Victims Assistance Fund (VAF) from, once again, being raided to balance the budget.

Local funding for OVS is a critical resource that should be maintained in FY17 to support core services for domestic violence survivors and their families and to support culturally specific services so that all survivors can access help. OVS plays a central role in the District's response to domestic violence and its support has helped build a network of providers, creating a continuum of care from the moment someone asks for help until the time they are free from

¹ The Office of Victim Services and Justice Grants (OVSJG) is composed of two divisions – Victim Services and Justice Grants. References to "OVS" are to the victim services division.

abuse. OVS funds the community-based non-profits that provide safe housing, crisis intervention, legal services and advocacy for survivors. It also funds the culturally specific service providers that reach out to marginalized populations and help overcome the cultural and linguistic barriers that these survivors often face.

These providers and their clients may be impacted if local funding for OVS is decreased, especially as the number of survivors seeking help continues to rise. Last year, for example, the Metropolitan Police Department (MPD) received nearly 35,000 domestic violence-related calls for help – that’s approximately 1 call every 15 minutes – representing a 6% increase over 2014, and a 13% increase since 2012.² In D.C. Superior Court, over 5,500 petitions for Civil Protection Orders (CPOs) were filed last year, representing a 9% increase over 2014, and a 17% increase since 2012.³ Nearly 6,000 people sought help at the court’s Domestic Violence Intake Centers, which provide assistance with obtaining CPOs and referrals for emergency shelter, legal services, and counseling; this represents a 2.9% increase over 2014, and a 7.1% increase since 2012. Among the over 1,000 families who experienced homelessness last year, 27% reported a history of domestic violence, and 15.3% were homeless as a direct result of a violent incident.⁴ Domestic violence service providers are struggling to meet these increasing requests for help. In just one 24-hour period last year, for example, over 500 victims were served by local domestic violence service providers; yet, due to funding constraints, providers had to turn away 43 victims that day.⁵

² Source: Metropolitan Police Department, 2012-2015.

³ Source: D.C. Superior Court Annual Report, 2015.

⁴ Source: Metropolitan Washington Council of Governments, Results and Analysis from the 2015 Point-in-Time Count of Persons Experiencing Homelessness. <https://www.mwcog.org/uploads/publications/v15bWik20150514094353.pdf>.

⁵ Specifically, 511 victims were served by local domestic violence service providers – 302 found refuge in emergency shelters or transitional housing and 209 received non-residential help, such as counseling, legal advocacy and children’s support groups. Source: National Network to End Domestic Violence, Domestic Violence Counts: A 24-hour Census of Domestic Violence Shelters and Services (Census) – District of Columbia 2015. Available at http://nnedv.org/downloads/Census/DVCounts2015/District_of_Columbia.pdf.

The Mayor's FY17 proposed budget, however, would *decrease* the amount OVS receives in General Funds by a total of \$742,000.⁶ Although the amount of federal funding is proposed to increase over FY16, we should not allow that increase to supplant our local commitment. Federal funding levels are unpredictable and should not be relied on to fund core services. The amount of money available through the federal Victims of Crime Act (VOCA) funding, for example, fluctuates depending on the amount of fines and fees that are collected from federal criminal defendants and the amount of funds appropriated by the U.S. Congress in a given year and subject to a federal statutory cap. Providers need consistent, stable local funding to be able to sustain their services, respond to changing needs in the community and plan for more than one year.

In addition, local dollars are more flexible than the federal funds administered by OVS and allow the office to respond to the specific needs and service gaps in our city that are identified by the community. Local funding also allows OVS to tailor funding to culturally specific organizations that represent the unique diversity of our changing city. Therefore, we urge the Council to maintain local support for OVS in the amount of **\$12.4 Million in general funds** by restoring \$742,000 to the FY17 budget, so that there will be no reduction in local support for critical victim services and to ensure that culturally specific services can be strengthened.

We also ask that the Council prevent the Crime Victims Assistance Fund (VAF), from once again being raided to balance the budget. The VAF is a nonlapsing, special purpose revenue fund consisting of court fees, fines, costs and assessments collected by D.C. Superior Court and deposited into a restricted fund to be administered by OVS.⁷ By statute, the amounts

⁶ The FY17 Proposed Budget for OVS is \$11,688,000 in general funds (which consists of \$9,890,000 in local funds and \$1,798,000 in special purpose revenue funds) plus \$8,714,000 in federal funds for a total gross funds of \$20,402,000. In FY16, OVS's approved budget was \$12,430,000 in general funds (which consisted of \$10,737,000 in local funds and \$1,693,000 in special purpose revenue funds); plus \$4,888,000 in federal funds for a total gross funds of \$17,309,000. See FY2017 Proposed Budget and Financial Plan, Agency Operating Budgets, Appendix C, pp. C-161 to C-163.

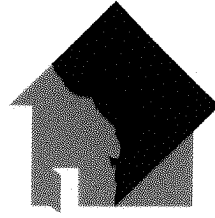
⁷ D.C. Code § 4-515.01.

deposited into the fund can only be used for outreach designed to increase the number of crime victims who apply for direct compensation payments, including victims of sexual assault, domestic violence, or child abuse; and to improve the intake, assessment, screening, and investigation of reports of child abuse and neglect, and domestic violence.⁸ The VAF is required to be kept separate from the District's General Fund and remain available for its intended purposes.

The "Designated Fund Transfer Act of 2016" contained in the FY17 Budget Support Act of 2016 (BSA), however, would largely empty the VAF by sweeping \$2.6 Million from the fund and transferring it to be used as general, unrestricted revenue for the District in future years. We urge the Council to reject the proposed transfer and ask that this special revenue fund be preserved for its intended, and statutorily required, use – helping victims of crime, including survivors of domestic violence, sexual assault and child abuse.

Thank you, again, for supporting survivors of domestic violence. We hope you will continue your support by: (1) maintaining OVS at \$12.4 Million in general funds; and (2) preventing the Crime Victims Assistance Fund (VAF) from being swept. Thank you for allowing me the opportunity to testify on these important issues. I am happy to answer any questions.

⁸ *Id.*



D A S H

DISTRICT ALLIANCE FOR SAFE HOUSING

Committee on the Judiciary

Budget Oversight Hearing on the FY 2017 Budget Request Act of 2016 and the FY 2017 Budget
Support Act of FY 2016

Office of Victim Services and Justice Grants

April 6, 2016

Testimony of:
Peg HacsKaylo
Executive Director
District Alliance for Safe Housing (DASH)
202-462-DASH (3274)

Chairman McDuffie and members of the Committee, thank you for the opportunity to speak today. My name is Peg Hacsckaylo and I am the Executive Director of the District Alliance for Safe Housing (DASH). I would like to thank the Committee on the Judiciary for its leadership and commitment to ensuring that victims of domestic and sexual violence receive sound, holistic, and immediate help. Thousands of survivors of domestic and sexual violence have found safe housing, support, legal advocacy, access to community services, and, most importantly, safety from violence, due to the vision and direction of this committee and the essential work of the Office of Victim Services and Justice Grants.

DASH's mission is to ensure safe housing for survivors of domestic and sexual violence and their families so that they can rebuild their lives on their own terms. In order to most effectively and efficiently help victims become safe and stay off the streets, DASH partners with a cohort of organizations working together, with guidance and support from the D.C. Coalition Against Domestic Violence, to ensure that victims receive a strong, coordinated response to their needs. This network was made possible through the vision and leadership of the D.C. Office of Victim Services and Justice Grants. All of our programs support survivors by responding to crisis caused by violent assaults, provides them with support and resources to resolve that crisis and heal from the trauma they have experienced, and help them achieve safety, stability and independence for the long-term. To that end, we act as a comprehensive continuum serving victims, engaged in a systemic process for meeting the needs of all District residents who experience domestic and sexual violence.

DASH is the direct result of the commitment by OVSJG to realize the vision of a unified victim-service system first articulated by the Council back in 2005. DASH has been supported through OVS since our inception in 2006 and our work is a prime example of how our

partnership with OVS has made such an important difference in the lives of those impacted by abuse. Since that time, we have grown to become the District's largest dedicated safe housing provider for survivors of domestic and sexual violence. Through our continuum of residential programs, housing counseling, training and advocacy, we have helped hundreds of victims achieve safety and stability, and avoid homelessness after escaping abuse.

In 2015, DASH safely housed 351 individuals (168 women and 183 children) in our programs, providing over 128,000 "safe nights" for victims away from the threat of violence. We also prevented another 310 women and families from falling into homelessness by facilitating their placements in emergency, transitional, and permanent housing through our Housing Resource Center. We educated another 1,600 survivors and advocates about housing protections afforded to them under local and federal law.

Through our partnership with OVSJG, DASH has been able to create innovative programs which have been recognized as a national model. In fact, in October 2015, DASH was awarded a grant from the US Department of Justice to establish the National Alliance for Safe Housing, a training and technical assistance program designed to improve collaboration between homeless service and domestic violence programs across the country to improve access to safe housing for survivors. This project will enable us to highlight the exceptional partnerships we have with city leaders to ensure that survivors don't face homelessness, or worse, as a result of violence.

Another innovation developed in partnership with OVSJG is the Survivor Resilience Fund. For the past two years, DASH has been piloting this project to provide emergency financial support to survivors facing homelessness due to abuse. We have helped survivors to pay back rent, moving expenses, first month's rent and security deposits, transportation expenses, and other costs to get or keep permanent safe housing. Through an evaluation of this project, we have

determined that 92% of the survivors who received this intervention have remained stably housed and have not experienced repeat violence 6 months after receiving assistance. Innovative programs like this not only help victims avoid homelessness as the only means for coping with abuse, but also acts to reduce the demand on homeless housing programs citywide. This project demonstrates the essential power of financial support in helping survivors achieve safety and stability away from abuse and is being held up by the US Department of Health and Human Services and HUD as an innovative promising practice.

Through these and other initiatives, OVSJG provides critical support toward ensuring that victims of violence have safety and stability to recover and move forward with their lives. However, demand still exceeds supply. On a one-day census count in 2015, 511 victims were served by local domestic violence service providers, 302 of those in shelter and housing programs. Yet, another 43 requests for services went unmet, with 35% of those being turned away from shelter or housing.

The role that OVSJG plays in providing for victims' safety and community stability is essential and should receive robust support from the city's leaders. We are requesting that OVSJG receive sustained local funding at \$12.4 million in order to continue that essential work. We are also requesting that the Council restore funding that was part of the Victim Assistance Fund in order to ensure that OVSJG continues to have the necessary resources to develop innovative programs which are responsive to victims' needs, can ultimately improve the city's capacity to recover from the damaging effects of violence, and will ensure the health and safety of our community overall.

Thank you, I'm happy to answer any questions you may have.

April 6, 2016

COMMITTEE ON THE JUDICIARY

**BUDGET OVERSIGHT HEARING FOR
OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS**

**Testimony of Colleen Gallopin, District of Columbia Forensic Nurse
Examiners**

Chairman McDuffie and members of the Committee on The Judiciary, please accept this testimony in support of the Office of Victim Services in the District of Columbia. My name is Colleen Gallopin; I am the Deputy Executive Director of the District of Columbia Forensic Nurse Examiners (DCFNE). I am here today to testify to the work of OVSJG and the impact of the 2017 budget on their efforts to enhance and reform victim services in DC.

Before I begin, I would like to thank all of you on this committee for your support of victim services and for your commitment to providing a comprehensive response to District residents who become victims of violent crime.

DCFNE is a non-profit community-based organization that strives to lessen the impact of violence in the District. Our organization began in 2013 with the support of OVSJG and, along with Network for Victim Recovery of DC (NVRDC), Survivors and Advocates for Empowerment (SAFE), and the Wendt Center for Loss and Healing, functions as the city's Crisis Continuum providing comprehensive services to victims of violence.

DCFNE's team of specially trained, motivated, and compassionate forensic nurses provide a professional and timely response, 24/7, to adolescent and adult victims of sexual assault, intimate partner violence, strangulation, and beginning this month, attempted homicide. Our services embrace trauma-informed, patient-centered care and include specialized history and physical examination, documentation, photography, and evidence collection. Forensic nurses collect toxicology specimens for drug-facilitated sexual assaults, use an Alternate Light Source to find evidence and bruising not visible to the naked eye, collect DNA evidence, assess and prevent sexually transmitted infections, HIV and pregnancy following a sexual assault, identify and educate about the severe health risks associated with strangulation and domestic violence, and capture information about the mechanism of injury during medical resuscitation after an attempted homicide.





District of Columbia

FORENSIC NURSE EXAMINERS

Since 2008, OVSJG has provided integral support in the expansion and growth of DCFNE's programs including: the DC Sexual Assault Nurse Examiner Program; Project CHANGE, a multidisciplinary, multi-organization response to individuals who have been or are at risk of being victimized more than once in their lifetime; and the Intimate Partner Violence Access Project, which has expanded on-call medical forensic care and advocacy to victims of intimate partner violence. OVSJG's financial and programmatic support is critical to DCFNE's success. Funds from OVSJG support not only the clinical work of the program but also the professional development and self-care of our forensic nurses and outreach to the medical and justice communities. OVSJG supports the technology that allows us to operate our programs effectively and efficiently, such as an electronic medical records system that improves documentation and data collection and allows us to easily share documents and photographs with investigating bodies, including Metropolitan Police Department, U.S. Park Police and the United States Attorney's Office for the District of Columbia.

Since the creation of the DC SANE Program in 2008, we have seen a steady increase in the number of patients seeking medical forensic services following a sexual assault, more than 10 percent each year. This trend has continued with each new program that DCFNE has begun, all with the support of OVSJG. There is no indication that demand for victim services, or the need for funds to support them, will decrease in 2017.

This month, with the support of OVSJG, DCNFE and the other organizations that make up the crisis continuum will begin providing services to victims of attempted homicide at MedStar Washington Hospital Center. Through this program we will connect more victims of crime to vital community services immediately following a crime, collect evidence that will strengthen investigations and prosecutions, and ultimately hold more offenders accountable. The recently passed Neighborhood Engagement Achieves Results (NEAR) Act seeks to expand the services of the crisis continuum to every hospital in the District. However, continuing and expanding the work of the crisis continuum is likely not possible if the budget of OVSJG is cut by more than \$2 million dollars.

Through all of our programs, DCFNE's nurses are caring for more of the District's most vulnerable citizens than ever. In order to meet the needs of victims of violent crime in the District, and the need for training and collaboration with criminal and civil justice partners, our program must continue to expand.

Moreover, the programs that OVSJG supports, including ours, serve as models for communities across the county. This simply would not be possible without





District of Columbia

FORENSIC NURSE EXAMINERS

reliable, consistent financial support from the District.

To that end, we ask that you:

1. Restore the proposed cuts to the OVSJG budget and maintain victim services funding at \$12.4 million in local support in Fiscal Year 2017.
2. Ensure that the full balance of the Victim Assistance Fund stays with OVSJG to be used for its statutory purpose of helping victims of crime.

The impact of a decrease in OVS funding would be felt keenly by DCFNE and the patients that we serve. Without adequate funding, DCFNE would not be able to offer care to individuals in crisis 24 hours a day. Our patients would not have access to trauma-informed care from specially trained nurses. They would lose the detailed forensic documentation and evidence collection that many rely on when pursuing civil and criminal justice remedies.

With support from the Council, Mayor Bowser, and, in particular, OVSJG, DCFNE is committed to continue building the capacity of victim services in the District of Columbia. I appreciate your time and consideration of my testimony.





Asian/Pacific Islander
Domestic Violence Resource Project

DC Office of Victim Services & Justice Grants FY17 Budget Hearing
Fiona Oliphant, DVRP Acting Director
April 6, 2016

Good morning. My name is Fiona Oliphant and I am the Acting Director for the Asian/Pacific Islander Domestic Violence Resource Project (DVRP). I would like to thank Chairman McDuffie and the Committee for the opportunity to discuss our partnership with the Office of Victim Services and Justice Grants (OVSJG) to support domestic violence and sexual assault survivors living in the margins of our community.

DVRP is a non-profit organization based in Washington, DC. We are the only pan-Asian organization that offers direct social services to domestic violence and sexual assault survivors in DC's Asian/Pacific Islander (A/PI) communities. We have the in-house capacity to serve survivors in 13 A/PI languages, including Cantonese, Hindi, Japanese, Mandarin, Urdu and Vietnamese. That capacity increases to over 20 Asian languages with the assistance of our trained Bilingual Advocates. DVRP's case managers provide safety planning, interpretation, court accompaniment and referrals to social, legal and housing services. Additionally, our Outreach team works with mainstream service providers to enhance their capacity to work with A/PI survivors. DVRP also engages A/PI communities to discuss the dynamics of domestic violence and sexual assault. We are a member of the DC Coalition Against Domestic Violence, the Victim Assistance Network, and the DC Language Access Coalition.

The majority of survivors that DVRP works with are low-income immigrants with limited proficiency in English. For example, earlier this year Jane reached out to us help. The fact that she couldn't communicate in English was irrelevant because we were able to speak with in her native A/PI language. Unfettered by a language barrier, she was able to share her story, articulate her fears and prioritize her needs. Jane had endured years of her husband's abuse. The abuse culminated during a snowstorm when he threw her out of their home without any clothes or money. DVRP provided unwaivering support for Jane as she sought to rebuild her life one piece at a time. We linked her to an attorney to learn her rights and options. We provided interpretation to ensure that she fully understood what was going on around her. And we obtained transitional and longer term housing when Jane indicated that she was reluctant to go to a shelter. DVRP served as Jane's cultural anchor by explaining the systems and preparing her for what to expect in a culturally accessible way. I am happy to say that after a few short months, Jane is well on her way to reclaiming her life. She's gone back to work and can keep every penny that she earns. She lives independently in her own apartment. And in her own words, "I used to think that men can bring me happiness. That's why I married my husband. Now I know that's not true. I've never been happier than I am now. I never would have believed that this is possible. Thank you for showing me that women can achieve their own happiness and make their own futures."

Many A/PI survivors are faced with similar challenges. According to studies, 21-55% of Asian women report experiencing physical and/or sexual abuse by an intimate partner. While the rates of abuse are high, the percentage of A/PI survivors who report their experiences to law enforcement is extremely low. A/Pis are often unfamiliar with the systems and processes they need to go through in order to stay safe or access appropriate resources. DVRP bridges this gap by providing culturally and linguistically appropriate services. This is especially crucial within the A/PI community where domestic and sexual violence aren't typically discussed and language and cultural barriers dissuade many survivors from seeking help. Culturally accessible services are the stepping stones that many survivors need to finally live lives free from abuse.

OVSJG' funding and support is invaluable to our ability to access the most hard to reach segments of the community. During Fiscal Year15, DVRP created a Community Awareness Toolkit specifically for A/PI community leaders. The Toolkit was created in response to a community assessment we conducted in 2014, which found that many DC A/PI residents did not know how to effectively recognize signs of domestic violence and sexual assault and did not know where to go for help. The toolkit was distributed to over 30 community



Asian/Pacific Islander
Domestic Violence Resource Project

leaders with the aim to build a more-informed and effective collaborative community response to end domestic violence and sexual assault. DVRP also enjoyed collaborating with OVSJG on multiple trainings and panel discussions. We joined a panel of experts at The 2nd Annual You Are Not Alone District of Columbia College and University Conference to discuss the importance of cultural competency when working with A/PI survivors. DVRP also played an active role during the 2-day DC Victim Assistance Academy, leading 2 separate trainings on cultural competency and domestic violence and sexual assault trends in the A/PI community.

In conclusion, DVRP looks forward to continuing its partnership with OVSJG. Continued collaboration with OVSJG to develop innovative and culturally accessible approaches is crucial to serving A/PI survivors throughout the District. DVRP's impact would be significantly compromised without OVSJG's continued support. Consequently, DVRP urges the DC Council to maintain OVSJG's funding at \$12.4 million in local support. Restore \$742,000 so that OVSJG may continue to support program like ours, working with survivors like Jane. We also urge the Council to prevent the proposed transfer of \$2.6 million from the Crime Victims Assistance funds. Those funds should exclusively be used to assist victims of crime. The increased number of survivors contacting us for assistance fuels our urgency to maintain OVSJG's funding levels. We would also like to encourage you to support continued efforts to support culturally specific, marginalized or underrepresented communities, like the ones we serve. We appreciate Chairman McDuffie's and this Committee's ongoing support for survivors of domestic violence and sexual assault.

Thanks for your time and consideration.

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**Written Testimony of Carolina Herrera
Language Access Deputy Director
Ayuda**

**Committee on the Judiciary
Council of the District of Columbia**

**Office of Victim Services Budget Oversight Hearing
Wednesday, April 6th, 2016, 10:00 AM**

Good morning and thank you Chairperson McDuffie and members of the Committee, for the opportunity to testify today regarding the Office of Victim Services' work to ensure that immigrants have equal access to victim services. My name is Carolina Herrera and I am the Language Access Deputy Director at Ayuda. The Language Access Program is home to the Victim Services Interpreter Bank a project conceived and funded by the Office of Victim Services. As a preliminary matter, we would like to take this opportunity to voice our support for the Language Access for Education Amendment Act of 2015. We urge this Committee to include the bill in the next markup hearing, as the bill has already unanimously passed through the Education Committee and now awaits your consideration.

Ayuda is a nonprofit organization that helps immigrants from across the world overcome obstacles in order to succeed and thrive in the United States. This past year alone, we served individuals hailing from over 100 different countries. I am here today to discuss the crucial role that Ayuda plays in filling a gap in services by assisting some of our community's most vulnerable members—Limited English Proficient (LEP)/Non-English Proficient (NEP), Deaf, and Hard of Hearing victims of crime. We assist these survivors through our Victim Services Interpreter Bank and also offer direct services through our DV/SA Program to low-income immigrant survivors of domestic violence and sexual assault. With indispensable support from OVS, Ayuda enhances the safety and welfare of hundreds of foreign born crime victims every year.

The Victim Services Interpreter Bank project (hereinafter referred to as "The Bank"), formally launched in October 2014, trains qualified interpreters to work alongside victim services providers, ensuring that the interpretation session will be client-centered. The Bank operates at all hours of the day and night, with interpreters available on an emergency basis or by scheduling appointments ahead of time. Translation services are also available, allowing providers to conduct outreach in various languages and to communicate with particular clients in the appropriate written languages. The benefits of the bank are free to nonprofit victim services providers because of funding from the Office of Victim Services. It is imperative to note that the Interpreter Bank facilitates serving some of DC's neediest residents by removing an obstacle that often prevents many victims of crime from getting the help that they need. A victim of crime might suffer without accessing available services for many reasons including, but not limited to, fear of reprisal from an abuser or perpetrator, lack of information regarding the assistance that is available, shame or embarrassment, mistrust of government or law enforcement (sometimes founded

on past interactions in other countries), and lack of knowledge regarding legal rights. When a victim cannot communicate in English, all of the obstacles just mentioned are compounded. Such linguistically isolated individuals are extremely difficult to reach.

In just its first year, the Bank provided in-person interpreters on 257 occasions, provided telephonic interpretation in 373 instances, and arranged for the translation of 142 documents. The Interpreter Bank currently serves 28 organizations that provide victim services. There are 47 interpreters working in 13 different languages. Each interpreter in the Bank has completed a four day intensive training uniquely created with real-life examples and essential collaboration from various victim service providers in the District. Thus far for fiscal year 2016, the Bank has provided in-person interpreters on 166 occasions, provided telephonic interpretation in 220 instances, and arranged for translations of 65 documents. Our city's victim services must continue to incorporate language access, given that roughly 6 percent of the population are limited-English proficient (LEP) or non-English proficient (NEP). Since 2007, the number of LEP/NEP residents of DC has increased by more than 10,000 individuals.

Today, there are more than 36,000 LEP residents in Washington, DC.¹ In addition, there are more than 5,500 Deaf or hard of hearing individuals in the city who may communicate using signed languages.² Among the LEP residents of DC, the top four languages spoken are Spanish, Amharic, French, and Chinese.³ Ayuda's Victim Services Interpreter Bank breaks down the language barrier that stands in the way of accessing help for limited-English proficient and Deaf/Hard of Hearing individuals. Each time a victim receives culturally appropriate services in his or her language, it restores faith in the system. That victim will relay to members of his or her community that help is available, even for those who cannot speak English.

The Victim Services Interpreter Bank is modeled after Ayuda's nationally renowned Community Legal Interpreter Bank, which operates in a similar fashion for public interest lawyers and their clients. The legal bank was created in 2007 and is funded by the DC Bar Foundation with appropriations from the Access to Justice Initiative Program through Justice Grants Administration. Although the relatively new Victim Services Interpreter Bank has begun to address an unmet need, the demand for its services will only increase, as they have for the legal bank. With time, victim services providers will continue to become more acclimated to using the victims' interpreter bank and linguistically isolated communities will come to trust that help is available for victims in their languages.

To enable the Office of Victim Services continued success in achieving its mission, by cultivating projects such as the Victim Services Interpreter Bank, Ayuda requests that the Mayor fund the agency at \$12.4 million in local support and restore \$742,000 in local support for the life-saving programs that agency funds for survivors of domestic and sexual violence. As the success of the Victim Services Interpreter Bank grows, we must continue to keep our promises to the victim services community and their survivors. We should not cut local funding at a time when an increasing number of LEP/NEP, Deaf survivors are seeking access to vital services. Thank you.

¹ http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_DP02&prodType=table

² <http://www.disabilitycompendium.org/archives/2014-compendium-statistics/population-and-prevalence/1-8-civilians-ages-18-64-living-in-the-community-for-the-u-s--hearing-disability>

³ Bernstein, Hamutal, Julia Gelatt, Devlin Hanson, and William Monson. 2014. "Ten Years of Language Access in Washington, DC." Washington, DC: The Urban Institute. <http://www.urban.org/UploadedPDF/413097-Ten-Years-of-Language-Access-in-Washington-DC.pdf>

MSP Testimony

Good Afternoon!

My name is Carol Loftur-Thun, and I am honored to be the interim Executive Director of My Sister's Place. Over 36 years ago, MSP recognized critical unmet needs in the community and began the first hotline and first shelter for domestic violence victims in the District.

MSP has partnered with OVSJG since it began, and we know firsthand everyday the importance of your support for truly life saving programs OVSJG funds. We strongly support restoration of the \$742,000 for OVSJG's funding to support survivors of domestic and sexual violence. We also strongly support restoration of the \$2.6 Million to the Crime Victims Assistance Fund. The District's budget should not be balanced on the backs of crime victims.

Mission

My Sister's Place mission is to build our community's commitment and capacity to eradicate domestic violence. Our goal is to empower survivors to take control of their own lives, and to create a community where everyone can live safe, healthy lives free from abuse and violence.

As one of our clients said, "The world has so much to offer; and thanks to My Sister's Place, I have a second chance."

As you've heard, an increasing number of survivors are seeking help to end the cycles of abuse, violence and despair. Ensuring victims' courage in coming forth is met by the District's support is vital to stemming this tide of violence and abuse. The District is home to very diverse communities with marginalized populations that need innovative, culturally specific, accessible and effective interventions.

I'm excited to report with OVSJG's continued support, MSP is building on our long history of providing innovative, impactful programs. Our many "firsts" include the:

- 1st transitional housing program for DV victims
- 1st outreach program in Spanish and English
- 1st support group for battered LGBTQ victims
- 1st to collaborate with DC Courts to launch the Emergency Services Center

Councilmember McDuffie and Staff,

My name is Brant Miller, and I am the Program Manager at The DC Center for the Lesbian, Gay, Bisexual and Transgender (LGBT) Community. I currently am involved with our DC Anti-Violence Project (DC AVP) program, formerly known as Gays and Lesbians Opposing Violence (GLOV). I am here today to testify about the budget of the Office of Victim Services and Justice Grants (OVSJG) and how increasing it can better serve the residents of this city and the LGBT community.

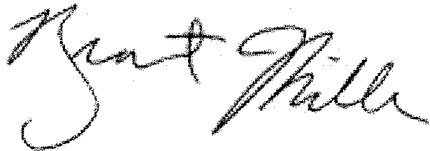
We received our first grant from OVSJG in 2013 in order to start a hotline to serve local LGBT community members who experienced violent crimes, including hate or bias crimes, domestic and intimate partner violence, sexual assault, police misconduct and others. We established this hotline with HIPS, another wonderful, local organization doing nationally-recognized hotline work. For the current fiscal year, we received a larger grant that would help us serve LGBT survivors directly by hiring a licensed clinical social worker (LCSW). This was after we had a conversation with OVSJG about how the work on our hotline had been proceeding and some of the feedback we had been getting from community members about direct services.

While very grateful for the funds awarded to us to date, more funds being made available to this agency and its grantees would, of course, help us reach even more victims and survivors through expanded outreach and services. Local funds specifically have been an indispensable resource for OVSJG and its grantees, and are what have allowed The DC Center and DV AVP to hire a full-time social worker. This social worker does intakes and facilitates support groups, a resource our community has needed and asked for and we have now been able to fulfill thanks to the support of this office and a budget that allows it to do so. Increasing this budget, and therefore its opportunities to respond to community needs, is a key next step to serving some of the most

vulnerable residents of DC.

We are very happy with the work and support provided to us, and we look forward to working with OVSJG to address the various unique issues that LGBT victims and survivors face. We hope that in the future it is with robust opportunities and resources made available to this office and the agencies serving the District.

Thank you for your time today. If you have any comments, questions or concerns, please do not hesitate to reach out to me or my organization.

A handwritten signature in black ink that reads "Brant Miller". The signature is written in a cursive, flowing style.

Brant Miller
Program Manager
The DC Center for the LGBT Community
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Budget Oversight Hearing: Committee on the Judiciary
Testimony
Office of Victim Services and Justice Grants
Council of the District of Columbia
April 6, 2016
Room 412- 10am

Good Morning Chairman McDuffie and fellow Judiciary Committee members. My name is Tara Libert and I am the Co-founder and Executive Director of Free Minds Book Club & Writing Workshop (www.freemindsbookclub.org), a small nonprofit here in the District that has been providing comprehensive literacy, creative expression and reentry services to incarcerated and formerly incarcerated youth and men for the past 14 years. We have served close to 1,000 District residents who have spent time in and come home from both the DC Jail and over 50 federal prisons across the country. I am here today to express my deep concern and alarm at our city's lack of commitment to returning citizens as evidenced by the low amount of funds available for reentry services through the Office of Victim Services and Justice Grants. As my good friend and colleague Paula Thompson Felder, Executive Director of Voices for a Second Chance testified, funds for reentry services have been drastically cut. I am here today to urge you to increase funding for community based organizations to provide essential skills and services to returning citizens, who have served their sentences and deeply desire to become productive members of our city. The current low level of funding sends a loud and clear message to returning citizens: we do not see you as a valuable part of our fast changing city.

This must change—not only because our fellow DC residents coming home from incarceration deserve effective, quality services but because the strength and safety of our city depends on it. Currently, Victim's Services receives approximately \$10 million, and Reentry Services receives just \$1.3 million. Funding for Reentry Services should be at least on par with funding for victim services—*because* we do not want any more victims in this city. I can say with utmost certainty that, of the close to 1,000 Free Minds members I have worked with, *all* have been a victim at some point in their lives—whether from childhood abuse, foster care abuse, street violence, or prison violence. We know hurt people hurt people and if we do not provide our returning citizens with the necessary services to heal this trauma and the essential skills training to enter the workforce then we are complicit in continuing the cycle of violence and incarceration in this city. As Free Minds member DH told me recently, “When you are raised by drug dealers and all you see and know is hustling, stealing and robbing you don't think there is any other way.” We need to make “another way” a priority in this city and currently it is not. The fact that the Deputy Mayor for Public Safety is only a part time position speaks volumes about where returning citizens rank on Mayor Bowser's priorities. The Mayor calls this budget quote “a Fair Shot.” Right now there is nothing fair about the opportunities for returning citizens.

The men and women who are coming home need to overcome tremendous obstacles, (returning to the same negative and violent neighborhoods they grew up in, lack of family support, lack of literacy skills, mental health and substance abuse issues). I could go on and on. A lack of resources for organizations to effectively assist them from our economically vibrant city should not be on this list and unfortunately with this current budget it is. When your sentence is complete, you should be able to return to society and not be treated as a second-class citizen. But with permanent records barring returning citizens from

many fields of employment they are effectively shut out and they find the same lack of access and opportunity that led to them being incarcerated in the first place. These are not life sentences, yet the collateral consequences of incarceration follow formerly incarcerated individuals with felony records for the rest of their lives.

Greater access to reentry services leads to a safer society for all; if we support our returning citizens in pursuing a positive career path or continuing their education, we can create a society with reduced recidivism and crime, and a long-term positive ripple effect throughout the community as more and more people are working or studying and providing positive role models to others.

Free Minds has been operating since 2002. What initially began as a book club and writing workshop for juveniles incarcerated as adults at the DC Jail, grew into a continuum of services for incarcerated and formerly incarcerated individuals, throughout their time behind bars and reentry. We are a high-impact, low-cost program that demonstrates how much our participants are capable of, when given the opportunity.

We provide comprehensive reentry support services, including workforce readiness, connections to jobs, schools, and other services, and long-term access to a brotherhood of Free Minds members who support each other in pursuing employment, education, and positive change. Our cost per participant is extremely low—only \$1,000 a year—and our current recidivism rate for active members is just 10%. We are a lean and effective organization with total emphasis on quality programming and outcomes. 100% of our Job Readiness Apprenticeship graduates are placed in either supportive employment (we are strong supporters of DOES Career Connections for our younger members and are very gratified to see funding for the program in the budget), jobs or are enrolled in vocational or traditional school.

We offer a month-long paid Job Readiness and Personal Skill Building Apprenticeship. During this Apprenticeship, apprentices gain access and exposure to parts of this city and professional environments that they never envisioned themselves in before, from the Martin Luther King, Jr. Memorial and the National Mall, to the offices of working professionals at the Advisory Board Company. Apprentices learn from formerly incarcerated business owners who are credible messengers and living proof that it is possible to be successful after having been incarcerated, and that we are not defined by our worst days.

The Apprenticeship includes workshops on the following:

- Resume writing
- Literacy, storytelling, and communication
- Public speaking and interpersonal skills
- Stress Relief and Anger Management
- Job interviews
- Budgeting and financial literacy
- Computer literacy
- Parenting and family planning
- Advocacy and civil rights; field trips to the Martin Luther King, Jr. memorial and the Newseum
- Owning a small business (Pablo Sierra, Walls of Books)
- Entrepreneurship (Marcus Bullock, Free Minds Reentry Apprenticeship Trainer, CEO of Perspectives Premier Contractors, Flikshop mobile app, and Flikshop School of Business)

- Collateral consequences to a felony conviction (James King, DC Public Defenders Service)
- Family law and child custody (Paul Prettitore, The World Bank Group)
- Health, nutrition, and fitness (Larry Carroll, personal trainer KAAOS gym)
- Continuing your education (Donald Curtis, S.O.U.L.)
- Transition from prison mentality to workplace mentality (Derrick Bey, Redefine Your Mind)
- Decision Making (Dave Ungrady, the Born Ready Project –The Len Bias story)
- Workplace problem solving (Advisory Board Company)
- On the job experience at local contracting companies Perspectives Premier Contractors and Clean Decisions, both run by returning citizens

Our innovative program model uses a book club and writing workshop as a nontraditional learning method to engage incarcerated and formerly incarcerated citizens, inspire in them a desire to change, and support them in their journey to achieve career success and become positive role models in the community. Historically minorities have been denied access to colleges, loans, mortgages to name just a few, as well as barred from membership in social clubs such as country clubs. Our civil rights laws have changed this on paper but the reality for returning citizens is this exclusion continues. Our mission is to provide a safe, supportive, totally open club, the Free Minds Book Club where the only requirement for life-long membership is a desire to change and give back to the community. I urge you to increase the funding for community organizations to provide critically needed Reentry services so everyone can be an equal member of our community. Thank you very much for this opportunity.



To: Council Member-

From: Nataee Hollowell-Program Manager

Collaborative Solutions for Communities (formerly the Columbia Heights/Shaw Family Support Collaborative)

CC: Melissa Hooks-Director

Alexandra Caceres, Program Director

Show Up, Stand Out | Truancy Reduction Initiative

Re: Testimony on Truancy Initiative

On behalf of the Collaborative Solutions for Communities (formerly known as Columbia Heights/ Shaw Family Support Collaborative) I would like to thank you for this opportunity to submit testimony on the Truancy Initiative. Collaborative Solutions for Communities is a community based organization who is currently working with the Justice Administrative Grant/Show Up Stand Out Initiative in 11 DC Public and Charter Schools to deliver a wide array of human and social services. CSC has been a part of this partnership for over two years. The family engagement program is an initiative designed to identify and provide case management services to chronically absent children at the elementary school level before their pattern of absenteeism escalates to a level requiring either Child and Family Services or court intervention. Children and their families are paired with a case manager to provide resources and support to return the children to regular school attendance. Through this involvement, CSC works to decrease absences and increase school performance.

Recognizing that children and families experiencing numerous issues that cause truancy need more than consequences to effect change, CSC offers ongoing outreach and incentive programs. Through coordinated programs offered throughout the year and numerous other basic assistance efforts, CSC strives to address the root causes of absences. These programs include:

Home Visitation (Family Engagement)

CSC provides comprehensive assessments, resources, referrals, case management and short-term therapy when needed to families experiencing crisis, in order to preserve family stabilization. Supportive services include:

- family advocacy
- family group conferencing



-
- parenting education and support
 - information and referrals as appropriate
 - housing assistance
 - workforce development programs

Middle School (Youth Engagement)

- mentoring
- fitness
- sports
- personal development

The success of this initiative has been an increase in parent involvement within in the schools. Also, a reduction of 24% in unexcused absences in the targeted DC Public and Charter Schools. This program has become a city-wide resource that parents are able to access through the Show Up Stand Out program.

The CSC staff participate in weekly meeting that consist of but not limited to attendance counselors, social workers, vice principals and other key staff that will assist with looking at the family in a holistic approach.

In closing our goal is to eliminate both excused and unexcused absences and to help parents better understand the importance of education at an early age. We also support the testimony provided to you by our partner, the Justice Administrative Grant/Show Up Stand Out. We thank you for your time, and we appreciate your thoughtful consideration of our testimony.



Committee on the Judiciary
Office of Victim Services FY16 Performance Oversight Hearing

April 6, 2016

Written Testimony of:

Caroline De Luca, Esq.

AYUDA

Supervising Attorney

Domestic Violence/Sexual Assault Program

6925B Willow Street, NW

Washington, DC 20012

Good morning and thank you, Chairperson McDuffie and members of the Committee, for the opportunity to testify today. My name is Caroline De Luca and I am the Supervising Attorney of the Domestic Violence and Sexual Assault Program at Ayuda, a program that is funded by the Office of Victim Services (OVS). I am here today to discuss the vital role that Ayuda plays in filling a gap in services by assisting some of our society's most vulnerable members—low-income immigrant survivors of domestic violence. With indispensable support from OVS, Ayuda enhances the safety and welfare of hundreds of foreign born crime victims every year.

Ayuda is a non-profit organization that has been helping immigrants from across the world to overcome obstacles in order to succeed and thrive in the United States for over forty years. Ayuda meets the holistic needs of immigrants in the DC-metropolitan area by providing legal services in the areas of immigration, domestic violence, and family law; social services in the form of case management and therapy; and language interpretation services. Among Ayuda's clientele are survivors of human trafficking, torture and persecution in their home countries, domestic violence, sexual assault, and other violent crimes as well as unaccompanied, abused, or neglected children.

For over thirty years, funding from OVS has allowed Ayuda to create a safe haven for foreign born survivors of intimate partner violence; survivors like Francis¹. Like nearly all of our clients, Francis came to the United States with the hope of providing a better life for herself. Shortly after arriving in the United States, she met her husband, Daniel, and they had a son together. However, Francis quickly realized that her husband was not the man that she thought he was. He increasingly became cold, distant, and verbally abusive. Without the familiarity and comfort of home, Francis treasured her childhood friendships that she was able to maintain over text messages and emails. However, Daniel's jealousy and possessiveness over these friendships frequently culminated into abusive fights.

One day, Francis got into a car accident. A few days after the accident, Francis and Daniel drove a rental car to the police station to file a report. When they arrived, Francis went into the station while Daniel stayed in the car with their cell phones. When Francis returned, she found Daniel in a jealous rage. She learned that he had searched her phone and had discovered that Francis had been texting with a childhood friend. While still parked in front of the police station, Daniel began screaming at Francis and he punched her in the face with a closed fist. He then started the car and began speeding and driving erratically while threatening to kill Francis by crashing the car. Filled with panic, Francis called 911 and asked for help. However, upon realizing that Francis was on the phone with 911, Daniel ripped the phone out of her hand. Left with no choice and fearing for her life, Francis pulled the emergency brake. Before she had the opportunity to exit the car, Daniel began beating Francis. He punched her several times in the head, and he pulled one of her earring out of her earlobe. He then repeated that he was going to kill her. And with cars speeding by around them, he began to strangle Francis until she could not breathe. Yet somehow Francis was able to fight Daniel off of her, and when his hands finally released her neck, she was able to locate her cell phone and to call 911 again. Eventually, the police arrived and Daniel was arrested.

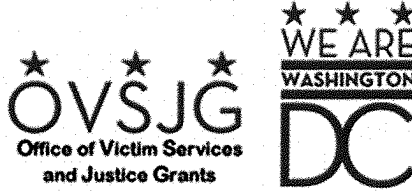
Francis came to Ayuda to seek refuge from the violence and chaos that had wreaked havoc on her life. Our low-barrier model made it easy for Francis to quickly gain access to the continuum of services that Ayuda offers. Francis came to us through the referral network of DC SAFE and was seen by a member of our Domestic Violence/Sexual Assault Program. From that moment on, Ayuda stood by Francis and

¹ All names have been changed to protect the confidentiality of the client. This story is being used with the client's consent.

the legal team represented her in her civil protection order hearing, where they were able to obtain for Francis all the protections that she sought from the Court.

With funding from OVS, in the last fiscal year Ayuda was able to assist hundreds of immigrant survivors of domestic violence and sexual assault, who just like Francis, desperately wanted to find an escape from abuse. These survivors were met by culturally competent staff who not only provided them with services in their native languages but who also understood the added challenges that they faced as immigrants. Not every survivor is able to obtain such culturally-specific services, but with the support of OVS, we at Ayuda do our best to ensure that every survivor who reaches out to us has access to the tools to heal and recover going forward. It is on behalf of her, and all other survivors of domestic violence in the District, that we respectfully ask the Mayor to continue supporting victim service programs and survivor needs by maintaining OVS support at \$12.4 million, and by restoring \$742,000 in local support for the life-saving programs that OVS funds for survivors of domestic violence and sexual violence. This funding will ensure that OVS can continue to meet the needs of immigrant survivors in the District. Thank you for receiving my testimony.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS



Fiscal Year 2017 Budget Hearing

Testimony of

Michelle M. Garcia

Director of the Office of Victim Services and Justice Grants

before the

Committee on the Judiciary
Honorable Kenyan McDuffie, Chair
Council of the District of Columbia

April 6, 2016

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004



Good afternoon Chairperson McDuffie and members of the Committee on Public Safety and the Judiciary. I am Michelle M. Garcia, the Director of the Office of Victim Services and Justice Grants (OVSJG). I am pleased to testify before you today on Mayor Bowser's Fiscal Year (FY) 2017 Budget entitled, "A Fair Shot." This concept of giving every resident a fair shot is particularly critical to the lives of District residents touched by the work of our agency, as they are among the most vulnerable, traumatized, and marginalized members of our community. OVSJG works to coordinate and fund programs in the District that serve crime victims, prevent crime, and improve the administration of justice for victims and offenders. OVSJG also provides policy making expertise, advice, and counsel to the Executive on the role of victims and offenders in the criminal justice system, and evidence-based practices to respond to, intervene in, and prevent violence. Mayor Bowser's FY 2017 Budget submission ensures that our agency has the resources necessary to continue this essential work.

The current proposed Office of Victim Services and Justice Grants operating budget for FY 2017 is \$34,190,525.31. This budget includes a total of approximately \$20.4 million for victim services programs, \$8.4 million for justice grants programs, \$5 million for the Access to Justice Initiative, and \$400 thousand for agency administration. Funds for each of the agency programs are separate and distinct; therefore, I will address each program budget individually.

FY 2017 Victim Services Program Budget

The current proposed victim services program budget for FY 2017 is \$20,402,072.44. This budget includes \$9,890,238.40 in Local funds and \$1,797,516.18 in Special Purpose Revenue (SPR) funds. The projected Federal budget is \$8,714,317.86.

We expect the core victim services federal grant portfolio and awards to include Victims of Crime Act (VOCA), Services Training Officers Prosecution (STOP) Violence Against Women Act, and the Sexual Assault Services Program (SASP) formula grants. VOCA, STOP, and SASP formula grants are allocated to each state and territory based on a formula that is established by the Office for Victims of Crime (OVC) and the Office on

Violence Against Women (OVW). Each formula grant comes to the District with strict guidelines that determine how we award sub-grants at OVSJG. For VOCA, we are required to ensure that certain types of crime victims are provided a percentage of the funding. For STOP, we are required to allocate the funding based on a pre-determined percentage so that law enforcement, the courts, prosecution, and victim services each receive a portion of the funding. SASP is required to be used specifically for direct services to sexual assault victims.

In addition to our formula grants, our victim services federal funding has five discretionary grants from the Department of Justice. The Grants to Encourage Arrest Policies and Enforcement of Protection Orders (GTEAP) award funds the IPV ACCESS program, a 24/7/365 medical/forensic and advocacy response by the District of Columbia Forensic Nurse Examiners (DCFNE) and DC Survivors and Advocates for Empowerment (DC SAFE) for victims of intimate partner violence. The Vision 21 Legal Services grant which established the Victim Legal Network of DC (VLNDC), which serves as a seamless network of legal service providers that addresses all of a victim's legal needs. Discretionary funding from OVC also supports efforts to reestablish and support training and professional development of victim service providers in the District through the DC Victim Assistance Academy; the creation of a strategic plan for the development and funding of victim services programs and policies; and Project Change – Male Survivors, which creates a comprehensive victim services response from crisis through community reintegration for male survivors of violence in the District.

The Mayor's budget will allow OVSJG to fund over \$3.2 million for emergency and transitional housing programs for victims/survivors of domestic violence, over \$1.2 million for crisis domestic violence services, over \$2 million for sexual assault services, approximately \$750,000 for child abuse services, approximately \$2 million for trauma-specific mental health services, and \$1.2 million for services to underserved populations, among many other services.

I would like to highlight four specific services areas. First, the Mayor's budget maintains support of the Crisis Continuum Project, the District's first ever victim-

centered, hospital-based, trauma-informed intervention for victims of homicide and attempted homicide. A collaborative of MedStar Washington Hospital Center, DC Forensic Nurse Examiners, the Network for Victim Recovery of DC (NVRDC), and the Wendt Center for Loss and Healing, the Crisis Continuum had intended to launch on April 1 but has been delayed; we are hopeful it will launch in the very near future.

Second, we recognize the need for enhanced coordination of domestic violence housing services in the District and the critical intersection of domestic violence emergency and transitional housing and the Mayor's priority of making homelessness rare, brief, and nonrecurring. To that end, the Mayor's budget supports funding for the DC Coalition Against Domestic Violence (DCCADV) to develop and implement a system to enhance coordination among the District's domestic violence housing providers with a goal of streamlining a domestic violence victim/survivor's ability to access housing.

Third, the Mayor's budget will allow us to continue to provide funding for implementation of the Sexual Assault Victims' Rights Amendment Act (SAVRAA) recommendations, including coordination of the Sexual Assault Response Team (SART), the recommendations from the Independent Expert Consultant, and some of the recommendations of the SAVRAA Task Force. Furthermore, the budget will continue to provide funding for the testing of sexual assault forensic examination kits to ensure compliance with SAVRAA, the testing of toxicology specimens of sexual assault victims who chose not to report to police, and the tracking of sexual assault cases through the criminal justice system.

Finally, I would like to highlight that next Wednesday, OVSJG and the National Center for Victims of Crime will officially launch the DC Victim Hotline. The DC Victim Hotline provides free confidential, around-the-clock information and referrals for victims of all crime in the District via phone, text, and chat. It is our hope that the Hotline will serve as a single point of entry for every victim, in every Ward, to access needed information and resources. Since the Hotline soft launched in October 2015, there have been 119 calls and 3 chats. Callers' top needs included emotional support, housing, and criminal justice intervention. With the formal launch of the Hotline and the

accompanying advertising and media outreach we anticipate the volume of contacts to the Hotline to increase significantly this year and into FY 2017.

FY2017 Justice Grants Programs Budget

The current proposed justice grants budget for FY 2017 is \$8,365,195.70. This budget includes \$3,667,358.39 in Local funds and \$1,155,374.04 in a non-lapsing fund that is dedicated to truancy reduction initiative, *Show Up, Stand Out* (SUSO). The projected Federal budget is \$3,542,463.27.

We expect the core federal grant portfolio and awards for FY 2017 to include: the Byrne Justice Assistance Grant, the Sex Offender Registration and Notification Act compliance award, Title II Juvenile Justice Formula Funding, the Residential Substance Abuse Treatment (RSAT) for State Prisoners Grant, and the Paul Coverdell Forensic Science Improvement Grant.

The Byrne grants support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. Furthermore, ten percent of Byrne grant funds support the District's compliance with the Sex Offender Registry Notification/Adam Walsh Act (SORNA) and the Prison Rape Elimination Act (PREA). The Title II grants support efforts to develop more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. The RSAT grants support ending the cycle of drugs and violence by reducing the demand for, use, and trafficking of illegal drugs among prisoners or returning citizens in residential, jail-based, and aftercare facilities. Finally, the Coverdell grants support improving the quality and timeliness of forensic science and medical examiner services. We are anticipating an increase of approximately \$10,000 in the Coverdell grant funding in FY 2017 and will use those funds to continue the work of the OCME in providing training for OCME staff and DFS in supporting personnel and resource costs. We are also exploring opportunities to increase the justice grants

program federal portfolio including researching funding opportunities through the National Institute of Justice for research in areas including the victim-offender overlap.

As in previous fiscal years, the majority of the justice grants local funding will be dedicated to the *Show Up, Stand Out* (SUSO) program, and the Mayor's FY 2017 budget funds SUSO at \$3.3 million. SUSO reduces the rate of unexcused absences for students in selected elementary and middle schools across DC Public and Public Charter Schools by eliminating barriers to school attendance. The program targets students with five to nine unexcused absences by addressing any practical, behavioral, financial and health challenges prior to Child and Family Services Agency (CFSA) and/or court involvement. We fund community-based organizations (CBO) and Youth Service Providers (YSP) that closely partner with schools. Our collaboration with these organizations, DC Public Charter Schools, DC Public Schools, CFSA, and the Office of the Attorney General has built community capacity to provide fast-tracked wraparound services that quickly stabilize families in order to prevent further unexcused absences. This collaborative effort also provides a continuum of diversion services to essentially keep students away from the juvenile delinquency system. Now in its fourth school year of operation, SUSO has increased to 81 programs (54 elementary and 27 middle school programs), at 57 DC public schools and 10 charter schools. Data from school year 2014-2015 shows that 82% of youth referred to the program sustained or decreased truancy. Thus far in school year 2015-2016, 2,650 students have been referred to SUSO and OVSJG is confident that similarly positive, results will be achieved with these students.

For school year 2016-2017, SUSO will be launching a smartphone application intended to build on SUSO's success and further engage students and decrease truancy. The app is an interactive way for students to encourage each other to attend school on time every day and get rewarded for their efforts. The app places students into teams where each player earns points for their team by attending school on time each day. Students will be required to "check-in" on their phone as they arrive at school and then store the phone in accordance with school policy. The team that scores the most points for their daily check-ins will have a chance to win great prizes.

FY 2017 Access to Justice Initiative Budget

The Mayor's proposed Access to Justice Initiative budget for FY 2017 is \$5,027,835.00. OVSJG administers the Access to Justice Initiative through a pass-through grant of local funds to the DC Bar Foundation. The initiative has two components: the Access to Justice Grant Funding for Civil Legal Services and the DC Poverty Lawyer Loan Repayment Program (LRAP). The Civil Legal Services component funds legal services organizations engaged in projects serving low-income and unrepresented populations. These projects include operating the legal interpreter bank; providing free legal representation in a range of areas, including landlord tenant and child support cases; and providing legal services for at-risk or vulnerable populations, including the elderly, juveniles, immigrant populations, the mentally ill, or returning citizens. The LRAP program provides financial support through loan repayment assistance, for lawyers who live and work in the District serving low-income DC residents.

In closing, I would like to thank Mayor Bowser for her support of the mission of the Office of Victim Services and Justice Grants and her commitment to the work we do and to building a safer, stronger DC. And we look forward to continued conversation and collaboration with you, Chairperson McDuffie, this Committee, and the Council on furthering justice, safety, and healing for every resident of the District of Columbia.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF HUMAN RIGHTS**



Fiscal Year 2017 Budget Oversight Hearing

Testimony of
Mónica Palacio
Director

Before the

Committee on the Judiciary

Council of the District of Columbia

April 6, 2016, 10:00 a.m.
Room 412
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good afternoon Chairman McDuffie, members, and staff of the Committee. I am Mónica Palacio, the Director of Office of Human Rights (OHR). I am pleased to testify before you today on Mayor Bowser's Fiscal Year 2017 Budget, titled "A Fair Shot." As Mayor Bowser recently testified before the Council, she has used "pathways to the middle class" as a central theme in her administration and as a part of that goal, Mayor Bowser has worked hard to align the District's priorities with residents' priorities. In that vein, the Mayor held a series of community budget engagement forums that were attended by hundreds of residents to discuss what is important to them and how their government should spend their tax dollars. The Mayor's budget staff also met with Councilmembers and their staff to incorporate their priorities in the budget.

The results of these efforts show that each agency plays a critical part in ensuring that District residents in all 8 Wards have a healthy and prosperous life in the District of Columbia. Mayor Bower's Fiscal Year 2017 Budget submission will ensure that the Office of Human Rights and the entire government have the necessary staff and resources to meet these goals.

The mission of the Office of Human Rights is to eradicate discrimination, increase equal opportunity, and protect human rights in our city. Pursuant to the District of Columbia Human Rights Act, we work to achieve this mission in the areas of employment, housing, education, places of public accommodation, and access to government services.

In addition, OHR enforces the D.C. Language Access Act of 2004, the Youth Bullying Prevention Act of 2012, the Unemployed Anti-Discrimination Act of 2012, the Fair Criminal Record Screening Act of 2014, the Reproductive Health Non-Discrimination Amendment Act of 2014, and in partnership with DOES, the Protecting Pregnant Workers Fairness Act of 2014. OHR also enforces the anti-retaliation and anti-discrimination provisions of the D.C. Family and Medical Leave Act and the D.C. Parental Leave Act.



Through our work-sharing agreements with the EEOC and HUD, we also investigate claims filed under Titles VII and VIII of the Civil Rights Act of 1964.

In order to ensure DC residents and all those covered by District laws are aware of their rights, OHR conducts various educational campaigns. Last year, OHR promoted disability discrimination awareness through the “*End the Awkward: Focus on the Person, Not the Disability*” campaign. OHR also developed and disseminated seven ads throughout the Washington Metro system to promote the #WomenAreEqualDC campaign.

To continue our work in the area of fair housing, OHR co-hosted its annual fair housing symposium in April 2015, which raises awareness about housing discrimination issues and connects housing providers and residents through plenary sessions as well as multiple workshops focused on specific topics. This event was co-sponsored by HUD, DHCD, the DC Developmental Disabilities Council and the Equal Rights Center. More than 100 attendees participated in 2015, which marked the 14th year OHR and partners hosted the event.

Towards the end of FY15, OHR completed a comprehensive testing project regarding transgender discrimination and later released the results in a groundbreaking report titled, “*Qualified and Transgender: A Report on Results of Employment Discrimination Resume Testing Based on Gender Identity.*” The results showed that employers appeared to prefer less-qualified cisgender applicants over more-qualified transgender applicants in 48 percent of tests that received a response from the employer.

Throughout FY15 and into FY16, OHR conducted over fifty community outreach presentations and visited a number of correctional facilities. We continue to build relationships with stakeholders, including the Office of Returning Citizens, and released FAQ sheets for



employers and job applicants to assist them in preparing for and understanding the rights afforded under the Fair Criminal Record Screening Act.

Most recently, on March 9, 2016, OHR held an event titled “Standing with our Muslim Neighbors: A Workshop for Allies in DC,” which aimed to help participants better understand Islam and the experiences of the District’s Muslim residents.

OHR is also home to the District’s Commission on Human Rights, which adjudicates private sector discrimination complaints brought under the D.C. Human Rights Act once OHR finds cause to believe unlawful practice may have occurred and certifies the case for a hearing with the Commission.

The 2017 budget request for the Office of Human Rights is \$4,222,041. This budget is comprised of \$3,860,091 in local appropriated funds, \$321,950 in federal funds, and \$40,000 in intra-district funds from the Department of Employment Services to assist with enforcement of the Protecting Pregnant Workers Fairness Act of 2014.

The proposed budget authorizes full funding for a total of 37 positions. The designations include: six (6) positions for the agency management program; 28 positions for the Equal Justice Program, which consists of intake, mediation, investigations, outreach and education, language access oversight, and bullying prevention oversight; and three (3) positions for the Human Rights Commission.

The proposed budget provides OHR with the resources needed to achieve its broad mission and goals. Specifically, it will provide sufficient funding to: (1) investigate and adjudicate cases before the Office and the Commission on Human Rights; (2) execute the oversight and monitoring of the D.C. Language Access Act and the Citywide Youth Bullying Prevention Program; (3) provide training, compliance monitoring, and public awareness to



government agencies, businesses, and residents on their civil rights and responsibilities; and (4) successfully accomplish the enhanced initiatives set forth in our 2017 performance plan.

In FY15, OHR doubled its caseload from 504 cases to 1,075 cases. Currently, OHR has 754 pending cases in its inventory, of which 283 are Fair Criminal Records Screening Amendment Act cases. While the agency received some additional resources to absorb this increase, such an early and sudden spike in docketed cases in FY15 has made us seek out greater efficiencies in case processing across the agency--from intake to final resolution. To this end, OHR is reviewing our operations and recalibrating our case processing so that we can ensure timely resolution of all cases. As we head into FY17, I can tell you that expedient case processing will be a priority goal for OHR.

With that in mind, I would now like to share some of our priorities for FY17.

First, OHR will work towards shortening case processing time and strengthening quality control at OHR and at the Commission on Human Rights. These efforts will include improving case monitoring systems within the various units at OHR, updating the Commission's case management system, and closely evaluating case processing status at both junctures.

Second, in FY16, OHR revamped the District's EEO Program by developing a new manual on EEO counseling procedures and launching a certification program requiring all EEO Counselors and Officers to be certified by OHR. By April 2016, OHR will have delivered 12 training sessions with a goal of certifying over 100 EEO Counselors across District agencies. This program has been a huge success and there is great demand to continue the trainings in FY17.

This program is a great cost-saving benefit for both the District and its employees. This is because it enables District employees to address and resolve concerns regarding workplace



discrimination claims in a timely fashion before having to come to OHR or filing a lawsuit. Similarly, the program is an advantageous tool and resource for the District as an employer because the District has the potential to become a model employer by having in place competent and empowered EEO counselors and officers who can swiftly address and resolve workplace discrimination issues as soon as they are reported.

Third, OHR's Language Access Program will continue improving technical assistance to District agencies to ensure they are in compliance with the Language Access act of 2004. In addition, OHR will continue to partner with DMV and OLA to improve LEP/NEP residents' ability to obtain Limited Purpose Licenses.

Fourth, in part through the multi-year grant from the National Institute of Justice, the Mayor's Youth Bullying Prevention Program will evaluate prevention strategies in schools and support their efforts to implement evidence-based programs to prevent bullying and improve school safety. The Youth Bullying Prevention Program Director will also ensure bullying cases filed at the Office receive intervention within 30 days to de-escalate the case as much as possible.

Fifth, OHR and its communications team will continue offering its Business Training Series and Human Rights Liaison trainings to help Washingtonians (businesses and workers alike) avoid violating the District's anti-discrimination laws. Thus far this year, OHR has delivered four Business Training Series and 43 Human Rights Liaisons have been trained, and more are planned for the next year.

As you can see, OHR has a lot to accomplish and the resources allocated to the agency in the Mayor's proposed Fiscal Year 2017 budget will be critical in achieving our mission and helping to give District residents a fair shot at reaching the middle class. The Council and this



Committee, led by you Chairman McDuffie, have been key allies in this effort and I appreciate your continued efforts to ensure we operate efficiently and effectively.

Thank you for the opportunity to testify today and I look forward to answering any questions the Committee may have.



ATTACHMENT B

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
AGENDA AND WITNESS LIST
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A BUDGET OVERSIGHT HEARING FOR THE

**METROPOLITAN POLICE DEPARTMENT
OFFICE OF POLICE COMPLAINTS
CRIMINAL JUSTICE COORDINATING COUNCIL**

**Thursday, April 7, 2016, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. BUDGET OVERSIGHT HEARING**
 - 1. Office of Police Complaints**
 - i. Public Witnesses
 1. Mervia Headspeith, Public Witness
 2. Michael Sindram, Public Witness
 - ii. Government Witness
 1. Michael Tobin, Director
 - 2. Criminal Justice Coordinating Council**
 - i. Public Witnesses
 1. Gable Barmer, President, J&G Consultants

2. Michael Sindram, Public Witness

ii. Government Witness

1. Mannone Butler, Executive Director

3. Metropolitan Police Department

i. Public Witnesses

1. Monica Hopkins-Maxwell, Executive Director, American Civil Liberties Union of the Nation's Capital

2. I-ra Abubaker, Participant, Critical Exposure Fellowship

3. Charley Mestrich, Participant, Critical Exposure Fellowship

4. Latysha Short, Public Witness

5. Michael Sindram, Public Witness

6. Roger Burns, Member, Quakers for D.C.

7. Joan Murrell, Public Witness

ii. Government Witness

1. Cathy Lanier, Chief, Metropolitan Police Department

IV. ADJOURNMENT

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
POLICE COMPLAINTS BOARD
OFFICE OF POLICE COMPLAINTS**



**AGENCY BUDGET HEARING
FISCAL YEAR 2017**

BEFORE THE

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY
KENYAN MCDUFFIE, CHAIR**

**Testimony of Michael G. Tobin, Executive Director
Office of Police Complaints**

April 7, 2016

TESTIMONY OF
MICHAEL G. TOBIN, EXECUTIVE DIRECTOR
OFFICE OF POLICE COMPLAINTS

April 7, 2016

Good morning Chairman McDuffie and members of the Committee on the Judiciary. I am Michael G. Tobin, the executive director of the Office of Police Complaints (OPC). I appreciate this opportunity to provide testimony regarding OPC's proposed budget for Fiscal Year 2017.

At OPC's performance oversight hearing on February 11, 2016, we discussed the agency's work and developments during Fiscal Year 2015, as well as our priorities for the current fiscal year. To continue that discussion, in our efforts to reduce the agency complaint investigation backlog, currently we have approximately 100 open cases compared to more than twice as many at the same time last year, while receiving approximately the same number of new complaints. Our agency's effort in eliminating the case backlog and streamlining our investigation timelines has clearly been maintained. I again want to thank the agency's staff members for their continued dedication and hard work to OPC's mission. Without extraordinary staff, a supportive community, collaborative District government partners, and dedicated Police Complaint Board members, OPC would not be able to continue fostering better community relations with the District's police officers.

Going forward, the most important factor our agency will face coming to the end of Fiscal Year 2016 and into the beginning of Fiscal Year 2017 is the implementation of the Neighborhood Engagement Achieves Results Act of 2015, or the NEAR Act.

The NEAR Act will enhance the ability of OPC to improve community trust in our police departments. Some of these improvements include: (1) an additional 45 days in the citizen complaint filing timeline providing citizens more time to exercise their options in the complaint process; (2) providing OPC with expanded jurisdiction of complaints which streamlines the complaint process for the government agencies involved, and allows for more transparent, independent review of all complaints; (3) allowing OPC to audit all complaints referred to the D.C. Housing Authority Police Department (HAPD) and MPD to ensure that all citizen complaints are meeting the efforts of better community relations; (4) providing OPC with the additional option of referring officers to training when OPC determines that training is the most feasible complaint outcome to serve the goal of bettering citizens' trust with police officers – this option may also benefit investigation timelines; and (5) additional reporting requirements that will include analysis and data of MPD's use of force, serious injury, and in-custody death incidents will provide the public with the confidence that OPC is tracking and monitoring these incidents – transparency will build trust. Chairman McDuffie, we thank you for spearheading this legislation.

The NEAR Act's implementation will have a minor financial impact to our agency's operations. As mentioned in our agency Fiscal Year 2015 performance oversight hearing, OPC will need an additional Full-Time Equivalent (FTE) to serve as a Research Analyst in order to

meet the data analysis and reporting requirements of the NEAR Act. The NEAR Act requires annual reports due each December that analyze and review all MPD use of force incidents, all serious physical injury incidents, and all in-custody deaths along with the correlating data. This additional FTE would collect the required data, analyze that data, and draft the required reports each year. This is an expanded requirement for our agency and having a dedicated staff member in the salary pay grade of Career Service 12 (salary range from \$68,294 - \$87,374, plus benefits) will help us meet this requirement with the quality desired. This FTE will also allow OPC to consolidate, more effectively analyze, and report on other citizen complaint data to identify trends, training, and policy modifications for our police forces.

Further, with the NEAR Act requirement for MPD to transmit all complaints within our jurisdiction to OPC, it is possible that OPC may experience an increase in complaints filed with OPC this Fiscal Year 2016 and into Fiscal Year 2017. In Fiscal Year 2015, OPC received more inquiries regarding filing a complaint than any year since the agency's inception in 2001; we anticipate this increase to continue. An increase in inquiries and formal complaints transmitted to OPC will result in a corresponding decrease in complaints for MPD, which has the added benefit of creating a more fiscally responsible system for citizen complaint investigations.

With MPD's expanded use of body worn cameras, there will be more transparency in police interactions which ultimately could heighten community trust in police officers and lead to better police accountability. While at least one small study of the effect of body worn cameras has shown a decrease in the volume of citizen complaints, more reliable and comprehensive studies need to be performed before conclusions can be reached. In the absence

of reliable historical data regarding the effect of body worn cameras on the volume of citizen complaints, OPC will closely monitor investigative staffing levels as the NEAR Act is implemented. In the event a significant increase in demand and investigation caseload develops, OPC may need to reevaluate its investigative staff requirements for Fiscal Year 2017.

The Mayor's Fiscal Year 2017 proposed OPC budget is \$2,366,211 which is a net increase of \$74, 577 (or 3.3 percent) over the Fiscal Year 2016 approved budget of \$2,291,634. The Fiscal Year 2017 proposed budget is comprised of \$2,201,407 for personnel services and \$164,804 for non-personnel services. The OPC non-personnel services budget supports the agency's mediation and adjudication programs, the work of the investigative unit, community outreach activities, research related to policy recommendations aimed at improvements in policing – all programs that we are measured by in our agency performance plan; along with the general operations of our office. However, OPC will continue its fiscal stewardship in managing these programs.

Last year during the Fiscal Year 2016 budget hearing, we discussed the Mayor's proposal for OPC's budget and we fully supported that proposal without asking for any additional funding even in light of our agency's significant work in reducing the case backlog and case investigation processing time, while seeing an increase in citizen complaint contacts. The agency is still on track to surpass all of its performance benchmarks this year.

Finally, if the District's financial circumstances allow the Council to provide the additional Research Analyst FTE requested, this would help OPC to continue its operational

success in reducing the case processing times, eliminating the case backlog as well as meeting the requirements of the NEAR Act. We look forward to continuing to work with the Committee, the Council, and the Mayor to ensure that we have sufficient resources to advance our agency's mission and address the challenges that lie ahead.

This concludes my prepared remarks. I would like to thank the Committee for its time and am happy to answer any questions you have.



Testimony of
Mannone A. Butler
Executive Director

Criminal Justice Coordinating Council
Proposed Fiscal Year 2017 Budget

Committee on the Judiciary
The Honorable Kenyan McDuffie, Chairman
Council of the District of Columbia

Thursday, April 7, 2016

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004



Chairman McDuffie, I am Mannone Butler, the Executive Director of the Criminal Justice Coordinating Council (CJCC). I am pleased to appear before you today to present the agency's proposed Fiscal Year 2017 budget. I am joined by Leroy Clay, our Agency Fiscal Officer.

CJCC is an independent agency dedicated to improving public safety and the administration of criminal and juvenile justice in the District of Columbia. In keeping with our mission, CJCC addresses emerging and longstanding public safety issues and facilitates cooperation between member justice agencies. The cornerstones of CJCC's operations include enhancing public safety information sharing; conducting actionable research; providing policy guidance and facilitating effective technical assistance and training. It is within this framework that CJCC addresses the various priorities established by its members.

FY 2016 BUDGET

CJCC's approved budget for Fiscal Year 2016 is \$3,142,347 which supports a staff of 17 full-time equivalents (FTEs). Of the total budget, the local fund accounts for \$1,167,347 (1.3 FTEs and program costs); the Federal payment accounts for \$1,900,000 (14.1 FTEs, program and operating costs); and intra-District funds account for \$75,000 (0.6 FTE).

FY 2017 BUDGET PROPOSAL

Local Funding: The proposed budget for Fiscal Year 2017 is \$2,630,068. The local funds represent \$555,068 of the proposed budget. These funds support 2.3 FTEs and non-personal



services for the Justice Information System (JUSTIS) operations. As a criminal justice agency whose primary purpose is to promote information sharing, CJCC is responsible for administering JUSTIS, the District's integrated justice information system consisting of two components: an information portal and a system to system exchange module. Our local funding would support the requisite ongoing contractual support required for the system-to-system exchange module.

During Fiscal Year 2016, CJCC received \$478,000 (Phase I) of the \$1,391,000 needed to upgrade the JUSTIS hardware and software infrastructure, which is nearing the end of its life, and to comply with the new Microsoft licensing model. Additional local funding totaling \$913,000 is being requested in Fiscal Year 2017 to complete Phase II of the JUSTIS infrastructure upgrade. Those funds would allow the agency to: (a) complete Phase II of the upgrade; (b) ensure its compliance with the new Microsoft licensing model; (c) maintain current operations; and (d) implement justice system information sharing enhancements to data feeds which are distributed to partner agencies. The upgrades also will ensure that authorized users will be able to continue retrieving vital criminal justice information via the JUSTIS information portal.

CJCC also seeks \$50,000 to procure legal services required to further address the agency's array of information sharing compliance, security and privacy matters.

The Federal Payment: The proposed Fiscal Year 2017 Federal payment is \$2,000,000 which would support 15.7 full-time employees and non-personal costs associated with CJCC's



information sharing, research, policy and technical assistance priorities. The federal payment supports:

- Seven (7) full-time information technology staff and contractual services required for JUSTIS enhancements, system redundancy and security.
- Three (3) full time research staff that support CJCC's Statistical Analysis Center (SAC) which addresses system-wide policy, planning and data needs.
- The requisite programmatic, technical assistance and administrative personnel (5.7 FTEs) and non-personnel services needed to support CJCC's operations. In addition to JUSTIS and the interagency research supported by the SAC, CJCC's current priorities include: substance abuse treatment and mental health services, reentry, combating violent crime (GunStat, warrants and improving the District's compliance with the National Instant Background Check System submission requirements), juvenile justice (truancy prevention, partnership for success stat, juvenile detention alternatives initiative, and juvenile reentry) and continuity of operations planning.

Lastly, the proposed Fiscal Year 2017 budget includes an intra-district request for \$75,000.

These funds would support the juvenile justice compliance monitoring functions housed within the agency.

Chairman McDuffie, thank you for your ongoing support of CJCC's portfolio of strategic priorities. I appreciate the opportunity to testify today about the agency's operations and budget. I am prepared to respond to any questions you may have.

COMMITTEE OF THE JUDICIARY (Police Dept)
Committee of the Whole (Dept of Human Resources)

JOAN MURRELL

Thank you for allowing me to testify. My name is Joan Murrell.

I am here today regarding the Dept of Human Resources Private Security Camera Incentive System, administered by the Office of Victim Services And Justice Grants Office.

This program reimburses residents up to \$500.00 per household. I would like the District to consider installing the cameras for the residents. The cost is a burden to some residents and may be more than half of a residents monthly social security check.

Also the specifics regarding installation etc may be intimidating to some residents. Many DC residents do want the cameras installed but for the above reasons do not pursue it. If the cameras are installed incorrectly around the home DC will not reimburse the resident.

I find this system of reimbursement to be Passive Aggressive AKA Nasty Nice. DC will give the residents protection but will make it difficult to receive. One copy of my written testimony has the DC Dept of Human Resources instructions for the Camera Program included.

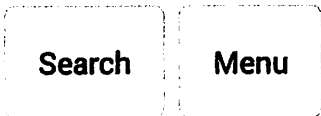
Please make it easier for residents who want cameras to receive cameras.

On another topic. Regarding the illegal motor bikes. A financial incentive would help neighbors and family members reveal the perpetrators.

This Testimony will be used twice today for hearings which both began at 10am.

- (1) Committee on the Judiciary regarding Metropolitan Police Department.
- (2) Committee of the Whole Regarding the DEPT of Human Resources.

Thank you for allowing me to testify and and thank you for considering the needs of all DC residents.



Contact

Mayor Muriel Bowser

Department of Human Resources

Department of Human Resources



Office Hours

Monday to Friday, 8 am to 5 pm

Connect With Us

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Ask the Director
Agency Performance

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Private Security Camera System Incentive Program

Program Description

The Private Security Camera Incentive Program, administered by the Office of Victim Services and Justice Grants (Office), creates a rebate for residents, businesses, nonprofits, and religious institutions to purchase and install security camera systems on their property and register them with the

Metropolitan Police Department (MPD). The program provides a rebate of up to \$200 per camera, with a maximum rebate of up to \$500 per residential address and \$750 for all other addresses. This program is intended to help deter crime and assist law enforcement with investigations.

Frequently Asked Questions (FAQs)

Requirements

The camera system must have been purchased and installed on the property after September 22, 2015 and before all available funds are expended. The camera also must be registered with the Metropolitan Police Department. The amount of the rebate shall not be more than the cost of the purchase of the camera system. Only one security camera system per property address is eligible. Security camera systems must be installed on the exterior of a building. Applicants will also be required to verify installation of the system (see application for complete details).

Camera System Specifications

Security camera systems shall meet minimum technical and video quality specifications below, and must retain video footage for at least forty-eight (48) hours. All cameras must be outdoor, weather proof cameras.

DIGITAL CAMERAS	Minimum Specifications	Recommended Specifications
Camera Resolution	1 Megapixel	3 Megapixel
Screen Resolution	1280x720	2048x1536
Video Quality	Standard	High
Frames per Second	5	15
Storage Requirements	250 GB per camera or up to 10 days of storage	2.5 TB per camera

ANALOG CAMERAS	Minimum Specifications	Recommended Specifications
Screen Resolution	640X480	640X480
Frames per Second	5	15
Storage Requirements	125 GB per camera	350 GB per camera

Restrictions

Applicants must be an owner or tenant of a property that is used as a residence, business, nonprofit, or religious institution located in the District of Columbia. Applicants who are tenants must provide documentation from the property owner approving the installation of the security camera system on the property. Until July 31, 2016, the Office shall accept applications only from Applicants whose property is

located in specific Police Service Areas. Beginning August 1, 2016, if there are still funds remaining, properties throughout the District will be eligible to participate in the program.

The Office of Victim Services and Justice Grants will give priority consideration to properties, businesses, and religious institutions in the following Police Service Areas (PSA): 103, 104, 105, 106, 107, 108, 202, 207, 208, 302, 303, 305, 307, 308, 402, 403, 404, 405, 406, 407, 409, all PSAs in the Fifth Police District, 602, 603, 604, 607, 608, and all PSAs in the Seventh Police District. PSA borders can be found online at <http://mpdc.dc.gov/page/police-districts-and-police-service-areas>. Applicants can find their property address PSA online at: <http://geospatial.dcgis.dc.gov/PSAFinder>.

By participating in this program, the Applicant acknowledges that he or she will not use the security camera for any unlawful or harassing purposes and will comply with all applicable building and electrical code requirements.

If you have additional questions, please contact the program at security.cameras@dc.gov or 202-727-5124

Application

Apply for Security Camera Incentive Program Rebate

Note: It may take up to 45 working days to issue your rebate provided your application is complete and approved.

Attachment(s):

 Security Camera RFA FY16 FINAL.pdf - 338.4 KB (pdf)

Contact TTY: 711

Related Content:

የግል ደህንነት ካሜራ ማስፈጸሚያ ፕሮግራም

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TESTIMONY BEFORE THE JUDICIARY COMMITTEE

COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 7, 2016

QUAKERS FOR D.C.

Budget Oversight of the Metropolitan Police Department

Contact information: Roger Burns, 202-966-8738, rogerburns@pobox.com, 2800 Quebec St. NW

My name is Roger Burns and I am representing "Quakers for DC", a faith-oriented group whose purpose is to speak out about social justice for the residents of our city.

At our last appearance before this committee one month ago, one of the several points we made was about a news report that raised questions about police practices. We stated that the news report was published last year, and that statement of ours led this committee and the public to believe that the issue in question had occurred last year. A more careful review of the facts now reveals that the issue in question took place at least three years ago, and perhaps longer ago than that.

We regret that we gave a misimpression that this issue was still current. We will not re-describe the issue here in today's public testimony because that would just compound the error. Our group will commit to acting more responsibly in the future. Our group -- and I myself as the individual who developed that testimony -- extend our apologies to the Metropolitan Police Department, the Judiciary Committee, and the general public.

Thank you for your time.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Metropolitan Police Department



Fiscal Year 2017 Budget Oversight Hearing

Testimony of
Cathy L. Lanier
Chief of Police

Before the

Committee on the Judiciary

Council of the District of Columbia

April 7, 2016
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good afternoon, Chair McDuffie, members and staff of the Committee. I am pleased to testify before you today on Mayor Bowser's Fiscal Year (FY) 2017 Budget, which provides critical resources to support the Metropolitan Police Department (MPD) and public safety in the District. This is the District's 21st consecutive balanced budget and makes key investments in public safety, education, affordable housing, transportation, infrastructure, job training, and employment services that give residents a fair shot at a pathway to the middle class. These investments are critical priorities as identified by District residents at the Mayor's public engagement forums, which were held during the budget formulation process.

* * *

Briefly, the Mayor's proposed FY17 budget for MPD provides local funding of \$516.7 million. This is an increase of \$10.8 million, or 2.1 percent from the approved FY 2016 budget. This includes full year funding for the 3 percent FY17 union raises, which were previously budgeted outside of MPD, and a 3 percent cost of living adjustment for the civilian and the non-union sworn members of the Department.

Most of MPD's local budget, 89 percent, is for personal services (PS). The remaining 11 percent of the total budget – approximately \$56.4 million – covers a variety of Nonpersonal Services (NPS), including specialized law enforcement purchases – such as uniforms, firearms, ammunition, as well as contracts for the Police and Fire Clinic, fleet maintenance, and information technology. Of the local budget, only \$2.2 million, or less than half of one percent, is not tied up in salaries, benefits, and major contracts and programmatic spending. This \$2.2 million covers a wide variety of important operating expenditures, such as canine supplies and food, tuition reimbursement for cadets and other employees, and mandatory language access translations.

When looking at any budget, it is essential to consider it in context. Over the past decade, beginning with the FY08 budget through the proposed FY17 budget, with a few major policy changes held constant (see Figure 1 Notes, page 2), MPD's local budget increased just 4 percent. Over this time, the MPD PS budget for salaries and benefits increased 9 percent, while NPS spending decreased 25 percent. The city has grown by more than 80,000 residents from 2008 through 2015. In contrast, right now, MPD has about 300 fewer officers than it did in 2008. The Department has been able to succeed – and drive down crime – during times of tight budgets through sound and careful management of valuable resources. Fortunately, Mayor Bowser has recognized the need for investment in public safety.

The proposed budget provides funding for several important new initiatives: \$5.3 million to support the body-worn camera program for all front facing police officers, \$2.8 million and 35 Full Time Equivalent positions (FTEs) for hiring civilians, and \$2.5 million to hire approximately 60 experienced officers. I will highlight for the audience why these are important investments.

- In 2013 I directed my staff to explore implementing a body-worn camera program at MPD. Three years later, after researching various programs, evaluating models, and working with the Mayor, the community, and the Council on policy and regulations, we are now deploying cameras to all seven districts. So far, cameras are deployed in the First, Third, Fifth, and Seventh Districts. In the next two months, we will begin deployment to the Second, Fourth, and Sixth Districts.¹ The \$5.3 million funding level in the FY17 budget will pay for the software systems related to the videos, redaction services for videos to be released to the public, as well as full year funding for the staff to manage the redaction, review, and distribution of the BWC videos.

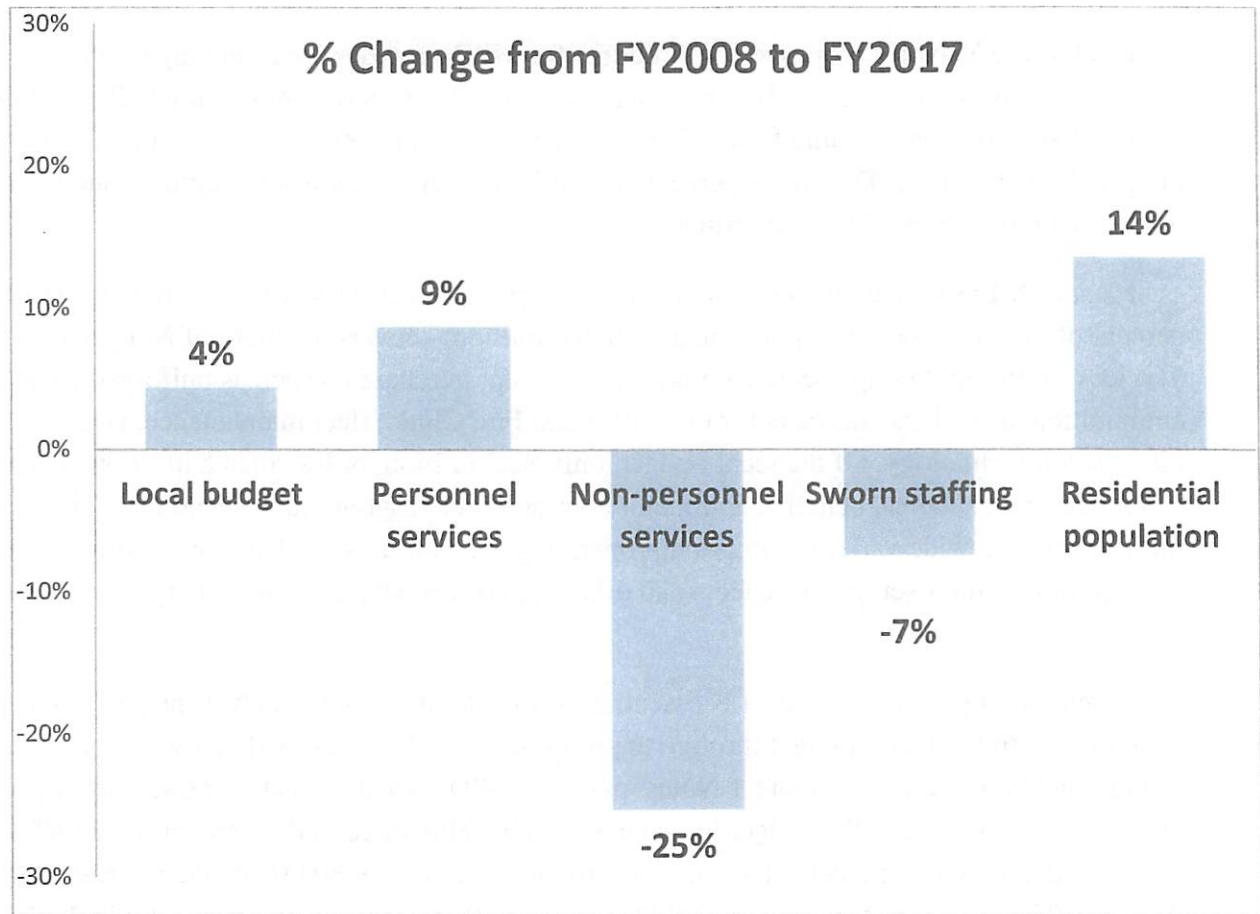


Figure 1 Notes:

1. To allow for a clean comparison, budget figures were adjusted for 3 major policy changes: building management moved to DGS, ATE moved to local budget, and pay increases in FY15 -FY17.
2. The primary drivers in local Personnel Services spending between FY08 and FY16 were: (a) approximately 50 grant-funded positions expiring and being moved to the local budget; and (b) technical corrections for base retention differential and tech and hazard pay in FY13.
3. Sworn staffing = end of year staffing figures from FY2008 - FY2016 (as of March 21, 2016)
4. Residential population = Mid-year US Census figures for 2008 - 2015

¹ In order to design a robust evaluation of the body-worn cameras, a team of researchers developed an implementation model in which about half of the officers in patrol have BWCs, with the second half scheduled to receive cameras in December 2016.

- The Mayor's proposed budget also includes \$2.8 million and 35 FTEs for hiring civilians. In the past, we have focused on civilianization, an effort to hire civilians to replace sworn members in functions that do not require police powers. Those sworn members are then returned to an operational function. To make sure there is no confusion, I want to be clear that at this time, our civilian hires are not just for civilianization. For one, we may be hiring civilians to put in positions that are not currently filled with a sworn member, but would be if we don't hire a civilian. We intend to fill new positions, such as body-worn camera coordinators. It also includes positions being vacated by retiring sworn members. As sworn members retire at record rates, we are looking for more opportunities to have functions – or even part of a function – done by civilians. The best example of this is our Crime Research Specialists (CRS), a position we first developed less than three years ago. The civilian CRS team supports operations by combing through the information and tools that we have available to quickly identify crime patterns or suspects. This team has helped our officers and detectives apprehend numerous violent criminals. So while hiring them does not put an officer on the street, it makes every officer and detective better able to do their job.
- Lastly, the FY17 budget includes an additional \$2.5 million to help increase our hiring through an Experienced Officer Training Program, which we also call "Lateral Lite." This allows experienced officers from other jurisdictions to join MPD as new recruits, but with a shorter training program that focuses on the District community and unique features of policing in the District. This will allow us to get these lateral officers on the street faster. All told, the Mayor's budget funds hiring 360 officers: 300 new recruits and 60 laterals.

* * *

Every year, it seems that the focus of this hearing is on the budget for the following year. I wanted to take an opportunity to discuss some of the prior funding. It is important for the community to know that an investment in the police department is an investment in the community. Every time we spend money – whether on large projects or small ones – my goal is to ensure the spending benefits the community. Here are just a few of our initiatives demonstrating this commitment.

- **Body-Worn Cameras:** Of course, we are still in the midst of implementing the FY16 budget for the body-worn cameras. In mid-March, we began the Phase 3 roll-out of the cameras, and as of this week, we have more than 700 cameras deployed. It is premature to talk about results, but the independent research team is fully engaged in guiding the deployment and collecting data for a robust analysis. Equally important, both our officers and the community are continuing to respond very positively to the cameras.
- **Nightlife Unit:** In FY13, MPD conducted a comprehensive economic development analysis on planned and ongoing developments throughout the city. The analysis identified several highly populated and dense entertainment areas that demanded a different type of police deployment. As a result, we were able to get funding in the FY14 budget for additional officers enabling us to establish an innovative Nightlife Unit. We deployed 90 officers in the H Street NE Corridor, Adams Morgan, Columbia Heights, Dupont Circle, and U Street NW

Corridor. All 90 officers received targeted training on how to handle and deescalate incidents in the entertainment areas. The Nightlife Unit has successfully provided high visibility patrols on foot, bicycle, and Segways during the nightlife hours and worked with nightclubs and liquor-licensed establishments to provide a safe environment. Based on the one-year evaluation, all five nightlife areas experienced significant reductions in violent crimes. Most notably, robberies decreased by more than 40 percent in the nightlife areas from FY13 to FY14. Of course, the Nightlife Unit also helps residential neighborhoods by reducing the need for patrol officers to be dispatched to these zones.

- **Mountain Bikes:** Last year, we purchased 200 new mountain bikes, and we have 355 officers assigned to bike patrol. The officers are eager to be out in the community on their new bikes, and we are regularly adding to the pool of officers with mountain bike training. In October, the bike officers kicked off a new initiative of community and citywide bike rides. These rides increase visibility and encourage officers and community members to ride and talk together. In the coming months, each district will host a ride.
- **TECC Kits:** After the Navy Yard shooting, the Department began deploying and training officers on the use of Tactical Emergency Casualty Care kits, or TECC kits. Almost 1,900 patrol members have received TECC kits and the necessary training that enable them to provide emergency medical care to injured officers or civilians in the first critical moments. As a result, our members have been able to assist numerous victims of violent crimes before an ambulance arrives. This quick use of field medical tools has increased the odds that the victim will make a full recovery. For instance, officers quite literally saved the life of a woman with a lacerated femoral artery by applying a tourniquet to stop the bleeding.
- **Dog Catch Poles:** One small investment with a big impact has been our deployment of dog catch poles, which are long poles with a loop at the end that allow officers to catch and control potentially dangerous dogs from a distance. I would like to thank the Washington Humane Society (WHS), which has assisted in training MPD officers with the dog pole for a few years. Indeed, last month, I was pleased to give two WHS members, Zita Maciananti and Ray Noll, a special award for their strong support of this effort. They train officers on how to approach and capture an animal as a first control option instead of using force. More than 200 officers have received this training. Our members even used a dog catch pole to capture a dog that had bitten an officer. In 2015, we had eight incidents in which firearms were discharged at animals, a 53 percent reduction from the prior year, and 24 percent lower than the average of the prior seven years. I have received so much positive feedback from our members, especially in the Sixth District where we have seen the most types of these incidents.

* * *

I would like to close my testimony by thanking the many people and organizations that make our work possible. First and foremost, I feel fortunate to lead a department staffed with dedicated and hardworking officers and civilians. I would like to thank our community members and

community organizations for supporting our officers and the Department, especially during these challenging times for law enforcement and many cities. Lastly, I appreciate the strong partnership of so many of the agencies we work with, from our criminal justice partners to the other public safety agencies in the District government. It is important to recognize how critical our District partners – including the Office of Unified Communications (OUC), the Department of Fire and Emergency Medical Services (FEMS), and the Department of Forensic Services (DFS) – are to police work.

- While some may believe that a communications center just has a supporting role, I know that the quality of management and staffing of call taking and dispatch can have a critical impact on our ability to effectively deliver police services. Call takers gather information from people who are often involved in a disturbing situation, and share critical facts that may have a direct impact on the safety and well-being of the caller and the first responders. Moreover, as the first contact between the District's public safety partners and the public, the OUC can shape the caller's perception of the District response.
- Our fellow first responders at Fire and EMS are on the front lines with MPD in working to serve and save people in the District. All too often, we are together in responding to victims of violence, or individuals in crisis due to substance abuse or mental health issues. Their response can keep a violent assault from becoming a tragic homicide. And unfortunately, our members share a unique bond in the substantial dangers we face in the performance of duty.
- Lastly, the forensic lab may be our most unheralded partner, but it is certainly no less important. Work in the lab is critical to solving serious crimes and holding offenders accountable. Most importantly, they help the entire criminal justice system get dangerous individuals off the street in order to prevent the next violent crime. As police, we cannot do our work without the lab providing significant support.

In closing, I recognize that the Mayor and the Council face many difficult choices as they develop the budget. But public safety and order are critical to ensuring the success of our thriving city and to the well-being of everyone who lives in or visits it. MPD will continue to do our best to safeguard the District, but we need to have the resources necessary to do so. I appreciate the continued support of Mayor Bowser, Chairman McDuffie, the Committee, and the Council in this effort.

Thank you for the opportunity to testify today, and my staff and I are available to answer any questions you may have.

ATTACHMENT C

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
AGENDA AND WITNESS LIST
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A BUDGET OVERSIGHT HEARING FOR THE

**FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
OFFICE OF UNIFIED COMMUNICATIONS
HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY**

**Tuesday, April 12, 2016, 11:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. PERFORMANCE OVERSIGHT HEARING**
 - 1. Fire and Emergency Medical Services**
 - i. Public Witnesses
 - 1. Ed Smith, President, IAFF Local 36
 - 2. Lawrence DiPietro, Public Witness
 - 3. Dabney Hudson, 2nd Vice-President, IAFF Local 36
 - 4. Joelle N. Simpson, Medical Director for Emergency Preparedness, Children's National Health System
 - 5. Holly O'Bryne, Chief Shop Steward, AFGE Local 3721
 - 6. Darlene Nelson, Vice-President, AFGE Local 3721
 - 7. Anne Renshaw, Vice-Chair, Emergency Medical Services Advisory Committee
 - 8. Dave Milzman, Professor of Emergency Medicine, Georgetown University

- ii. Government Witness
 - 1. Gregory Dean, Chief

2. Office of Unified Communications

- i. Public Witness
- ii. Government Witness
 - 1. Gizele Richards, Deputy Director

3. Homeland Security and Emergency Management Agency

- i. Public Witness
- ii. Government Witness
 - 1. Chris T. Geldart, Director

IV. ADJOURNMENT

FIRE FIGHTERS ASSOCIATION



LOCAL No. 36
INTERNATIONAL ASSOCIATION
of FIRE FIGHTERS



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CHARLES S. HOTTINGER
1st Vice President
DABNEY S. HUDSON
2nd Vice President
JOSEPH N. CHISHOLM
3rd Vice President
LAWRENCE M. SHELDRAKE
Treasurer
JAMES E. GORDON
Secretary

STATEMENT OF EDWARD C. SMITH **PRESIDENT**

D.C. FIREFIGHTERS ASSOCIATION

LOCAL 36, OF THE INTERNATIONAL ASSOCIATION

OF FIRE FIGHTERS, AFL-CIO-MWC

April 12, 2016

Good Morning Councilmember McDuffie, Chairman of the Committee on the Judiciary, members of the committee and staff, I am Edward Smith, President of the District of Columbia Fire Fighters Association, Local 36 of the International Association of Fire Fighters, AFL-CIO-MWC. Thank you for the opportunity to provide testimony on the Mayor's proposed FY17 budget for the Fire & EMS Department.

Local 36 continues to advocate for the following 3 categories: **Staffing, Resources and Training**. These should all be taken into consideration when considering the FY17 budget.

Staffing: After reviewing Mayor Bowser's proposed budget, I am encouraged and very appreciative of the Mayor's support and the collaborative support of Chief Dean and the Committee of the Judiciary to address the staffing needs of our department. Increasing the number of full time employees (FTE's) is imperative. We must continue to focus our efforts to overcome the current staffing deficit. Part of this equation is getting the staffing factor correct. I believe this analysis should be completed annually. The wrong staffing factor leads to overworked fire fighters and increased overtime pressure. As I have stated in prior testimony, I believe the department should always strive to maintain full staffing. That leads to my next questions; how many fire fighters are currently eligible to

retire and how many vacancies currently exist? We are approaching the same retirement bubble that MPD is facing, even though on a smaller scale as a result of mass hiring in the late 80's early 90's. I am hopeful that we can continue our conversation regarding the immense benefits of a Deferred Retirement Option Program. (DROP) and how it can assist with attrition.

Resources: I am happy to report the positive news that our department has started taking delivery of Ambulances, Engines and Ladder Trucks. The additional funding in Mayor Bowser's proposed budget will allow the continued and focused effort to rebuild our apparatus fleet. Beyond just restoring our fleet, Local 36 strongly encourages a detailed apparatus replacement plan be adhered to that, also includes the need for annual industry testing. Local 36 is a proponent of legislating the need for annual service testing of our apparatus fleet to reinforce the importance of maintaining a safe and efficient apparatus fleet. Similar to our staffing deficient, proper and continued funding will be needed to restore our department back to a level of efficiency.

The third party provider initiative is underway and appears to be assisting in better managing our call volume by assisting in handling non-emergent calls. Local 36 supported the third party ambulance initiative on the premise that this will be a short term plan, allowing time to recover from our deficits. As we focus our

attention on the budgetary needs of our department, we must be mindful and prepared to once again absorb the current work load of the third party provider. We must forge ahead and take a new dynamic approach to solving underlying issues that contribute to the overburdening of our emergency services. Whatever approach we take, proper funding and staffing is vital to the success or failure of our efforts.

Training: A well-funded and robust training staff is an integral component to our training needs is the keystone to our efficiency and safety. Local 36 continues to advocate for the expansion of the training academy staff to support increase capacity for instruction of new members and in-service training. It is our duty to ensure that all members are efficient and up-to-date in their professional skill set, in order to remain well-prepared for the variety of calls we answer. Local 36 continues to support the vision of a mobile training center model where the Training Academy is brought to each fire station. By doing this, it reduces the out of service time of companies and allows them to remain in their assigned communities.

Chairman McDuffie, as we sit here today focused on the issue of budgets and the need for funding, I will admit the topic can be at times, abstract and a practice of theory on these funds will translate over to the improvement of the

department. However, I feel we can never forget, nor diminish what is truly important in these discussions and that is our members. I have no higher duty than to concern myself with their health and well-being, without them, nothing is possible. Our public trusts them to be there in time of need and my members must know we are there for them in their time of need. During my last testimony before the Judiciary, I spoke about the life of Lt. Preston Williams who passed much too early due to an occupational disease and I spoke of how vested Brother Williams was in the passage of The Presumptive Disability Amendment Act of 2012 (B-19-0616). Brother Williams provided testimony on the presumptive disability bill knowing he may never benefit from this important legislation, but was hopeful that through his efforts, he could invoke change for others, unfortunately, after 4 years, the aspiration of Brother Williams remains unfulfilled.

I am sympathetic to the fiduciary responsibility and the process of proper oversight in enacting new laws, however, I ask you Chairman McDuffie and your colleagues to be sympathetic to the urgency of this legislation in relation to my members' health. The presumptive bill passed with unanimous support, but the funding of the presumptive disability remains static. While I know this is not true, the optics of this inaction leaves members with the impression that our city leadership supports us in words, but not in action. As we participate in the budgetary process, we must be mindful of our priorities and be sure to align our

priorities in concert with the funding needs. Apparatus, training and staffing are all important, but funding this law is truly vital.

The District of Columbia is benefiting from a strong economy and currently we are the envy of other municipalities in the region, yet we hesitate to fully fund an occupational bill that other municipalities support in a more challenging economic climate. I feel this should be self evidence that the presumptive legislation is not a fiscal liability but rather an investment into our most important asset...our fire fighters.

In closing, Chairman McDuffie, Local 36 remains committed to working with you, your council colleagues and Mayor Bowser to identify the needed funds to meet the funding needs of The Presumptive Disability Amendment Act of 2012 (B-19-0616). We respectfully ask for your commitment and the commitment of your colleagues to making the funding of this bill a reality.

Thank you for the opportunity to provide testimony and I am happy to answer any questions you may have.

**STATEMENT OF LAWRENCE DIPIETRO
PUBLIC WITNESS**

April 12, 2016

Good Morning Chairman McDuffie and members of the Committee on Judiciary and Public Safety, my name is Lawrence DiPietro. I'm 53 years old and I've been a DC fire fighter for 27 years. Thank you for the opportunity to speak to you this morning. I'm here today to speak in support of the Heart and Lung Bill and why I believe it requires funding now.

In the summer of 2015, I took my required annual physical at the PFC. I had an x-ray done and based on my x-ray; the Doctor informed me that he saw abnormalities. He instructed me to see my primary care physician about it. Over the next couple of weeks, I saw several doctors, including a Pulmonologist who ordered me to take many test, including a high-resolution CT scan and an in-depth pulmonary function tests. These test revealed that I had Pulmonary Fibrosis.

Like many people, I had never heard of Pulmonary Fibrosis. However, Pulmonary Fibrosis affects over 40,000 people annually. Pulmonary fibrosis is an interstitial Lung Disease where the lungs become scarred and thicken the lung tissue. This makes it more difficult for oxygen to pass into the bloodstream. The cause is unknown, but certain environmental triggers, including workplace toxins and gases have been shown to increase the risk of getting Pulmonary Fibrosis.

Pulmonary fibrosis is a chronic, progressive disease, meaning it worsens over time. There is no cure and the disease is terminal. The average life expectancy

is 3-5 years. In my case, I'm progressing more quickly, having deteriorated from 59% lung capacity to 46% in approximately 6 months. Lung transplantation is an option of last resort, but comes with its own set of survival issues.

Up until my diagnosis, I was living a healthy lifestyle. I ate well, maintained a normal weight, did not smoke and exercised regularly. I enjoyed an active lifestyle with my family. According to the American Lung Association, exposure to environmental pollutants, toxic gases and fumes can cause Pulmonary Fibrosis. It is without question that with over 27 years of firefighting, I was exposed to environmental toxins and toxic gases. Early in my career, before exhaust systems were installed in all firehouses, I was exposed to diesel fumes and believe that this continuous exposure was a contributing factor as well. Again, I firmly believe my 27 years of firefighting was a major contributing factor in my acquiring this disease.

I'm asking for your support today. I'm asking that you fund the Presumptive Disability Amendment Act so that fire fighters like me can retire on disability without issue after acquiring a disease presumably caused by the exposure to the toxins prevalent in firefighting.

Thank you for your time and I will be happy to answer any questions that you may have.



**Testimony of Joelle Simpson, MD
Medical Director for Emergency Preparedness and Pediatric Emergency Attending at
Children's National Health System
before
Committee on Public Safety and the Judiciary Council of the District of Columbia
On
District of Columbia Fire Emergency Medical Services Department Budget Oversight
Hearing**

April 12, 2016

Dear Chairman McDuffie and members of the Committee. For the record, my name is Joelle Simpson and I am the Medical Director for Emergency Preparedness and a Pediatric Emergency physician at Children's National Health System. Thank you for this opportunity to provide testimony on the Fire and Emergency Medical Services Department's FY'17 Budget Oversight Hearing. As you may recall, at the March 22, 2016 hearing on B21-0506 - Establishment of the Community Health Emergency Link Paramedicine Pilot Program Act of 2015, Sarah Dorosz and I raised concerns about the level of training and competency held by DCFEMS with respect to pediatric patients. Whether the legislation moves forward this year or not, we believe that additional training is necessary in order to ensure high quality care for our pediatric patients.

Currently, there is no dedicated funding source for the training that Children's National provides and we believe that a consistent commitment of resources is needed to maintain a prehospital work force that is trained and prepared to recognize and care for critically ill or injured children. Attached to this testimony, you will find a proposed budget for the training and services that we mentioned in our prior testimony.

We appreciate your care and commitment to the residents of the District of Columbia, especially our most vulnerable populations, and we hope that you and your colleagues will consider allocating funding for this important training in the FY'17 budget.

	Hours	Rate	# per Year	Estimated Annual Cost
PEPP Course				
BLS Providers (1 day session)	8 hours	\$ 200.00	600	\$ 120,000.00
ALS Provider (2 day session)	16 hours	\$ 230.00	250	\$ 57,500.00
*ALS Providers (2 day session, Combination Course - PALS and PEPP)	16 hours	\$ 270.00	250	\$ 67,500.00
Subtotal				\$ 177,500.00
*Subtotal w/Combination Course				\$ 187,500.00
Continuing Education				
Regular Collaborative Pediatric Simulation Exercises	2-6 hours	\$ 750.00	2	\$ 1,500.00
Regular Mass Casualty and Disaster Drills	2-6 hours	\$ 750.00	2	\$ 1,500.00
ALS/BLS Continuing Education with Custom Modules	4 hours	\$ 400.00	40	\$ 16,000.00
Clinical rotations for DCFEMS at Children's National	4-12 hours	\$ -	832	\$ -
Ride-alongs for Children's National staff with DCFEMS	4-12 hours	\$ -	TBD	\$ -
Subtotal				\$ 19,000.00
Process Improvement and Maintenance				
Pediatric Medical Advisory Board	2-4 hours/monthly			\$ -
Subtotal				\$ -
Personnel				
Pediatric Medical Director	8 hours/weekly	\$ 150.00	416	\$ 62,400.00
Pediatric Quality Assurance/Quality Improvement	2 hours/weekly	\$ 45.00	104	\$ 4,680.00
Coordinating/Scheduling Pediatric Curriculum	2 hours/weekly	\$ 45.00	104	\$ 4,680.00
Subtotal				\$ 71,760.00
Total				\$ 268,260.00
*Total w/Combination Course				\$ 278,260.00

DC Council April 12, 2016

Ladies and Gentleman of the Council, good morning. My name is Holly O'Byrne and I am the Chief Shop Steward for Local 3721 and a Paramedic for DC Fire and EMS. I am here today to speak from a historical standpoint on EMS within the District and the current degradation of the system.

The ability to provide Emergency Medical Service within the District has been a long and controversial battle. A battle that has included political infighting, financial discord and strife between the Union Executive Boards and D.C Fire and EMS Management of the Agency. The dissolution of the Emergency Ambulance Bureau (EAB) has led to over thirteen (13) Medical Directors overseeing the Agency within the last decade. With little continuity in oversight and clinical standard, this has resulted in an egregious loss of civilian life. Since January 2016, the morbidity and mortality toll has been steadily growing due to the inactions of members and failed policies by the Agency. With the resignation of Dr. Juliette Saussy in the forefront of national news and publications, the Agency has failed to enact any recommendations to advance care except for the proverbial "Hail Mary" in in the provision of a third-party ambulance service.

Despite multiple studies over a three decade period and attempts to move EMS into the 21st century, the efforts of the Department have faltered and stalled. Morbidity and mortality rates are increasing, QA/QI measures and assessment of providers are not consistently obtained and educational needs are not being met. Without change and the

development of a progressive patient first system, EMS will continue to falter. The continual disregard of the same conclusions by multiple independent entities can not be allowed to continue.

The studies outlined major problems which were broken down into the following categories: inability to maintain consistent leadership in Medical Directors with a driven mission, inconsistent and poorly managed EMS training program with decreased specialty training in pediatrics, failure to dictate patient care by driven metrics of trends in treatment protocols and inability to acquire and maintain an operational fleet and a consistent lack of crucial adequate medical supplies. The dire personal and professional hardships suffered by street-level providers who find themselves in an unsupported, mismanaged and non-contributory role. This unnecessary and undue stress on paramedic providers is directly linked to the increase in non-emergency call volume, lack of critical programs to assist with patient education and injury prevention, and poor policy implementation by upper level management. These problems were not addressed just once, but can be seen across all of the studies and all of the recommendations for over thirty years.

Transportation reform is not EMS reform, especially when AMR is not equal to our BLS transportation modes or our technological standard. We have digressed back to paper reporting, overloaded the hospital system to the point of diversion and taxed ALS transport resources far beyond pre AMR status. The model created by the Agency limits providers to inappropriate choices between Medic Units or AMR transport. ALS Engines are waiting on

scene with Basic Transport Units for ALS Transport Units to arrive, delaying not only transport but more importantly, definitive care. Due to non-medically viable orders from the Agency a blurred line has been created that limits providers and created "categorically ALS" runs. Due to the mismanagement and lack of responsiveness of the program, the Department is more than likely, committing insurance fraud.

The Fire Chief has continually stated that he has no interest in public health education or development of a community based program to aid citizens. Members are being used at the Training Academy to Instruct who do not hold DOH Instructor Certification that is mandated. The Chief supports a part-time unqualified Medical Director who has openly stated to EMSAC and the general staff he has no knowledge of pre-hospital care and allows for policies to be in place that support the wanton disregard for patient life and failure to advance clinically based medicine. To date, we have created such a lack of confidence within the EMS community that not a single Medical Director across the country has applied for the open position within DC Fire and EMS. With the continued decrease in funding for training and employee development, performance management, public outreach, employee wellness and field infrastructure, the Chief has made it clear that employees are not the priority in the FY 2017 Budget.

The current state of affairs of the District's Emergency Medical Services is deplorable. For years our system has been sadly lacking at providing the fundamental tenet of any public safety entity - which is to provide to our citizens the safest, most efficient and most effective delivery of care and service that they expect and deserve. Through a combination of

mismanaged policy, an outdated rank structure and the aforementioned gross deficiencies that have been permitted to fester within the Agency without any semblance of accountability or positive change, the Departments ability to provide emergency medical care to the citizens and guests is suffering.

Good Afternoon members of the Judiciary Committee, my name is Darlene Nelson and I am the Vice President for local 3721 representing civilian EMS providers, apparatus division, administrative and clerical staff. Thank you for allowing me to testify on behalf of the D.C. Fire and EMS Budget Oversight Hearing.

In a recent meeting with Chief Dean, he stated and I quote, "You all are on the opposite side of everything." This statement perplexed me for a minute coming from a Fire Chief, but then as I thought about it, I agree with him 100%. But the real question is, why are we on opposite sides? When we look at the budget proposal for FY'17 and the recent actions implemented by the agency, once again EMS is not a priority in the budget.

EMS REFORM

The agency and the administration is selling EMS Reform as the implementation for a Third Party Service to the tune of 12 million dollars. We believe this expense could have been designated for more effective and efficient programs. Programs such as:

- **Community Paramedicine** – A program that has demonstrated proven results in multiple EMS jurisdictions both rural and urban, such as reduction of frequent callers and hospital readmission
- **Clinical rotations** – All EMS providers would have the opportunity to work with local hospitals and perform case studies on patients to improve prehospital care delivery.

- **Alternate Destination Program (ADP)** – A program that provides transportation such as Uber or taxi vouchers to transport true low-priority calls to destinations other than hospitals.
- **EMT to Paramedic Program** – A program that would provide a revolving door for training and advancement for all members to meet the needs of the agency and the city.
- **EMS Medical Division** – Creating a program for precepting and training of employees, continued regulation of clinical skill competency and accountability.
- **Unification of providers** – In or about 2008/2009 and highlighted in the EMS Task Force Recommendations, single role providers were to participate in the Police and Fire Retirement System. To our understanding, funding was identified for this action but never implemented and no one in FEMS held accountable.

Third Party Provider Service

Since the implementation of the current third party provider service, AMR has not been an improvement in the delivery of service or a decrease in call volume. Despite the numbers that you will be presented with today by the agency, it is not a true picture of our daily reality. What we know is the following:

- The agency created protocols separate from the current approved DOH protocols that have led to an increase of ALS resources.

- The agency is forcing DCFEMS BLS units to choose between AMR or an ALS unit.
- The agency new protocols for utilizing AMR removes the engine company staffed with an ALS provider from a duty to act and waiting on scene for an ALS transport unit as much as 20 minutes. Are we on the verge of another Mills, Jackson, or Ford case?
- AMR is transporting patients to hospitals and waiting in triage line along with DCFEMS units. The impression that AMR is transporting low priority patients that can be delivered to the front ER lobby is false.
- Calls dispatched just last month for BLS units are now categorized as ALS, which leaves the question, what are BLS units doing? Do we need more civilian single role ALS providers? We thought that one of the reasons AMR was contracted is because the majority of the calls were BLS or non-ALS calls. Needless to say we are confused.
- The agency is continuing to use Alpha hold policy and are running out of units as early as 1 pm or before due to the increased call volume.
- AMR has transported two patients that we know of that were upgraded to critical after arriving at the hospital.

ALS TRAINING

To date, Local 3721 has yet to receive the agency plan on ALS training or any training for that matter which is another reason provided for the need of a third party provider. This local truly believes that due to the high call volume within the District of Columbia and the lack of a qualified full-time Medical Director, training for ALS providers will be obsolete or

improvised once again. The budget only states specialized training and does not provide a detailed line-item explanation to show where funding will be utilized.

For example:

- Providers have requested for year's hands on training, especially with area hospitals
- The Training Academy needs a complete overhaul to include:
 - Remodeled classrooms and updated equipment
 - Updated clinical practices
 - Adult and pediatric Simulations including water emergencies
 - Trainings with local jurisdictions such as Maryland and Virginia EMS agencies
 - Hiring of qualified EMS Instructors that meet the needs of the Agency and utilizing highly qualified in-house providers
 - Active Shooter, MCI and tactical training should be a priority for providers, especially for the District of Columbia.

In conclusion, Local 3721 strongly believes that at the end of three years or before, EMS will once again be labeled as one of the worst EMS systems and the price will be the loss of life.

For the past several years, Chief after Chief has attempted to "fix" EMS and failed. Resources identified in this budget clearly demonstrates how this agency have received an increase year after year but funds for EMS are misappropriated and unaccounted for without accountability. The current implementation of a third party

service was implemented without key stakeholders within the medical community and EMS specialists. When we lost Dr. Saussy, we knew we were in trouble. We went from a full time EMS Medical Director to a part-time Doctor with a specialty in Infectious Disease who admitted to knowing nothing about EMS.

My fear is that what happens when not if, a major fire occurs or a terrorist attack and your first responders are standing on scene for 20 minutes? What happens when all of your ALS resources are being used inappropriately to justify a third party service as currently in practice today?

Russian Roulette is the practice of loading a bullet into one chamber of a revolver, spinning the cylinder, and then pulling the trigger while pointing the gun at one's own head. This is the dangerous game this agency is playing daily with people lives, except it will be in the form of death by medical or by fire.

Thank you and I am available to answer any questions.

COMMITTEE ON THE JUDICIARY
Councilmember KENYAN McDUFFIE, Chairperson
Council of the District of Columbia

BUDGET OVERSIGHT HEARING

DC FIRE & EMERGENCY MEDICAL SERVICES (FEMS)

FISCAL YEAR 2017

Testimony of

Anne Mohnkern Renshaw

Public Witness

April 12, 2016

I'M ANNE RENSHAW, TESTIFYING TODAY AS A PUBLIC WITNESS.

IN MY ALLOTTED FEW MINUTES, I'LL JUST ADDRESS THREE ASPECTS OF FEMS' FY'17 FINANCES: **ITS PROPOSED BUDGET, ITS LIMITED BUDGET NARRATIVE AND THE ABSENCE OF A COMPREHENSIVE EMS PLAN TO GUIDE FUNDING DECISIONS.**

FEMS' FY'17 \$254.5 MILLION BUDGET (\$254,449,706), IS ALMOST 10% (9.8%) OVER THE PREVIOUS YEAR'S APPROVED BUDGET. IN LAST YEAR'S TESTIMONY, I ASKED WHAT INNOVATIONS OR ENHANCEMENTS WOULD BE AFFORDED THE TAXPAYER VIA THE FY'16 BUDGET. THERE WAS NO RESPONSE. YET, A FEW WEEKS AGO, WITH A GOOD BIT OF MEDIA ATTENTION, PRIVATE AMBULANCES BEGAN HANDLING BASIC LIFE SUPPORT (BLS) RUNS UNDER A **\$12 MILLION** CONTRACT, FINANCED THROUGH THE CITY'S GENERAL FUND. AS PROCLAIMED MANY TIMES, ALL EMS BILLING REVENUE GOES DIRECTLY INTO THE CITY'S GENERAL FUND. FROM WHAT ACCOUNT WILL AMBULANCE CONTRACT MONEY BE SOURCED IN FY'17?

(Page C-15, line 41, Contractual Services shows a proposed FY '17 budget breakdown of \$19,783M with a percentage increase of 146.9%. Is that amount to subsidize third party ambulances, rather than dipping again into the general fund?)

WHEN THIS EXPENSIVE, CONTRACTED INITIATIVE IS DISCUSSED AMONG FELLOW CITIZENS, THE GENERAL CONCENSUS IS THAT FEMS MUST **NEED** TO BUY TIME TO FINALLY GET ITS ACT TOGETHER. BUT, IF THE COUNCIL ALLOWS IT TO REMAIN IN EFFECT BY THIS TIME NEXT YEAR, IT'S FELT THAT THE CITY IS JUST THROWING **BIG** MONEY AT THE PROBLEMS CAUSED BY SUB-PAR MANAGEMENT. THAT IS TO SAY, TAX-PAYING CITIZENS WILL BE PAYING FOR A PRIVATE, FOR-PROFIT COMPANY TO DO WHAT FEMS SHOULD EASILY OFFER: A FUNDAMENTAL AND CRITICAL GOVERNMENT SERVICE.

(Continued)

ALSO, WHAT CONTINUES TO BE UNKNOWN, (EVEN THOUGH IT'S BEEN REPEATEDLY ASKED), IS HOW MUCH OF FEMS' BUDGET IS ACTUALLY ALLOCATED TO PROVIDING EMS TO US. TO CONTINUE TO SAY THAT IT'S PART OF THE DEPARTMENT'S OVERALL OPERATIONS BUDGET CAN BE EASILY INTERPRETED TO MEAN IT'S CO-MINGLED SO THAT ONE CANNOT KNOW HOW MUCH OR LITTLE IS ALLOCATED SPECIFICALLY FOR EMS ... AND/OR DESIGNED TO PREVENT EMS FUNDING TO BE ACCOUNTABLE.

FEMS' BUDGET IS TOO WOEFULLY SHORT ON SPECIFICS. EMS HANDLES ABOUT 85% OF THE DEPARTMENT'S DAILY WORKLOAD. NOTED IS THE SEPARATION OF THE (NON-EXISTENT) EMS BUREAU "INTO OPERATIONAL AND ADMINISTRATIVE SERVICE COMPONENTS TO BETTER DEFINE RESPONSIBILITIES AND IMPROVE ACCOUNTABILITY." HOW'S THAT IMPROVING EMS? MUCH GREATER DETAILS ARE REQUIRED.

ACCORDING TO CHIEF DEAN, FEMS IS COMPILING A STRATEGIC PLAN. OR IS FEMS CONTRACTING OUT THE DEVELOPMENT OF AN EMS OR STRATEGIC PLAN AT AN AMOUNT NOT SPECIFIED IN THE BUDGET? THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS), THE WIDELY-USED FOUNDATION FOR PLAN DEVELOPMENT SINCE THE LATE '80's, IS AVAILABLE, AT NO COST, TO ANY LOCAL GOVERNMENT TO ASSIST IN CUSTOMIZING ITS OWN PLANS. PERHAPS THE CHIEF WILL TELL US HOW WELL NIMS IS BEING USED BY FEMS.

THE PUBLIC EXPECTS FEMS TO BE TRANSPARANT, WITH COMPREHENSIVE EMS OPERATIONAL AND MANAGEMENT PLANS, UNAMBIGUOUS BUDGETS AND EASY ACCESS TO DATA REQUESTED BY THE PUBLIC. THE QUESTION IS ... WHEN WILL IT ACTUALLY OCCUR?

NOTE: AN ERROR CAME TO LIGHT IN FEMS' BUDGET SUBMISSION LAST YEAR THAT WAS BROUGHT TO THE COUNCIL'S ATTENTION. HOWEVER, THE SAME ERROR SHOWED UP IN THIS YEAR'S BUDGET DOCUMENT. *(See page C-20, line 5 under Agency Budget Submissions).*
"WHEN CADETS COMPLETE THEIR TRAINING, THEY BECOME FIREFIGHTER/EMERGENCY MEDICAL TECHNICIANS" (NOT PARAMEDICS).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Fire and Emergency Medical Services Department**



Fiscal Year 2017 Budget Oversight Hearing

Testimony of

Gregory M. Dean

Fire and Emergency Medical Services Department

Before the

Committee on the Judiciary
Chairman Kenyan McDuffie

April 12, 2016
Council Chamber
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good morning Chairman McDuffie, Council Members and staff. I am Gregory M. Dean, Chief of the D.C. Fire and Emergency Medical Services Department (“the Department”). I am here today to testify in support of Mayor Muriel M. Bowser’s Fiscal Year 2017 Budget, entitled “Giving District Residents a Fair Shot.” For those of you watching on television, my testimony is available on the Department’s website at fems.dc.gov.

When I appeared before you in February, I testified about the initiatives we are working on to bring us closer to our shared vision of a Fire and EMS Department that provides the best possible service to its citizens. I am pleased to tell you that Mayor Bowser’s proposed FY 2017 budget provides the Department with the resources necessary to achieve that vision. My testimony today will focus on how we will use those resources to maintain our progress towards creating a safer, stronger District of Columbia.

The Mayor’s proposed FY 2017 gross operating budget for the Department is \$254 million. This is a 9.8 percent increase over the FY 2016 approved gross budget of \$232 million. The budget is comprised of \$250 million in Local funds, \$3 million in Federal Grant funds, \$1 million in Special Purpose Revenue funds and \$400,000 in Intra-District funds.

In Local funds, the Department’s proposed budget includes a net increase of \$19.7 million. This increase is largely due to the Mayor’s historic investment in EMS reform with the inclusion of \$12 million for the third party provider initiative. It also includes:

- \$2.4 million to replace aging personal protective equipment that keeps our first responders safe from injury and meets collective bargaining agreement (CBA) requirements;

- \$600,000 to purchase 20 new LifePak 15 and AED 1,000 units to help us save cardiac arrest patients;
- \$324,000 for signal boosters in FEMS stations to improve Wifi connection capability, which will improve the timeliness and accuracy of 911 responses and patient care reporting;
- \$2.7 million in cost of living adjustments and step increases;
- \$137,000 to create a new administrative captain position for the president of Local 36 of the International Association of Firefighters (Local 36) consistent with the 2015 overtime negotiations; and
- \$3.8 million in increased funding for DC Water's fire hydrant fee.

In Federal Grant funds, the proposed budget includes a net increase of \$3 million and 42 Full-Time Equivalent (FTE) positions that reflect the Department's receipt of the SAFER¹ grant to hire firefighter paramedics. These paramedics are scheduled to start at the Training Academy on May 16, 2016. They follow the 25 new firefighter/emergency medical technician (EMT) recruits who started at the Academy on March 21, 2016, the first class to be selected from the Department's 2015 hiring registry. 22 of the 25 firefighter/EMT recruits are District residents, keeping Mayor Bowser's promise to create Pathways to the Middle Class for District residents during her administration. In addition, we plan to hire a cadet class this summer, and to start another firefighter/EMT class after Labor Day.

The addition of the SAFER grant-funded firefighter paramedics and the administrative captain position, combined with the elimination of seven frozen and/or

¹ Staffing for Adequate Fire and Emergency Response.

vacant administrative positions, account for the Department's net increase of 36 FTE's in FY 2017.

The budget includes FY 2017 capital projects funding totaling \$16.2 million which includes \$15 million for apparatus and \$1.2 million for scheduled capital improvements. The new apparatus funding is consistent with the recommendations of the 2013 BDA Global audit report. Mayor Bowser's inclusion of the same level of funding in the FY 2016 capital budget is already reaping benefits for the Department, as we have been steadily rebuilding our front line and reserve apparatus over the last several months. In FY 2019 through FY 2022, there is additional funding for a new Harbor Patrol Facility on the waterfront, for renovations at Engine 23, and for the relocation and renovation of Engine 26. We have also secured grant funding from the Homeland Security and Emergency Management Agency (HSEMA) to conduct a fire load study on the SE/SW waterfront. The ultimate goal of this study is to make sure that the Department has the response resources it needs as the waterfront area continues to develop and grow.

As you are aware, on March 28, 2016, we rolled out the third party provider initiative with the deployment of American Medical Response (AMR) ambulances throughout the District. During the first two weeks of the rollout, AMR transported over 1,300 Basic Life Support (BLS) patients to District hospitals. AMR units reached their ten-minute response time goal 60 to 70 percent of the time during the first week and at least 75 percent of the time during the second week.² Every day, their response time performance gets better and we expect to continue to see improvement in this area in the short term. Most importantly, we already are seeing a positive impact on our own unit

² These are preliminary estimates as we are still conducting quality assurance review of these numbers.

availability as a result of the contract. Our units are not only consistently more available for calls, but they are also responding more often from their assigned neighborhoods, rather than having to respond from hospitals all over the District.

I do want to caution that we are only in week three of an initiative that is very new to all of us. We will continue to review how it is working and will make any necessary tweaks as we learn more. Our priorities at the moment are working with the Office of Unified Communications (OUC) to implement dispatch changes that complement the new operation, as well completing the integration of both parties'³ electronic patient care technology so that the transfer of patient care on the scene can be entirely electronic. Overall, though, we are encouraged and cautiously optimistic that this investment will yield dividends for our EMS system.

As I testified in February, our ultimate goal with this initiative is to slow down our providers so they can more effectively practice medicine in the field and save more lives. Our goals are to improve our response times, more frequently train our providers (in all of our disciplines, not just EMS), preserve resources for our highest acuity patients, provide better field supervision and performance evaluation, do preventive maintenance on our fleet, and improve agency culture surrounding EMS. We are already making progress in these areas. On March 21, 2016, we started our first round of in-service and battalion-level EMS training, covering the topics of patient assessment, patient care documentation and high performance CPR. Under the leadership of our Interim Medical Director, Dr. Robert P. Holman, we are working to create an in-service EMS training plan for the remainder of this fiscal year and beyond. We are engaging our local hospitals in this effort so that we can bring cutting edge technology and

³ DCFEMS and AMR.

instruction to our members.

We are also working toward our goal of preserving our Advanced Life Support (ALS) resources for our most life-threatening emergencies. On March 28, 2016, we put in place a new policy designed to ensure that we consistently staff 14 medic units every day. And the dispatch changes that I referenced earlier will limit use of those units to the transport of ALS patients. This change is a work in progress but, ultimately, we hope it will represent a significant and positive shift for the Department.

Finally, in March, we put eight refurbished ambulances in the field, as well as three new ladder trucks. These additional units are allowing us to have reserve ambulances on hand, which allows us to do more preventive maintenance. We also expect two new ladder trucks and two refurbished engines to be delivered this summer.

Before I close, I want to briefly summarize the Department's legislative proposals that are included in the Budget Support Act (BSA). First, we propose permanent legislation authorizing the Department to contract with a third party provider to treat and transport BLS patients. As you know, the Council approved emergency and temporary legislation on this subject last fall, but the temporary legislation expires in September. The permanent legislation, which will authorize the Department's entry into a longer term contract for this purpose, was intended to be included in the BSA as introduced in March. It will be included in the errata letter being transmitted to the Council later this month.

Second, we propose legislation authorizing our entry into a memorandum of understanding with the Council of Governments (COG) to support having a fire liaison officer in the Washington Metropolitan Area Transit Authority (WMATA) Rail Operations

Control Center. Last year, the Metropolitan Washington Council of Governments (COG), regional Fire Chiefs, and WMATA agreed to create this position to better support WMATA's management of fire incidents on the Metro system. The District has not been able to participate because such an MOU, and the Department's provision of resources outside of the District, are not currently authorized by statute. The BSA legislation would provide such authorization and permit the District's participation in a partnership that is helping to keep Metro passengers and employees, as well as first responders, safe.

Third, we propose legislation that will address the pay compression that exists between our unionized supervisors and our chief officers that is caused by a difference in the way longevity pay is calculated for the two groups of employees. Under the collective bargaining agreement between the Department and Local 36, longevity pay for union members at the rank of captain, lieutenant, sergeant, firefighter/paramedic and firefighter/EMT is calculated based upon the employee's rate of pay. By contrast, the D.C. Code⁴ requires that service longevity for nonunion fire officials at the ranks of assistant fire chief, deputy fire chief and battalion fire chief be calculated based upon step 1 of the employee's salary class. As a consequence, current law creates pay compression between union and nonunion sworn FEMS members. Our proposed legislation would treat both groups of employees the same and hopefully provide more incentive for our unionized managers to aspire to the chief officer ranks.

Mr. Chairman, supporting Mayor Bowser's FY 2017 proposed budget will allow us to make the necessary investments to keep our neighborhoods and residents safe. The introduction of a third party provider is an important first step, but moving forward we

⁴ DC Official Code § 5-544.01(a)(1).

will need full support from the District's collective leadership to successfully address the underlying problems that have kept the Department from moving forward for so long.

Thank you for giving me the opportunity today to explain our Department's budget request, and to ask for the support we need to continue our progress in creating a safer, stronger District of Columbia.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Unified Communications



Fiscal Year 2017 Budget Oversight Hearing

Testimony of
Karima Holmes
Director

Given by Gizele Richards, Deputy Director

Before the

Committee on the Judiciary

Council of the District of Columbia

April 12, 2016

Room 412

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good afternoon Chairman McDuffie, members and staff of the Committee. I am Gizele Richards, the Deputy Director of the Office of Unified Communications (OUC), and will be providing testimony on behalf of Director Holmes who is unable to be here today due to a death in her family.

I am here today to testify on Mayor Bowser's proposed Fiscal Year 2017 Budget, entitled "A Fair Shot." As Mayor Bowser recently testified before the Council, each agency plays a critical part in ensuring that District residents in all eight Wards have the education, economic opportunity, public safety, neighborhoods, environment, and infrastructure they need to have a fair shot at reaching the middle class. The Mayor's proposed budget ensures that our agency and the entire government have the necessary staff and resources to help meet these ambitious goals.

For the record, OUC's proposed FY 2017 Local budget is \$32.2 million and it has an approved employee count of 342.3 FTEs in its Emergency Operations, Non-Emergency Operations, Technology Operations, Transcription, Agency Management and Agency Financial Operations divisions. This reflects a 13% increase in funds and the first increase in FTEs since the agency was established in 2006.

In calendar year 2015, OUC received more than 1.4 million emergency calls for service, which was an 8% increase from the previous year. We are on pace this year to meet or exceed last year's record-setting call volume. To meet the increased demand of emergency calls for service, the Mayor has made several key investments in the public safety cluster that will yield positive results for our residents. Several of these investments will directly impact the OUC, including hiring additional emergency operations employees, creating an Office of Professional Standards and Development, and expanding the agency's training division. Additionally, the Mayor's budget supports initiatives that indirectly impact OUC's operations, such as the

utilization of private third party ambulances to respond to non-critical medical transports (FEMS), funding for hiring additional police officers (MPD), and the civilianization of positions at the District's Crime Lab (DFS). Each of these investments support OUC's mission, which is to quickly process and dispatch calls for service. With increased amounts of resources in the field, the OUC can quickly provide help to our residents, businesses, and visitors.

The Mayor's proposed FY2017 budget is the first time OUC will have a net increase in the numbers of FTEs. Although we value the low employee turnover rate at our call center, we need to ensure we are keeping pace with the increased demand of calls for service that come with the District's significant population increase. The additional FTEs will mostly be call takers, dispatchers, and supervisors in the Emergency Operations Division. Hiring efforts are already underway to identify highly qualified candidates for these critical roles.

OUC is also incorporating several new initiatives developed by Director Holmes, including creating an Office of Professional Standards and Development. This budget supports her new plans as it relates to providing intensive training opportunities to new and existing employees that includes remedial support, business and emotional intelligence and relationship building. The proposed budget also creates a formalized, quality assurance program to proactively identify areas that need improvement, such as tone, pace, and customer service.

The Mayor's proposed budget also ensures OUC's technology budget will achieve the regional goal of interoperable communications. The budget will support the continued maintenance and upgrading of existing communications systems, while also enhancing capabilities related to the burgeoning technologies associated with First Net and NextGeneration 911. This year, one of OUC's primary goals is to implement the next phase of Next Generation 911 call taking, which includes "Text to 911." This new function will allow customers to



communicate with OUC call takers via text message and is designed to assist hard of hearing customers, as well as individuals in critical situations where making a telephone call is not an option. We expect to launch Text to 911 later this year and we will join Fairfax County as the only jurisdictions in the metropolitan region that have implemented Text to 911. OUC will also continue its participation in the coordination of a national public safety wireless network, FirstNet, which will result in a dedicated broadband network for public safety first responders.

In FY15, OUC launched an enhanced 311 Customer Relationship Management system. This system has modernized and improved interactions between OUC, our partner agencies, and our customers, by bringing an increased level of accountability and transparency to the service request process. The new system allows for more precise data collection, which lets us do greater analysis of trends, spikes, and historical comparison. The Mayor supports the increased use of 311 by other District agencies as a means to improving agency efficiency and customer service, and we are working with our sister agencies to make that happen. Our customers will benefit by being able to generate personalized reports with real-time information on each of their 311 service requests. The OUC is poised to enter into MOU agreements with many more agencies that could increase the overall efficiency of both the OUC and the partner agency.

The resources the Mayor proposes to allocate to OUC are critical in the agency being able to achieve its mission. We appreciate our partnership with this Committee and the Council in helping ensure our resident's safety needs are met daily.

Thank you for the opportunity to testify today. We look forward to answering any questions you may have.



manage an additional \$67.5 million in FY16 grants, which will add approximately 110 new subawards to our portfolio.

HSEMA's proposed FY17 gross operating budget is \$134,529,443. This is approximately \$1,785,851 more, or a 1.3 percent increase from the Agency's FY16 approved gross budget. The budget is comprised of \$4,667,223 in local funds and \$129,862,220 in federal grant funds. The FY17 proposed budget for local funds includes a net increase of \$115,698 to reflect the increase in grant matching requirements.

The FY17 proposed budget also includes funding to sustain the Community Events Fund, budgeted at \$120,000. The fund is used to provide needed public safety support from District agencies for community-based public events. Only those events planned and/or sponsored by a registered DC-based 501(c) 3 can utilize these funds. Using a standard formula, awards are made to the requesting event sponsor to offset the costs of resources from MPD, FEMS, DDOT, DPW, and other agencies.

In FY17, HSEMA will focus on the following areas:

- HSEMA will continue to build out the District Preparedness System by identifying priority emergency preparedness capabilities, refining the District's emergency plans, and conducting training and exercises to validate capabilities.
- Additionally, in FY17, HSEMA will complete the certification of two type-three incident management support teams which will improve District Emergency Operations Center response operations.
- HSEMA will improve the disaster logistics capability to ensure that incident needs are quickly identified and addressed.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency**



Budget Oversight Hearings on Fiscal Year 2017

Testimony of

Chris T. Geldart

Director, Homeland Security and Emergency Management Agency

Before the

Committee on the Judiciary
Chairman Kenyan McDuffie

April 12, 2016

Room 412

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good afternoon Chair McDuffie, members, and staff of the Committee. I am pleased to come before you today to testify about the District of Columbia Homeland Security and Emergency Management Agency's portion of Mayor Bowser's FY17 Budget, entitled "Giving District Residents a Fair Shot." As the Mayor has testified, public safety is a pillar of a strong and resilient community. This budget reflects our agency's commitment to ensuring that the District has the public safety resources it needs to prepare for all threats and hazards.

The mission of HSEMA is to lead the planning and coordination of homeland security and emergency management efforts to ensure that the District of Columbia is prepared to prevent, protect against, respond to, mitigate, and recover from all threats and hazards. HSEMA serves as a central point of communication during District and regional emergencies, sharing information before, during and after events to inform city and regional decision makers. HSEMA coordinates resource management efforts during emergencies, major special events and street closings; provides public awareness and outreach programs; and facilitates collaboration among District, federal, and regional partners.

Additionally, HSEMA manages the District Preparedness System, a collaborative and systematic approach for the whole community which reduces risks and improves District preparedness capabilities. Through the District Preparedness System, the District develops and facilitates planning, training, and exercises for first responders, District employees, and the public. HSEMA also serves as the State Administrative Agent for the National Capital Region's Homeland Security Grant Program provided by the U.S. Department of Homeland Security. As the State Administrative Agent, the Agency provides fiscal and programmatic management of over \$133 million dollars annually in federal grants. There are more than 370 active subawards in the grants management portfolio. In addition to our current grants, we expect to receive and



manage an additional \$67.5 million in FY16 grants, which will add approximately 110 new subawards to our portfolio.

HSEMA's proposed FY17 gross operating budget is \$134,529,443. This is approximately \$1,785,851 more, or a 1.3 percent increase from the Agency's FY16 approved gross budget. The budget is comprised of \$4,667,223 in local funds and \$129,862,220 in federal grant funds. The FY17 proposed budget for local funds includes a net increase of \$115,698 to reflect the increase in grant matching requirements.

The FY17 proposed budget also includes funding to sustain the Community Events Fund, budgeted at \$120,000. The fund is used to provide needed public safety support from District agencies for community-based public events. Only those events planned and/or sponsored by a registered DC-based 501(c) 3 can utilize these funds. Using a standard formula, awards are made to the requesting event sponsor to offset the costs of resources from MPD, FEMS, DDOT, DPW, and other agencies.

In FY17, HSEMA will focus on the following areas:

- HSEMA will continue to build out the District Preparedness System by identifying priority emergency preparedness capabilities, refining the District's emergency plans, and conducting training and exercises to validate capabilities.
- Additionally, in FY17, HSEMA will complete the certification of two type-three incident management support teams which will improve District Emergency Operations Center response operations.
- HSEMA will improve the disaster logistics capability to ensure that incident needs are quickly identified and addressed.



- To improve situational awareness, we will continue to integrate the National Capital Region Information Collection and Coordination Center capabilities into the Emergency Operations Center and the daily activities of the Joint All Hazards Operations Center.
- Lastly, HSEMA will continue to provide Incident Command System training to the District Consequence Management Team and District Emergency Liaison Officers.

The resources allocated to the agency in the Mayor's proposed FY17 budget are crucial to ensuring that the District remains secure and prepared for all threats and hazards. The Council and this Committee, led by you, Chair McDuffie, are key allies in this effort and I appreciate your continued work to ensure that we operate efficiently and effectively.

Thank you for the opportunity to testify today and I look forward to answering any questions you may have.



ATTACHMENT D

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
AGENDA AND WITNESS LIST
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A BUDGET OVERSIGHT HEARING FOR THE

**OFFICE OF THE ATTORNEY GENERAL
OFFICE OF ADMINISTRATIVE HEARINGS
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
BOARD OF ELECTIONS
OFFICE OF CAMPAIGN FINANCE**

**Thursday, April 14, 2016, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. PERFORMANCE OVERSIGHT HEARING**
 - 1. **Office of the Attorney General** (approx. 10 a.m.)
 - i. **Public Witnesses**
 - 1. Steve Anderson, President, AFGE Local 1403
 - 2. Jonathan Puth, Member/Past President, Metropolitan Washington Employment Lawyers Association
 - 3. Romaine Thomas, Public Witness
 - 4. Jim Schulman, Public Witness
 - 5. Commissioner Kathy Henderson, ANC 5D05
 - 6. Phillip Blair, Public Witness
 - 7. Kirby Vining, Public Witness
 - 8. Blake Biles, Partner, Arnold & Porter
 - 9. Will Merrifield, Staff Attorney, Washington Legal Clinic for the Homeless
 - 10. Aaron Goggans, Member, D.C. Just Pay Coalition

- 11. Malia Brink, Public Witness
- 12. Michael Sindram, Public Witness
- ii. Government Witness
 - 1. Karl Racine, Attorney General
- 2. **Office of Administrative Hearings** (approx. 12:30 p.m.)
 - i. Public Witnesses
 - 1. Michael Sindram, Public Witness
 - ii. Government Witness
 - 1. Eugene Adams, Chief Administrative Law Judge
- 3. **Board of Ethics and Government Accountability** (approx. 1:30 p.m.)
 - i. Public Witness
 - 1. Commissioner Kathy Henderson, ANC 5D05
 - 2. Michael Sindram, Public Witness
 - ii. Government Witnesses
 - 1. Darrin Sobin, Director of Government Ethics
 - 2. Traci Hughes, Director of Open Government
- 4. **Board of Elections** (approx. 2:30 p.m.)
 - i. Public Witness
 - 1. Michael Sindram, Public Witness
 - ii. Government Witnesses
 - 1. Terri Stroud, Interim Executive Director
- 5. **Office of Campaign Finance** (approx. 3:30 p.m.)
 - i. Public Witness
 - 1. Michael Sindram, Public Witness
 - ii. Government Witness
 - 1. Cecily Collier-Montgomery, Director

IV. ADJOURNMENT

BEFORE THE COMMITTEE ON THE JUDICIARY
OFFICE OF THE ATTORNEY GENERAL BUDGET OVERSIGHT HEARING
TESTIMONY OF STEVEN ANDERSON
PRESIDENT, LOCAL 1403, AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, AFL-CIO

Good morning Chairperson McDuffie and members of the Committee, I am Steve Anderson, President of Local 1403 of the American Federation of Government Employees, which represents the more than 300 line attorneys that serve in the Office of the Attorney General and the executive agencies of the District of Columbia. I am pleased to appear here on their behalf.

Local 1403 supports the budget proposed by Attorney General Karl Racine, and I would like to highlight several items that we believe are especially important.

First, we ask that OAG's staffing requests be fully funded. OAG is asking for funding for several new positions which will focus on important matters of public concern including consumer protection and elder abuse. These are precisely the kinds of issues, along with housing and other vital quality of life issues that we believe the voters were hoping the Office would address when they elected to create an independent Attorney General, and this is precisely the kind of work that attracts many talented attorneys to public service. In addition, the rest of the Office must be fully staffed in order to address other less visible, but equally important issues, such as defending the District in negligence suits and prosecuting offenses that affect public safety. In addition, the work of lawyers throughout the Office who are not dedicated to working on high visibility issues is necessary to support those who are. A victory at the trial court level by a lawyer dedicated to work in the field of consumer protection could be jeopardized on appeal if the Office of the Solicitor General is under-resourced. Similarly it will make no difference if a dedicated consumer protection lawyer brings in funding through a successful lawsuit, if we lack the resources to defend negligence lawsuits and have to pay larger settlements or judgments. By ensuring that we have adequate staffing for these functions, our lawyers and staff will be better able to provide meaningful assistance in areas such as consumer protection, promoting public safety, and protecting the District's finances.

Second, we want to ensure that this and future budgets provide a secure source of funding for employee promotions. Our collective bargaining agreement provides for noncompetitive promotions between Grades 11 and 12 and Grades 12 and 13 for line attorneys who satisfy certain performance criteria, and a competitive promotion process for line attorneys in Grades 14 and 15. Although these promotions are contingent on the availability of funds, Attorney General Racine has worked to fund promotions for OAG attorneys. Local 1403 appreciates Attorney General Racine's efforts to identify funding for promotions, and we believe that the Office and the public will be well served if funding for future promotions is included in our baseline budget. The Office and the District will be ill-served if, after a lawyer works for OAG for some period of time and develops much-needed skills, that lawyer becomes frustrated by the lack of promotion potential and leaves the Office, taking valuable expertise developed with OAG training and resources to another employer.

Unfortunately, some agencies have not funded promotions provided for by our contract, forcing agency lawyers to foregoing promotions and to work at salaries that do not reflect their skills or the overall promotion policy applicable to attorneys. We understand that this is a budget hearing for OAG but because neither I nor any other Local 1403 attorney can take time off to attend every agency budget hearing, we are asking for help from you and other Committee members to develop a mechanism in the law and in the budgeting process to support a fair promotion policy for all lawyers who serve the District, regardless of whether they work for OAG or an agency. In addition, some agencies are not providing sufficient funding for specialized treatment for their lawyers. Again, we hope that the Committee members can help us to ensure that agencies include adequate funding in their budgets for attorney training.

Third, our compensation continues to lag behind that of our federal counterparts, even though the Legal Services Act requires us to be compensated comparably. Although the gap in our salaries is narrowing, it is not closed, and the gap in benefits continues to be significant. Local 1403 has engaged the services of an expert economist to identify the overall gap in compensation, and we hope that the Council will enact a budget that allows this gap to be closed

Finally, I want to state, as I have before this Committee in the past, that on behalf of the members of Local 1403, we believe that it is a privilege to serve the residents of the District. We believe that the Attorney General's budget will help us to continue to do excellent work for the District, and we urge you to adopt that budget.

I am available to answer any questions now or to meet with Committee staff at a later time to address any concerns that arise.

**TESTIMONY OF JONATHAN C. PUTH ON BEHALF OF THE
METROPOLITAN WASHINGTON EMPLOYMENT LAWYERS
ASSOCIATION CONCERNING THE BUDGET SUPPORT ACT
APRIL 14, 2016**

To the Chair and Members of the Committee, I am honored to testify on behalf of the Metropolitan Washington Employment Lawyers Association (MWELA) regarding the Budget Support Act.

I am Immediate Past President of MWELA, an association of over 300 lawyers who primarily represent employees and who are dedicated to the advancement of employee rights and the proper administration of law. MWELA is among the largest and most active affiliates of the National Employment Lawyers Association (NELA), the country's largest bar association that advances equality and justice in the workplace and whose members represent individuals in employment disputes. As a member of a small law firm, 100% of my practice is devoted to the representation of employees, a significant portion of whom assert claims under the District of Columbia Human Rights Act.

The Council has consistently worked to ensure that the District of Columbia Human Rights Act remains one of the most robust and effective anti-discrimination statutes in the country. Our law prohibits workplace discrimination against a broad spectrum of employees and promises “to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit. . . .” D.C. Code § 2-1401.01. An essential aspect of that aim is to ensure that targets of invidious discrimination and retaliation be afforded complete relief, including an award of pre-judgment and post-judgment interest on awards of lost pay.

Interest is not a windfall or even extra measure of relief, but simply a manner of accounting for the time value of money when wages are unlawfully withheld. Under the federal Civil Rights Act counterpart to the DC Human Rights Act, the Supreme Court holds that an award of interest on lost pay is a required “element of complete compensation” in order to “to make “persons whole for injuries suffered through past discrimination.” *Loeffler v. Frank*, 486 U.S. 549, 557-58 (1988) (citing *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 421 (1975)). Our Court of Appeals has also consistently interpreted the Human Rights Act to provide for interest on awards in discrimination cases both in the public and private sectors, and interest is provided for in regulations implementing

the Human Rights Act. *D.C. Office of Human Rights v. D.C. Dep't of Corr.*, 40 A.3d 917 (D.C. 2012); 4 DCMR § 214.5.

Importantly, our Human Rights Act provides for an election of remedies by which a target of employment discrimination may bring claims in court, or may instead pursue their claims administratively before the Commission on Human Rights. D.C. Code §§ 2-1403.16, 2-1403.10. One amendment under consideration by this Committee may be asserted to severely limit remedies available to individuals who choose to assert claims of discrimination in the administrative forum.

MWELA opposes the amendment entitled “District of Columbia Government Award of Interest and Interest Rate Amendment Act of 2016” because, if implemented, it may remove an essential element of relief to proven targets of discrimination who brought their claims before the Commission on Human Rights rather than in court. The amendment would add a new section to the District of Columbia Administrative Procedures Act as follows:

Notwithstanding any other provision of law, unless a statute has expressly authorized or authorizes the award of interest to a prevailing party in an administrative adjudication, no pre-award or pre-decision interest or post-award or post-decision interest may be ordered by any reviewing administrative hearing officer, administrative law judge, administrative hearing tribunal, or any court reviewing an award or decision arising from an administrative adjudication.

Because the express language of our Human Rights Act does not contain a reference to interest, this change may be claimed to overturn governing regulation and the interpretation of our Court of Appeals that affords interest on lost pay and other expenses to individuals who were unlawfully deprived of wages due to workplace discrimination.

This language may erode the promise of the Human Rights Act to fully compensate proven targets of discrimination simply because the complainant has chosen to move forward in the administrative forum. The language of the amendment is not confined to claims by District of Columbia government

employees alone, but rather may affect all employees who bring discrimination claims before the Commission on Human Rights. MWELA is unaware of any reasoned rationale for limiting relief because claims are adjudicated in an administrative forum rather than in court. While we would equally oppose any measure that purports to limit interest for public sector employees alone, the Budget Support Act appears to be an inappropriate vehicle for a potentially much broader change in the law, which could affect a much larger class of private sector individuals whose awards will have no impact on the budget whatsoever.

Additionally, we would expect the District of Columbia to argue that the amendment disallows an award of interest to individuals in proceedings before the Office of Employee Appeals and the Public Employees Relations Board. Whatever the merits of balancing the budget, it should not be accomplished at the expense of workers whose wages were unlawfully withheld.

We urge the Committee to reject this aspect of the amendment.

Secondly, MWELA is concerned about the amendment entitled "Tort Notice Budget Technical Amendment Act of 2016," which would amend Section 12-309 of the Code to require notice to the mayor within 6 months whenever an action is brought "against an officer or employee of the District of Columbia government or an individual otherwise entitled to be defended and indemnified by the District of Columbia Government." This amendment might be read to inadvertently erode a law passed only last year by the Council that expressly exempted claims under the Human Rights Act from the notice requirements of Section 12-309. D.C. Code § 2-1403.16(c) ("The notice requirement of § 12-309 shall not apply to any action brought against the District of Columbia under this section.") The Council acted to remove the application of Section 12-309 to claims under the Human Rights Act because in typical circumstances the government and its agents are already given notice of claims of discrimination through complaints made with the Office of Human Rights. The Council acted to ensure that multiple technical requirements would not weaken our Human Rights Act. Because the Human Rights Act prohibits discrimination by individuals and entities that are subject to indemnification by the District, this change could erode the recently passed amendment to the Human Rights Act that removes the 12-309 roadblock to the assertion of rights under the Act.

Testimony of Jonathan C. Puth on behalf of the
Metropolitan Washington Employment Lawyers Association
April 14, 2016
Page 4

Finally, we understand that the Office of the Attorney General has sought additional budget authority to support enforcement against wage theft in the District of Columbia. MWELA is fully supportive of strict enforcement of our laws against wage theft and views expansion of enforcement authority favorably.

Thank you for the opportunity to present this testimony.

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**Testimony of Romaine B. Thomas
Chairperson, D.C. Commission on Aging
Before the
Council of the District of Columbia, Committee on the Judiciary
Budget Oversight Hearings on Fiscal Year 2017
on
Thursday, April 14, 2016, 10:00 am
John A. Wilson Building, Room 500
1350 Pennsylvania Ave, NW
Washington, DC 20004**

Good morning Chairperson Kenyon McDuffie, members of the Committee and associates.

I am Romaine B. Thomas, Chair of the D.C. Commission on Aging. It is a privilege to appear before you today and speak on behalf of the Office of the Attorney General in the context of the FY 2017 Budget and the impact on the elderly as well as those persons with disabilities.

The District of Columbia legislation task the D.C. Commission on Aging with advocating to the Mayor, Council of the District of Columbia and the public on the needs and concerns of the more than 100,000 individuals aged 60+ residing in the District of the Columbia.

First, let me say how pleased we are to have an elected Attorney General for the District of Columbia. Attorney General Karl Racine has pledged to prioritize consumer protection issues and push for justice under the law for all. He has appeared before the DCCOA and shared his vision and commitment to work on legislation and legal issues that benefit seniors with strong and aggressive action for necessary law enforcement.

An example of this commitment is his ongoing efforts to tackle the problems of financial fraud, abuse and exploitation that plague seniors in many forms and facets of their lives. It's great to know that we have a legal expert to champion the fight in such cases. Also, it is especially significant that Attorney General Racine supports the D.C. Age-Friendly initiative. The support of the Attorney General's office will be important in following through with a range of measures

that support the safety, health, welfare and quality of life for elderly and disabled persons for the present and future generations.

Considering the magnitude of expenses associated with litigation (such as research, investigation and technical assistance) the request for additional funds should be given special attention. The situations that need legal solutions are mounting, especially for senior citizens.

In closing, the overall passage of significant legislation and amendments that have been proposed before the Council of the District of Columbia will enhance and strengthen the ability of the Office of the Attorney General to effectively defend and protect the rights of all.

Thank you for your attention and consideration of my testimony.

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**Testimony before the DC Council Committee on the Judiciary
Councilmember and Chair Pro Tempore, Kenyan McDuffie, Chair
Concerning the Office of Attorney General
April 14, 2016, 10am**

Good Morning Chairman McDuffie, Councilmembers, & Staff,

My name is Jim Schulman and I am a Registered Architect and I serve as the Treasurer of the Building Materials Reuse Association, a national non-profit organization focused on the salvage and reuse of building materials. I am here today, however, representing myself as a citizen active with the Friends of McMillan Park, eager to see the Office of the Attorney General become as effective as it can be at rooting out corruption and cover ups. We are pleased that the OAG has expressed interest in looking at contracting irregularities with the Vision McMillan Partners (VMP) redevelopment of the McMillan Sand Filtration Plant into a second downtown. Making sure the OAG has an adequate budget to perform its investigations is only one aspect of giving the Attorney General all the tools he needs. I understand that the OAG would greatly benefit from having adequate subpoena powers to understand potentially hidden public-private partnership transactions. It seems to me that the Committee on the Judiciary is the proper institution to be help the OAG obtain any such powers it does not now possess.

With respect to action the whole Council has taken recently on emergency legislation to grandfather in the lack of bidding on the McMillan project, I think this is a mistake. I urge you to allow the Emergency legislation to expire without putting in place permanent legislation on the matter. I refer you to the following sections of the Code of the District of Columbia regarding the transfer of contracts from the dissolution of the National Capital Revitalization Corporation that helped launch this mess: Sections 2-1225.02 and 2-1225.11. Excerpts from pages 9, 12, and 14 from the NCRC's Solicitation for a Land Development Partner for the McMillan Sand Filtration Site make it clear that the NCRC always intended to have a second separate bidding for vertical development. I quote directly from that document:

.....
"In the event that NCRC is unable to negotiate a compensation structure acceptable to it, in its sole discretion, NCRC reserves the right to terminate discussions/negotiations with the Land development Partner (at no penalty) and to either (i) select a new Land Development Partner from any previously non-selected Respondents or (ii) to commence a new solicitation process."
(p. 14)
.....

Based on the above, I discern that NCRC fully intended to bid out the selection of a vertical developer for the McMillan site, and DMPED, as the inheritor of the NCRC contracts and obligations, failed to meet that commitment to its process and to the public, which could have put it in compliance with DC Procurement law.

Mr. Chairman, it doesn't matter if the Council passes CYA emergency legislation to hide legal culpability for ignoring the lying and corruption of DMPED and the VMP team. As the DC Auditor has recommended it is time to rebid the McMillan project. I recommend that the OAG be explicitly awarded full authority for investigations of this type and potentially clear the air for us taxpaying citizens. Thank you for this opportunity to express my views.

- Jim Schulman

TESTIMONY

**before the Committee on the Judiciary of the Council of the District of Columbia
Budget Oversight Hearing on
The Office of the Attorney General of the District of Columbia**

Thursday, 14 April 2016

by Philip Blair, Jr., resident of Ward 5

I am testifying today as a private person, and I do not have any especial financial interest in the issues I am testifying about.

When the IRS is allowed more money for tax enforcement, it is a wise investment in two respects. First, money can be recovered from cheats and miscreants. Secondly, possible future cheaters are deterred from misbehavior, and that money is saved as well.

I and many other District voters favored an elected Attorney General with ample powers of investigation and action, and ample resources, for very similar reasons: to punish past misbehavior and to deter future misbehavior. The People at large, in fact were very much more in favor of a strong Attorney General than this or previous Councils have been, or this and previous Mayors have been.

I and many others favor providing the Attorney General with expanded investigative powers, including subpoena powers that he has requested but not received. We are especially concerned with corruption issues, a pay-to-play political culture, the proper stewardship of public land and other public resources, and political campaign issues. The recent history of the Council has demonstrated that the District has often come up short in this regard. As an advocate of Statehood for

New Columbia, I am sick and tired of the embarrassment of having to argue that having mayors and council-members in jail or on the way should not be used as an argument against self-determination.

I feel that the Attorney General has understood these concerns and thought long, hard, and creatively about possible responses. I refer specifically to the draft "Campaign Finance Transparency and Accountability Amendment Act of 2016," which he sent to Council in mid-February. In his transmittal letter, he underlined provisions to make individuals and organizations ineligible "to do high-value business with the District" for a period of two years following the election for which political contributions were made. Since most terms are for four years, a four-year period of ineligibility might have been better, but the two-year period is a great improvement over the current situation.

It is imperative to schedule public hearings on this legislation to permit citizens and taxpayers to offer their opinions and to offer ideas to make this legislation as effective as possible. Then it should be passed.

On another issue, the current cap on the Attorney General's Litigation Support fund is \$1.5 million; he has requested an increase to \$5 million. He should get it. This account supports litigation on behalf of the District and its citizens. The opposition can be major

corporations with deep pockets. I do not want to send our Attorney General to the O.K. Corral with a pop-gun.

I understand that this fund is fed with the proceeds of successful consumer protection claims and settlements, not appropriations. This should in no way be confused with civil forfeiture schemes which have been used by corrupt police departments and venal local governments. Nevertheless, I favor the greatest possible transparency in the use of this fund. I hope that the Attorney General would commit to quarterly public reports on the amounts and sources of income to this fund, or even to an on-line real-time running report.

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April 6, 2016

**Testimony before the DC Council, Committee of the Judiciary, OAG
2017 Budget Hearing, April 14, 2016, 10:00am, Room 500.**

I am Kirby Vining, active in my Stronghold community located adjacent to McMillan Park.

I am here today to encourage you and this council to support in whatever way possible our elected and independent attorney general. I am taking advantage of your oversight of the OAG budget request for 2017 because this is one of the few times in the year that we citizens can address the council on such topics.

You well know that Karl Racine is our first independent, elected attorney general since the beginning of home rule here in the District. You also know well how very hard the mayor fought to strip that office of most of its power shortly after Mr. Racine's election. While I understand that a mayor would not want the kind of independent investigation that an elected attorney general can provide the city, I am of course not sympathetic. The revolving door between businesses, especially development businesses, and the executive agencies such as DMPED is shameful. Of course an independent attorney general can be expected to question such things far more than a mayor-appointed attorney general.

The Office of the Attorney General needs your help to accomplish the check and balance that that office can have on city affairs, to benefit the city and not just the office of the mayor. The mayor has more than enough lawyers of her own, thank you. I hope thus that you will look favorably on the OAG's budget requests today.

The OAG also needs tools to do its job, which, while not specific budget line items before you today, are important for your consideration. The OAG works closely with the U.S. Attorney for the District of Columbia on all felony cases, but the latter has something very important that the former does not: subpoena power. How is an independent attorney general to function with no subpoena powers, or only powers borrowed from another agency, such as the DC Auditor's Office? The OAG needs to have the tools and authority to develop cases and investigations to present to the U.S. Attorney, and not simply serve as an orphan child in the investigation and prosecution processes.

Soon this committee will consider the OAG's proposed pay-to-play legislation, attempting, finally, to curtail the incestuous relationship between campaign finance money and development contracts. The McMillan development case is a perfect example that would still benefit by an active, independent attorney general's investigation. By severing the ties between the campaign contributions and awarded contracts that have characterized the McMillan case and many others in our city, we can only benefit.

**Testimony in Support of the Office of Attorney General's FY2017
Budget Request
April 14, 2016
By Will Merrifield
Staff Attorney, Affordable Housing Initiative
Washington Legal Clinic for the Homeless**

Good morning and thank you for this opportunity to testify. My name is Will Merrifield and I am a Staff Attorney with the Affordable Housing Initiative at the Washington Legal Clinic for the Homeless. The Legal Clinic envisions – and since 1987 has worked towards – a just and inclusive community for all residents of the District of Columbia, where housing is a human right and where every individual and family has equal access to the resources they need to thrive.

I am here today to testify in support of the Office of the Attorney General's 2017 budget request. Specifically, I urge the approval of the OAG's request that the cap on their Litigation Support Fund (Fund) be increased from \$1.5 million to \$5 million. I believe this increase is vital in order to ensure that the agency has the resources necessary to effectively litigate its cases.

In order to highlight why I support this request, I would like to briefly discuss the OAG's work in the four buildings that sit atop the Congress Heights metro which are currently owned by Sanford Capital. I represent the tenant association comprised of the tenants that live in those buildings. The owner of the buildings is seeking to demolish them as part of a planned redevelopment. Since I have been involved with the tenants association, I have witnessed first-hand the deplorable living conditions that the tenants have been forced to stay in. There have been instances of raw sewage back-ups in the basement of the properties, a lack of heat in the apartments during the winter months, no hot water for days at a time as well as rodent and bed bug infestation.

Throughout my involvement in this case there has been a clear pattern engaged in by Sanford Capital whereby once pressure is applied to them they make very modest repairs in order to make it seem like issues have been addressed only to intentionally allow things to fall apart a few months later. It is clear that they are trying to wear the tenants down and effectively constructively evict them from the buildings.

The reason that Sanford is engaging in this disgusting and illegal behavior is to deprive the tenants of their rights under the Tenant Opportunity to Purchase Act. Sanford knows that if tenants remain in the buildings that Sanford will eventually have to give tenants the right to Purchase those buildings- or alternatively- give the tenants the Opportunity to find a

third party developer whom they would assign their TOPA rights to in exchange for the property being developed in line with the tenants goals and interests.

Once the Attorney General's Office became aware of Sanford's behavior, they moved quickly and efficiently to file a receivership action against them. The basis of the receivership is to ensure that proper repairs are immediately made to the buildings in question and that there is a plan moving forward to ensure that the buildings continue to comply with the District's Housing Code. Since the OAG's case was filed, Sanford Capital has been moving to make the necessary repairs- this is because they are scared to death of losing control of the property by having a receiver appointed. Without the Attorney General's involvement, it is doubtful that meaningful repairs would have been made to the property.

Thus, at Congress Heights, the Attorney General has accomplished two very important things; first, they have ensured that the tenant's current units are safe and habitable. Secondly, they have prevented Sanford Capital from constructively evicting the tenants and have ensured that moving forward the tenants will have the opportunity to exercise their rights under the Tenant Opportunity to Purchase Act. The ability of the tenants to exercise this right afforded to them under District Law is crucial considering TOPA was created for the express purpose to allow District residents to prevent their own displacement and preserve affordable housing in the District of Columbia.

Lastly, I want to highlight how impressed I have been with the professionalism and dedication that the Attorney's working on this case have displayed. Ebony Robinson has been the lead attorney and both she and her team have been tireless in their advocacy while always treating members of the tenant association with the upmost respect and thoughtfulness they deserve. It is vital that the Attorney General's office be given the resources that they feel is necessary to not only continue but increase their efforts to hold slumlords accountable. This work is vital to protect the health and safety of District residents and prevent their displacement through underhanded tactics.

Thank you and I am happy to answer any questions.

JUST PAY

D.C. JUST PAY COALITION

Testimony of Aaron Goggans
Campaign Coordinator, Employment Justice Center

Committee on the Judiciary,
Council of the District of Columbia

Agency Budget Hearings on Fiscal Year 2016-2017
Office of the Attorney General

Thursday, April 14th, 2016

Good morning Chairman McDuffie and other members of the committee. My name is Aaron Goggans and I am the Campaign Coordinator of the Employment Justice Center, a non-profit organization whose mission is to secure, protect and promote workplace justice in the D.C. metropolitan area.

The EJC is also a member of the Just Pay coalition. The Just Pay Coalition, along with several other organizations in DC, has been successful in passing many important pieces of legislation aimed at ensuring DC workers invaluable rights and benefits. However, laws left unenforced leave workers without their rights and fail to level the playing field for small businesses trying to respect the rights of their workers.

EJC is also a member of the DC Fair Budget Coalition, and we support the Coalition's budget platform. We believe the Fair Budget Coalition's platform offers a comprehensive approach towards fighting poverty in the District across a range of issue areas that affect DC's lowest-income communities which are also Black communities and communities of color. Specifically, we feel that it is crucial that in addition to well-paying jobs, with just hours, paid leave and adequate protections, DC workers need investments in workforce development, affordable and safe housing, and access to a robust safety net through programs like TANF in order to thrive.

Today, I will focus my testimony on the role that the Just Pay Coalition feels that office of the Attorney General can and should play in the enforcement of labor standards laws.

D.C is a leader in worker protections laws. In the past few years we have passed some outstanding protections for workers in our city. However, we also know that without robust, proactive enforcement laws are meaningless to most marginalized members of our work force. For low-income workers in D.C, who are overwhelmingly Black and People of Color, wage theft

still means choosing between paying the rent and buying enough food to eat. Yet, unlike other less common forms of theft like burglary, the government spends very little resources pursuing employers who steal from workers. This is why the Just Pay coalition believes that the OAG should be given more resources and authority to proactively pursue Wage Theft Cases.

First, we strongly support the Council clarifying the authority of the OAG to take cases from DOES when those cases and violations of the law would be better served or pursued by representation of the OAG. We believe that workers should have the choice of utilizing the skills and expertise of the OAG at any point in the claims process.

Second, we strongly advocate for the OAG to be able to take on cases that are referred to it by the general public and community organizations. Every day, residents suffer the indignity of their workplace rights being violated or suppressed, and they need the OAG as an advocate. In our experience, residents of DC want the ability to seek their own justice and control their circumstances. Allowing the OAG to take on cases directly via the general public will allow our residents to do just that.

Third, we believe that the OAG should be given additional funds and allowed to keep additional settlement payments specifically to aggressively and proactively pursue Wage Theft violators. We believe that the OAG budget should be increased by \$376,000. This would allow for the addition of 4 FTE's to work specifically on Wage Theft Enforcement. Additionally, we believe that the litigation support fund limit should be raised to \$5 million dollars to increase the OAG's ability to hold large corporations accountable. Given that the OAG brought in \$113 million dollars in settlements last year, we believe that this is should be an easy lift for the council that will have a great impact for DC workers.

Lastly, we would like OAG to increase its collaboration with DOES by creating an Interagency Wage Theft Task Force that would allow for coordinated, proactive enforcement of the Wage Theft Prevention Act. We think it is important that both workers and advocates are at the table to ensure that solutions are geared towards directly affected communities. We also think it is imperative that OAG work with workers, advocates and DOES to create a time-limited and benchmarked enforcement plan. This will allow for both DOES and OAG to prioritize improvements to their system. We think that part of the work of this Task Force should be clarifying a robust and proactive role for the OAG's office in enforcement.

I have attached an outline of what such an interagency task force might be charged with pursuing for your convenience.

Thank you Chairman McDuffie and I am happy to take any questions the committee might have.

Aaron Goggans
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Example Community Led Interagency Wage Theft Enforcement Plan Outline

1. Proactive enforcement of all laws:

- a. Set a specific number of community and business forums to educate the public on their rights and responsibilities by a certain date for each agency.
- b. The OAG should create their own process for intake of worker complaints, a mechanism for evaluating each complaint for potential prosecution of claims by the OAG, and a procedure for explaining their reasoning for accepting or rejecting cases for OAG prosecution. This intake process should be done in coordination with DOES, workers and advocates.
- c. Mandate that DOES conduct proactive public outreach by auditing whether or not businesses are in compliance.
 - i. When businesses are not in compliance they should be fined and investigators should look into other possible labor standard violations.
- d. Mandate that DOES fill all vacancies and increase number of investigators, outreach staff and administrative law judges to ensure timely adjudication of workers' cases by a specified date.
- e. Work collaboratively with agencies like DCRA and OHR to create interagency collaboration in labor law enforcement and employer penalties.
- f. Mandate that Taskforce create specific roles and procedure's as well as staffing and budget requirements for optimal pro-active enforcement of labor standards laws in which ever agency is best suited to house that work
 - i. Taskforce should create legislation that codifies the best practices they are able to identify

2. Transparency with the Community and Advocates:

- a. Re-define key measures of success to better reflect the needs of the DC workers
- b. Create timelines for compliance to community and council demands with penalties for inaction
- c. Regular sharing of data with advocates and the community including:
 - i. Issue of regulations for Wage Theft Prevention Act and Accrued Sick and Safe Leave Amendment Act
 - ii. Create a worker friendly overview of the OWH claims process including the appeal process and expected timeline to distribute to workers who are making claims and inform them of their rights under the law
- d. Mandate yearly audits of labor standard legislation by the DC auditor.

3. Responsive to Community Concerns

- a. Have a complaint process for unprofessional interactions with agency staff within each agency
- b. Work collaboratively with agencies like the Office of African Affairs, Office of African American Affairs, Office of Latino Affairs and Office of Asian and Pacific Islander Affairs to ensure culturally competent and specific worker education to diverse DC communities.
- c. Ensure that services and materials are easily accessed by workers who speak languages other than English in accordance with the DC Language Access Act
- d. Conduct in-depth training with all levels of staff at the Office of Wage Hour to ensure thorough knowledge of all wage and hour laws.

Testimony of Malia N Brink
In Support of the Budget of the Office of the Attorney General
Committee of the Judiciary, Council of the District of Columbia
April 14, 2016

My name is Malia Brink. I am resident of the District of Columbia and an attorney. I come before this Committee to ask the Council to support the budget request of the Office of the Attorney General ("OAG").

In 2010, the people of the District of Columbia, by an overwhelming majority chose to directly elect our Attorney General. The pervasive belief was that an independent Attorney General would best be able uphold the public interest. To play this role, it is critical that the Office of Attorney General remain independent, and independence requires full funding. I appreciate that no funding cut was sought for the OAG in the budgeting process, and I encourage Council to approve the request submitted.

I also support the Office of the Attorney General's request to retain slightly more of the funds it collects from successful litigation. The Litigation Support Fund increase will permit the OAG to more vigorously pursue complex litigation, which often involves large, well-resourced opponents and requires significant expenditures for experts and studies. The Office of Attorney General has already demonstrated competence in this area, collecting more than \$100 million in awards in the past fiscal year. It is only appropriate that, as the OAG demonstrates its ability to be successful in this area, its capacity to pursue such cases increase accordingly.

I would further ask Council to consider whether, given the independence of this office, it remains appropriate for the OAG to submit its budget request to and through the Office of the Mayor.

Budgets are detailed and reflect priorities. Having to negotiate with the executive in the submission process can create pressure to alter priorities in order to obtain approval for the inclusion of its budget submission. Even this potential for interference can influence not only the budget process, but also, potentially, the cases an Attorney General will pursue, particularly if a case presents a potential negative impact for the executive. I am not contending that any improper influence has occurred; I merely submit that the structure invites such influence. In this way, the current budget structure compromises the independence of the OAG. It would be best for the Council to take steps to correct this structural issue now and permit the OAG to prepare and submit its budget independently, before a real concern regarding influence arises.

Thank you for your time.

**STATEMENT OF VICTORIA LEONARD SUBMITTED TO THE COMMITTEE OF THE JUDICIARY ON
THE OFFICE OF THE ATTORNEY GENERAL'S BUDGET**

April 21, 2016

Thank you Chairman McDuffie for holding the hearing on the OAG's budget on April 14, 2016. I was unable to attend, but ask that you accept this statement for the record. My name is Victoria Leonard. I am employed by the Mid-Atlantic region of the Laborers' International Union of North America, or LiUNA for short. LiUNA represents more than 500,000 construction laborers across the United States and Canada. We have more than 6,300 members in the Washington, DC area, many of whom live and work in the District of Columbia.

LiUNA urges the Committee to increase the cap on the OAG's Litigation Support Fund (the Fund) from \$1.5 million to \$5 million. Increasing the cap will help ensure that the agency has the resources it needs to effectively litigate its cases, especially to pay expenses associated with prosecuting or defending those cases. The Fund increase also will enable OAG attorneys to compete on a more level playing field with large corporations in matters such as:

- Litigation against Bank of America, in which OAG is pursuing a claim that the bank enabled a multi-million-dollar fraud against the District government;
- Investigating potential litigation against large retailers for wage theft and other issues detrimentally affecting District residents.
- Potential litigation against pharmaceutical companies for unfair pricing and for aggressively marketing prescription painkillers, feeding an addiction crisis; and
- Increasing the number of affordable housing/slumlord cases that OAG can pursue, such as a lawsuit on behalf of tenants in four buildings in Congress Heights.

Moreover, with booming economic development throughout the city bringing more jobs, it is prudent that we match this boom with a sufficient number of attorneys to protect District workers in wage related cases. The Mayor is expected to soon introduce revised wage theft legislation that will increase the District's attention to these matters. In addition, OAG worked with advocates on language to further increase its capacity to safeguard workers by allowing direct referrals to OAG for prosecution.

For all of these reasons, LiUNA requests that, in the FY17 budget, the Committee increase the cap on the OAG Litigation Support Fund to \$5 million.



Karl A. Racine
Attorney General for the District of Columbia

Office of the Attorney General for the District of Columbia

WHAT IS THE ROLE OF THE OFFICE OF THE ATTORNEY GENERAL(OAG)?

- Voters created an independent Office of the Attorney General to provide high-quality legal representation to the District government and protect the public interest.
- The Attorney General serves the residents and government of the District of Columbia as their chief legal officer. OAG conducts the city's law business and provides independent and objective advice to District agencies, the Mayor, and the Council of the District of Columbia.
- OAG defends the public interest of the District's residents; protects vulnerable residents; prosecutes some adult misdemeanors and all juvenile offenses; promotes restorative justice for juveniles; protects consumers and taxpayers, and defends the District in lawsuits, handling a caseload of tens of thousands of matters per year.
- OAG is a net revenue-generating agency for the District.
- With a Fiscal Year 2015 local budget of approximately \$55 million, OAG brought in significantly more to the District's treasury last year than the agency cost:
 - OAG's work directly led to the District receiving **settlements and judgments totaling more than \$113 million** (per OCFO's December 2015 Revenue Certification Letter).
 - OAG generated **nearly \$6 million in tax collections and administrative fees**;
 - OAG **preserved nearly \$70 million in tax revenue** for the District by successfully defending appeals;
 - And OAG **avoided lawsuit liability for the District of well over \$500 million.**

WHAT IS OAG REQUESTING IN FISCAL YEAR 2017?

- OAG's estimated Fiscal Year 2017 local budget is approximately **\$65.7 million**.
- It is important to note that OAG's budget comprises **less than one percent of the District's total budget**, which is more than \$13 billion.
- The budget we have requested for Fiscal Year 2017 is necessary to fund OAG at Fiscal Year 2016 service levels and represents **an additional \$6.7 million for 36 full-time equivalent positions (FTEs)** and other vital services.
- **Some examples** of what these investments would do for the District are:
 - **Protecting Taxpayers and Workers:** Approximately \$3.3 million of OAG's budget request would support additional attorney, paralegal and investigator positions and technology and infrastructure upgrades that would enable OAG to better enforce the District's laws and defend the District against an increased caseload of lawsuits. These positions include making permanent two temporary tax attorneys who last year retained \$16 million in tax revenue for the District and who are projected to retain an additional \$11 million this year, and hiring two attorneys and two investigators to enforce the Wage Theft Prevention Amendment Act of 2014, which will help protect the rights of District workers.



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- **Some examples** of what these positions would do for the District are (cont.):
 - **Bringing Pay Parity to OAG:** OAG can and should be the nation's premier public law office. Our attorneys and staff do incredible work; in order to retain them and to continue to recruit and train top talent, we must be able to compensate them accordingly. However, budget constraints have prevented OAG from maintaining legally required attorney pay parity with federal agencies. Approximately \$2 million of OAG's Fiscal Year 2017 request would help restore and sustain pay parity.
 - **Building Safer Communities and Protecting Vulnerable Residents:** Approximately \$1.2 million of OAG's budget request would support 12 additional attorneys and staff to protect the District's most vulnerable and at-risk residents, including seniors, those with mental health issues, and young people at risk of becoming involved with the juvenile justice system. For instance, approximately \$310,000 of OAG's budget request would support two staff attorneys and a paralegal to focus on protecting seniors who are victims of elder abuse. Other investments would bolster OAG's capacity to preserve affordable housing and protect tenants' rights.
 - **Protecting Consumers and Engaging the Community:** Approximately \$78,000 of OAG's budget request would support additional staff focused on consumer scams and two additional community-outreach specialists to focus on identifying and addressing other community needs.
- OAG also requests that the cap on the Council-created **Litigation Support Fund** be increased from \$1.5 million to \$5 million. This money would:
 - Support OAG's responsibility to protect the public interest by underwriting expenses associated with prosecuting or defending litigation on behalf of the District of Columbia;
 - Enable our attorneys to compete on a more level playing field in cases in which OAG attorneys and staff go up against well-funded attorneys representing large multi-million-dollar corporations;
 - Augment OAG's ability to investigate and try major cases.

WHY IS OAG'S 2017 BUDGET PROPOSAL LARGER THAN THE AGENCY'S 2016 BUDGET?

- OAG's independence brings expanded responsibilities for engaging with the public and responding to residents' concerns. But in Fiscal Years 2015 and 2016, OAG was funded at essentially the same level as it had been as an agency subordinate to the Executive.
- At more than 200 community meetings and events over the past year, the Attorney General and OAG's new Office of Community Engagement has identified many problems facing District residents which OAG, if provided the proper resources, could help rectify.
- Increased funding is necessary to properly address these community concerns through additional attorneys and staff and better technological resources.
- Furthermore, OAG can and should be the nation's premier public law office, but to do so OAG must compensate them competitively and in a manner that achieves parity with the federal government.



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**Statement of Karl A. Racine
Attorney General for the District of Columbia**



Before the

**Committee on the Judiciary
Kenyan McDuffie, Chairperson**

**PUBLIC HEARING ON
THE FISCAL YEAR 2017 BUDGET OF THE
OFFICE OF THE ATTORNEY GENERAL**

April 14, 2016

**10:00am
Room 500
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, District of Columbia**

Introduction

Good morning Chairman McDuffie, Councilmembers, and staff. I am Karl A. Racine, and I have the privilege of serving as Attorney General for the District of Columbia. I am honored to have this opportunity to testify regarding the budget for the Office of the Attorney General (OAG).

The Attorney General serves the residents and government of the District of Columbia as their chief legal officer. OAG conducts the city's law business. It serves the public interest and provides independent and objective advice to District agencies, the Mayor, and the Council of the District of Columbia. OAG carries out its mandate in a multitude of crucial ways. For example, OAG defends the city in all lawsuits, protecting public dollars from immense potential losses. OAG reviews all legislation, major contracts, and land dispositions for legal sufficiency to ensure the legal soundness of the government's actions. OAG promotes public safety by, among other activities, prosecuting crimes and deterring public nuisances. And OAG protects the District's most vulnerable children by providing services to those who have been abused or neglected and collecting child support payments to ensure their economic security. All told, the Attorney General supervises the legal work of about 277 attorneys and an additional 312 administrative and professional staff. These employees work every day to make OAG the best public interest law firm in the country.

OAG FY 2017 Proposed Budget

The Mayor transmitted to the Council a proposed total FY 2017 budget for the Office of the Attorney General of \$89,290,267. That budget includes \$59,002,650 in Local funds, \$22,570,451 in Federal Grant funds, \$456,232 in Private Donations, \$4,208,741 in Special Purpose Revenue funds, and \$3,052,193 in Intra-District funds. That budget represents OAG's

Current Services Funding Level (CSFL), which means that OAG's budget is essentially the same as it was last year. Put another way, the budget for OAG does not take into account the expanded responsibilities that the new independent OAG has to promote the public interest. Continuing to fund OAG as if it were still a subordinate District agency that does not have a public interest mandate, is, respectfully, inconsistent with the desires of the residents of the District of Columbia who overwhelmingly voted in favor of establishing an independent OAG. The approximate \$6.75 million increase in local funding, beyond that which the Mayor proposed, is a modest step towards funding the office in a manner that will protect residents, workers, taxpayers, businesses, and our government.

Investments in OAG will also benefit the city's coffers tremendously and in multiple ways. OAG brought in significantly more to the District's treasury than the agency cost in Fiscal Year 2015, directly recovering more than \$100 million in settlements and judgments and generating nearly \$6 million in tax collections and administrative fees. OAG also avoided approximately \$571 million in liability to the District. This figure is much lower than the actual total amount claimed in the lawsuits that were resolved in FY 2015, which was \$3.13 billion. In addition, OAG preserved nearly \$70 million in tax revenue for the District by successfully defending tax appeals. OAG's fiscal contribution to the District in FY 2015 totaled over \$800 million, demonstrating that OAG's critical role in the District's financial stability far exceeds the budgetary costs of its services. In fact, in its December 30, 2015 Revenue Estimates, the District's Chief Financial Officer (CFO) attributed a significant portion of the District's 9.7 percent increase in FY 2015 revenues over the previous fiscal year to settlements that OAG generated. The CFO stated that "...almost half of the strong growth in FY 2015 was driven by large one-time gains or extraordinarily strong growth in certain revenue sources" and that "One-

time gains and extraordinary revenue growth... include: settlements totaling more than \$113 million....” Moreover, OAG has taken on its invigorated role in protecting the public interest with zeal, conducting over 150 community outreach events and pursuing new initiatives, such as evidence-based juvenile rehabilitation and consumer protection, in response to residents’ needs.

In order to carry out its expanded mission, OAG proposes a local budget for FY 2017 of approximately \$65,700,000, an approximate \$6.75 million increase over last year’s local budget. Some details of this proposal are provided in the budget materials attached to my testimony. That figure will not only allow OAG to continue to provide exceptional legal services, but it will also enable OAG to expand its work in crucial areas that are priorities for the District and its residents. OAG recognizes and appreciates that the Council must consider many competing and compelling budget requests each year.

In addition to seeking an increase in our local budget, OAG additionally requests that the cap on our Litigation Support Fund (Fund) be increased from \$1.5 million to \$5 million to ensure that the agency has the resources necessary to effectively litigate its cases. Once again, I want to thank you, Chairman McDuffie, and your fellow Committee Members for the advocacy you provided by approving the *Attorney General Authority and Litigation Fund Establishment Amendment Act of 2015*, which created the Fund. As you know, the funds may be used to pay expenses associated with prosecuting or defending litigation on behalf of the District. In order for OAG to most effectively represent the District, the cap on the Fund should be increased to \$5 million and any funds exceeding \$5 million should revert to the unrestricted fund balance of the General Fund on September 30 each year. In the course of a fiscal year, OAG may have, on average, 20,000 matters pending in its 10 legal divisions. The Fund increase is vital to most effectively address expenses associated with litigation on behalf of the District of Columbia, and

to enable our attorneys to compete on a more level playing field with large corporations and other well-funded adversaries in matters such as:

- Litigation against Bank of America, in which OAG is pursuing a claim that the bank enabled a multi-million-dollar fraud against the District government;
- Preliminary investigation of several potential matters that could result in significant contested civil litigation;
- Conducting in-depth investigations to determine whether to bring lawsuits intended to protect consumers; and
- Working with Department of Energy & Environment to navigate complicated federal and local environmental law and clean up the Anacostia riverfront.

The increasing number of affordable housing cases that OAG is pursuing against irresponsible landlords, such as a lawsuit on behalf of tenants in four buildings in Congress Heights.

I would like to briefly touch on OAG's budget requests related to the office's key priorities. OAG's Office of Community Outreach has engaged the community to hear its concerns about legal issues facing District residents. OAG also examined a report sponsored by the DC Consortium of Legal Service Providers called *The Community Listening Project*.¹ This report focused on identifying the needs of residents with regards to public safety and justice. As a result, the agency has collaborated with federal, state and local government agencies, the Executive Office of the Mayor, the Council, and non-profit organizations to devise comprehensive initiatives and solutions to address recurrent, intractable issues. During the engagement events in which OAG has participated over the past year, residents have regularly expressed the need for OAG to protect taxpayers and workers, enforce honest government, ensure public safety, safeguard vulnerable residents and protect consumers. I will briefly touch

¹ A copy of *The Community Listening Project* is submitted along with this testimony.

on how OAG proposes to use the additional resources it is seeking to make a meaningful difference in the work that OAG does.

Protecting Taxpayers and Enforcing Honest Government

To enhance OAG's ability to ensure integrity in government operations and to protect workers and taxpayers, additional resources are necessary. Many of OAG's legal units recover, collect, or preserve funds on behalf of District agencies and residents. As I said before, all told in FY 2015, OAG contributed over \$800 million to the District's fiscal health; the Office needs additional resources to support the important work these attorneys do and ensure increased returns to the District. For example, this fiscal year our Tax and Finance Section was able to add two line attorneys, but only on a temporary basis. These attorneys are contributing immensely to the Section's litigation strategy to defend the District and conserve the overall integrity of the District's tax collection system. Since July 2015, these two temporary OAG attorneys counseled, represented, and advocated on behalf of the Office of Tax and Revenue in 192 court-ordered mediation sessions (approximately eight per week), successfully retaining \$16 million tax dollars or 95percent percent of the affected challenged assessments.

In addition, these temporary attorneys developed a new strategy to pursue counterclaims in tax refund suits, thereby generating several million dollars in extra taxes recovered by the District. Without the continued support from these two additional FTEs, the District will not be able to pursue this strategy and will forego millions of dollars in additional tax revenue. Making these two attorney positions permanent and adding a paralegal to OAG's Tax and Finance Section will cost the District less than \$350,000 but will save the District many times that on an annual basis. Let me emphasize a \$350,000 investment will yield at least a \$16 million benefit to the District. Indeed, this investment alone would effectively pay for the \$6.75 million increase OAG seeks, while still leaving over \$8 million for the General Fund.

Additionally, with booming economic development throughout the city bringing more jobs, it is prudent that we match this boom with attorneys to protect District workers in wage related cases, wage theft, or nonpayment of wages to which workers are legally entitled, is a major contributor to low income and poverty. According to the Employment Justice Center, on average, each low-wage worker loses \$51 per week to wage theft, or \$2,634 per year. That amounts to 15 percent of their annual income, at average earnings of \$17,616 per year. The vast majority of these workers are over the age of twenty-five, and most are supporting at least one child.² Wage theft does not just impact underpaid individual workers: it also reduces the District's revenues through tax and payroll fraud. OAG requests \$380,000 to fund two additional attorneys and two additional investigator FTEs to enforce our wage-theft laws.

Bringing Pay Parity to OAG

Perhaps most importantly, OAG requests \$2,008,942 to increase the pay of its lawyers. OAG can and should be the nation's premier public law office. Our attorneys and staff do incredible work; in order to retain them and to continue to recruit and train top talent, we must be able to compensate them accordingly. The Legal Services Act (LSA) requires that all lawyers (bargaining unit and non-bargaining unit) have pay parity with federal lawyers on the General Service Schedule and that OAG lawyers receive pay for performance. Specifically, the LSA provides:

§ 1-608.58. Pay parity for attorneys.

(a) Compensation for Legal Service attorneys shall be reviewed annually ... and shall be fixed in accordance with the following policy:

(1) The compensation of Senior Executive Attorneys shall be competitive with that provided by the federal government Senior Executive Service Salary Table for

² <http://www.dcejc.org/wp-content/uploads/2014/02/Stolen-Wages-in-the-Nations-Capital.pdf>

attorneys in the Washington metropolitan area having comparable duties, responsibilities, qualifications and experience; and

(2) The compensation of all other Legal Service Attorneys shall be competitive with that provided by the federal government General Schedule for attorneys in the Washington metropolitan area having comparable duties, responsibilities, qualifications, and experience.

The legislative history of the LSA shows that pay parity with the federal government attorney salaries means that the salaries of OAG attorneys must be at least equal to the salaries of attorneys in the federal government. A comparison of the District and federal pay scale for the Washington, DC area shows that the pay for District lawyers is not equal. The District scale for collective bargaining unit (CBU) line lawyers is generally 1.8 percent behind the federal government while the District scale for non-CBU line lawyers lags 3.4 percent to 7 percent behind the federal government. The District pay band for supervisory lawyers ranges from 3.4 percent to 21 percent behind federal lawyers' pay. Two reasons for this wider disparity are that (1) non-CBU line attorneys and lawyer managers did not receive a cost of living increase from FY 2009 to FY 2012, or in FY 2014; and (2) OAG has lacked the funds to conduct office-wide promotions since 2008. This affects all attorneys in the office, including managers as well as CBU and non-CBU line attorneys. Additionally, in FY 2011, there was a pay freeze on the salaries of all OAG staff, and attorneys were denied what otherwise would have been automatic step increases. Even when step increases were reinstated for line attorneys in FY 2012, lawyer managers did not receive them because they are on a pay band and do not receive step increases. The end result is that, by and large, the pay for all OAG attorneys is disproportionate to their federal counterparts, and the pay for lawyer managers has become disproportionate to the line attorneys they supervise. The money I am requesting will help close part of the gap; ensure that the District is in compliance with the Legal Services Act; and allow the District to retain its experienced, highly valuable attorneys by providing them competitive salaries.

Building Safer Communities

In order to increase OAG's capacity to litigate criminal cases on behalf of the District, rehabilitate juvenile offenders, preserve affordable housing, and protect vulnerable populations, additional funds are necessary. With its existing resources, OAG has made significant progress in making our communities safer over the past year. For example, OAG achieved a six-fold increase in the rate at which prosecutors divert low-risk youth to programs designed to provide them with the wraparound support and services they need to avoid re-offending. Of the youth who completed these programs, an impressive 92 percent have not been rearrested. The most effective program OAG uses, the Alternatives to the Court Experience Diversion Program (ACE), is run through the Department of Human Services (DHS). The budget for ACE is proposed to be flat for FY 2017. It is vital that the ACE program receive additional funds to allow for increased intake for more of our juveniles. Not only is the success of this program in reducing crime a great reason to increase funding, but an investment in ACE is also financially prudent. The estimated cost for a juvenile to go through the traditional criminal justice system is around \$40,000, while the cost for a juvenile in the ACE program is approximately \$3,900. Not only does ACE make practical sense for public safety, it also makes fiscal sense for the District government.

OAG also needs additional resources to build on the good work it is doing to preserve safe and affordable housing. On January 8, 2016, OAG filed a complaint against Sanford Capital, the owner of four rental properties in the Congress Heights neighborhood of Ward 8. The conditions of the properties have been deplorable: Tenants have suffered through rodent infestation, lack of heat, lack of air conditioning, severe mold, inoperable fire alarms, mounds of trash, and an overall state of disrepair. The success with this Congress Heights case shined a

light on issues with irresponsible landlords, and many more properties have come to our attention. Our Neighborhood and Victim Services Section, which brings these cases, is composed of a Section Chief and four line attorneys. Their responsibilities additionally include synthetic drug prosecutions, nuisance property enforcements, and a host of other issues affecting the public safety and quality of life for our residents. It is critical that additional FTEs be added to focus on outreach to tenants and affordable housing enforcement.

With regard to protecting District seniors, I want to thank you, Mr. Chairman, and your staff for working with us on Councilmember Anita Bonds' extremely important legislation, Bill 21-326, the *Financial Exploitation of Vulnerable Adults Amendment Act of 2016*. This bill will aggressively address the need for enforcement against individuals and entities that prey on senior citizens. Moreover, the bill will authorize OAG to act immediately to intercede in cases and temporarily freeze accounts to ensure the finances of exploited seniors remain safe. I was honored to testify in support of this legislation last year, and I look forward to the first vote by the full Council. We are working with our partners at DHS on these issues every day. The exploitation of District seniors remains a priority for OAG, and we request an additional staff for this purpose.

Consumer Protection and Community Outreach

OAG seeks to bolster its capacity to protect residents by initiating legal action against unscrupulous persons and businesses that choose to disregard applicable District and federal law and prey upon the District's most vulnerable residents.

In FY 2015, OAG generated more than \$100 million in settlements and judgments with a very modest staff handling consumer and taxpayer protection matters – money that was crucial to filling a projected FY 2016 budget gap. OAG has a proven record of success and – if given the

necessary tools and resources – can recover even greater sums for the District to support shared priorities of the Council and the Mayor.

This current fiscal year, OAG also stood up a new Office of Consumer Protection dedicated solely to this type of litigation, and in FY 2016, OAG received funding to add four attorneys to its consumer protection staff. The office is nearly fully staffed and OAG is aggressively going after companies that defraud District residents. OAG is also increasing our engagement with large, multi-state actions to protect consumers as well as local actions. The agency, therefore, needs increased capacity to enforce federal and District laws designed to protect consumers and vulnerable residents and visitors from bad actors. Currently, the Office is litigating or investigating cases against multiple unscrupulous debt collectors, rogue house flippers, Volkswagen for its deceptive clean diesel claims, one of the larger health clubs in DC for billing customers after they cancelled their memberships, a “notario fraud” scam, where an immigration consultant was pretending to be a lawyer and harming immigrants. We are also working on a whole host of matters that have not been announced to the public including investigations involving a shared economy company, pricing scams, advertising issues, pharmaceuticals, and a variety of other matters. The legal actions that OAG brings are often complex and take many months or even years to research, develop, litigate, and ultimately bring to favorable resolution.

Budget Support Act Recommendations

On March 18th, OAG provided the Committee on the Judiciary with our requested additions to the Fiscal Year 2017 Budget Support Act of 2016 and its accompanying appropriations legislation. I would like to briefly highlight each of our recommendations, to date.

Fiscal Year 2017 Limitation on Time for Judicial Review of Final Agency Action Act of 2016

The District of Columbia Court of Appeals (DCCA) Rules provide for a 30-day limit for noting an appeal from a final agency order in a contested case, unless a statute provides a different time limit. Additionally, Superior Court Civil Procedure Agency Review Rules 1 and 2 provide a 30-day limit, respectively, for appeals to the Superior Court from decisions under the Comprehensive Merit Personnel Act (CMPA) and the Traffic Adjudication Act. The problem is that there are a number of other situations in which an aggrieved party may appeal an agency decision in a non-contested case to the Superior Court. Examples include bid protests and personnel decisions not covered by the CMPA, such as police and firefighter trial boards. The only time limit for bringing an action in the Superior Court to appeal these administrative orders is the three-year residual statute of limitation in D.C. Code 12-301(8). It is inconsistent to impose a 30-day limit on agency appeals to the DCCA and to the Superior Court in CMPA and Traffic Adjudication Act cases, but to permit final agency actions in other cases to be appealed up to three years later. As a matter of fairness to agencies and for consistency, all judicial challenges to final agency orders should be subject to a common time limit. Additionally, the 30-day time limit is consistent with the time limit found in the 2010 Revised Model State Administrative Procedure Act, and the draft legislation is consistent with current court rules.

Rental Housing Accommodation Nuisance Abatement Amendment Act of 2016

These amendments allow the District to use enforcement tools already present in the *Drug, Firearm, or Prostitution Related Nuisance Abatement Act* to address rental housing that has been operated in a manner that demonstrates a pattern of neglect for the property for a period of 30 consecutive days where such neglect poses a serious threat to the health, safety, or security of the tenants. In these cases, the OAG will have the authority to issue subpoenas, prior to the filing of any complaint, for the production of documents and materials or for the attendance and

testimony of witnesses under oath, or both, related to an investigation of any nuisance described in this chapter.

Moreover, the OAG may seek appropriate civil action to secure a temporary restraining order, a preliminary or permanent injunction, or declaratory or other appropriate relief to restrain, minimize, halt, or eliminate the violation of, or attempted violation of, any provision of this law or its implementing rules. As you know, every moment is critical when dealing with tenants' health and safety, as well as preserving their rights under the Tenant Opportunity to Purchase Act. We find that the quicker housing problems are stopped and abated, the more tenants remain at the property to avail themselves of their rights.

Procurement Practices Improvement Amendment Act of 2016

In order to ensure the government can accurately and efficiently prepare to defend itself against contractor claims, this amendment will require that a contractor certify all cost data, pricing data, and task data of claims as accurate, complete, required, and necessary to the best of the contractor's knowledge and belief. Currently, it is not required that a contractor certify a claim with any specificity. This makes reviewing these claims an immense challenge. This and other reforms will simplify that review. The legislation also makes clear timelines for presenting the contracting officer with a claim for review by the contracting officer.

Procurement Practice Clarification of Review Act of 2016

This amendment is needed to clarify a provision of the Procurement Practices Reform Act of 2010 relating to review of bid protests by the Contract Appeals Board because of a recent decision of the D.C. Court of Appeals. In *MorphoTrust v. D.C. Contract Appeals Board*, 115 A.3d 571 (D.C. 2015), the Court, in a split decision, read language in Section 1008(d) of the Act, D.C. Code § 2-360.08(d), providing that a proceeding before the Board in a protest of an

agency's solicitation shall be "de novo" to require that the Board reevaluate an agency's minimum procurement needs without according any deference to the agency's reasonable determination. The decision is contrary to settled Board precedent stretching back 30 years holding that the Board defers to an agency's reasonable determination of its procurement needs and best method of accommodating them. The decision makes the District an outlier compared to the laws of the federal government and every state government, which uniformly provide that a contract appeals board may not second guess an agency's procurement decision or substitute its own judgment.

Notification of Legal Matters Affecting the District of Columbia Act of 2016

This amendment will require that OAG be notified of lawsuits and proceedings involving independent agencies (e.g., Board of Elections) that concern: (1) the legality of a District or federal statute or regulation; (2) the constitutionality of a final agency decision or any action taken by the independent agency; or (3) the statutory authority of the independent agency to act. To be clear, this is only a notification requirement. Independent agencies will not be required submit their litigation strategies or plans for any approval by OAG.

Attorney General Rulemaking Amendment Act of 2016

This is the permanent version of the enacted emergency legislation that gives the OAG rulemaking authority over personnel and procurement matters.

Ethics and Government Accountability Employee Update Amendment Act of 2016

This amendment adds the Attorney General to the list of the Mayor and Councilmembers in a provision that allows these officials to designate an employee to solicit campaign contributions while on leave from the office.

Interest Rate on Judgments Amendment Act of 2016

This amendment sets a 4 percent cap on interest, when authorized by law, on judgments or decrees against the District of Columbia, or its officers, or its employees acting within the scope of their employment.

Consumer Protection Amendment Act of 2016

This amendment strengthens the enforcement provisions relating to unfair and deceptive trade practices and increases the penalties for violations. Similar provisions are found in our neighboring state of Maryland.

Attorney General Litigation Support Fund Amendment Act of 2016

As discussed previously in the testimony, this amends the Fund created last year by increasing the cap from \$1.5 million to \$5 million.

Consumer Restitution Fund Amendment Act of 2016

This amendment creates a non-lapsing Consumer Restitution Fund for the collection and distribution of restitution awards made to private parties as a result of the OAG's consumer protection enforcement actions. This measure will also require accompanying appropriations language. Often, aggrieved District consumers are left on their own to recover funds from wrongdoers. There are times when it is difficult for residents to recover funds that are rightfully owed to them. A Consumer Restitution Fund, held by the CFO, is a way that the District can ensure that consumers are made whole.

Prohibition of Misleading Charitable Solicitations Amendment Act of 2016

This amendment prohibits material misrepresentations and omissions in charitable solicitations and repeals the prohibition on employing others to make charitable solicitations.

Conclusion

Thank you for the opportunity to highlight some of the important work of the Office of the Attorney General and our budget priorities. We are committed to providing the District with the highest-quality legal services and promoting the public interest. It is an honor and privilege to serve the residents as the first elected Attorney General. My team and I are pleased to answer any questions that the members of the Committee may have. Thank you.

Testimony of
Eugene A. Adams, Chief Administrative Law Judge
On the
FY16 Proposed Budget for the Office of Administrative Hearings
Before the Committee on the Judiciary and Public Safety,
The Honorable Kenyan McDuffie, Chairman

April 14, 2016

GOOD MORNING, CHAIRMAN MCDUFFIE, COMMITTEE MEMBERS AND STAFF, THANK YOU FOR ALLOWING ME TO ADDRESS YOU TODAY ABOUT THE PROPOSED FISCAL YEAR 2017 (FY'17) BUDGET FOR THE OFFICE OF ADMINISTRATIVE HEARINGS (OAH). I AM EUGENE A. ADAMS, THE CHIEF ADMINISTRATIVE LAW JUDGE OF THAT OFFICE. I AM JOINED BY MR. ERIC RICE, OAH'S EXECUTIVE DIRECTOR, AND MY AGENCY AFO, MR. ANTHONY IWObI, WHO PROVIDED EXEMPLARY ASSISTANCE WITH OUR PREPARATIONS FOR TODAY. BOTH ARE AVAILABLE TO ANSWER THE MORE TECHNICAL QUESTIONS YOU OR YOUR COMMITTEE MEMBERS MAY HAVE IF I CANNOT.

OAH'S FY'17 PROPOSED GROSS BUDGET FOR OAH IS \$10.6 MILLION DOLLARS AND SUPPORTS 83.25 FULL-TIME EQUIVALENT (FTE) POSITIONS. THIS BUDGET AMOUNT IS COMPRISED OF \$8.9 MILLION IN LOCAL FUNDS, \$1.6 MILLION IN INTRA-DISTRICT FUNDS AND \$60,000 IN MEDICAID GRANT FUNDS.

IT ALSO BREAKS OUT INTO ALMOST \$10.1 MILLION FOR PERSONAL SERVICES FUNDING AND \$571.4K FOR NON-PERSONAL SERVICES FUNDING.

THE DIFFERENCE BETWEEN LAST YEAR'S BUDGET AND THE ONE PROPOSED FOR FY'17 IS AN INCREASE OF ABOUT \$412K OVERALL AND AN INCREASE IN THE NUMBER OF EMPLOYEES TO 83.25, UP SIX FROM LAST YEAR. LOOKING MORE CLOSELY, THE INCREASE IS ATTRIBUTABLE TO A \$121.4K ADJUSTMENT IN LOCAL FUNDS AND A \$290.4K ADJUSTMENT TO OUR INTRA-DISTRICT FUNDS. I'M ALSO PLEASE TO REPORT THAT WE ARE ACTIVELY AND

AGGRESSIVELY WORKING TO FILL OUR 12 VACANCIES AMONG THE JUDGES AND OUR CLERK'S OFFICE STAFF AND EXPECT TO FILL EIGHT OF THESE WITHIN 30 DAYS.. I ALSO NOTE THAT WE RECLASSIFIED 4 OF THE LAW CLERK POSITIONS THAT WE WERE GIVEN LAST FISCAL YEAR TO USE THEM MORE STRATEGICALLY.

AND, I SHOULD ADD BRIEFLY THAT WE HAVE MADE SIGNIFICANT PROGRESS ON INITIATIVES THAT I MENTIONED LAST YEAR AND AT OUR PERFORMANCE OVERSIGHT HEARING SOME WEEKS AGO, INCLUDING A REORGANIZATION TO MEANINGFULLY IMPROVE OPERATIONS, TIMELINESS AND ACCOUNTABILITY AND MODEST ENHANCEMENTS TO eCOURT, OUR CASE MANAGEMENT SYSTEM.

THESE HAVE BETTER POSITIONED OAH TO PREPARE FOR THE AT LEAST ONE NEW AREA OF RESPONSIBILITY FOR THE UPCOMING FISCAL YEAR, NAMELY, THE TASK OF ADJUDICATING WORKERS' COMPENSATION CLAIMS FOR

PUBLIC SECTOR EMPLOYEES—A FUNCTION PREVIOUSLY HANDLED BY DOES. HOWEVER, IT IS MY UNDERSTANDING THAT THE FISCAL IMPACT OF THIS WORKLOAD INCREASE HAS NOT YET BEEN FULLY ADDRESSED; TO THAT END, OAH HAS HAD SEVERAL MEETINGS WITH DOES TO DISCUSS THIS.

AT THOSE MEETINGS, OAH REITERATED ITS NEED FOR CURRENT ACCURATE DATA ON THE NUMBER OF PUBLIC SECTOR WORKERS' COMPENSATION IT MIGHT INHERIT THIS YEAR AND GOING FORWARD. ONCE RECEIVED, WE EXPECT TO BETTER ASSESS WHAT ADDITIONAL RESOURCES MIGHT BE NECESSARY TO SUPPORT THIS NEW WORK IN OAH.

HOWEVER, WE'VE CONCLUDED, BASED ON THE PRELIMINARY INFORMATION WE HAVE, THAT WE WILL LIKELY NEED FUNDING FOR A LEAST ONE ADDITIONAL JUDGE AND TO ADMINISTRATIVE STAFF.

ALTHOUGH OAH DID NOT RECEIVE FUNDING FOR A PAY ADJUSTMENT FOR THE UNION EMPLOYEES IN OUR CLERK'S OFFICE, WE ASK THAT THE COMMITTEE CONSIDER THIS FUNDING—WE ARE UNSURE IF WE CAN ABSORB THESE COSTS THROUGH VACANCY SAVINGS AS WE DID LAST FISCAL YEAR. THANK YOU, MR. CHAIRMAN, FOR ALLOWING ME TO APPEAR BEFORE YOU TODAY AND MY COLLEAGUES AND I ARE HAPPY TO RESPOND TO ANY QUESTIONS.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY**



COUNCIL OF THE DISTRICT OF COLUMBIA

PUBLIC HEARING

**AGENCY BUDGET OVERSIGHT HEARING
FISCAL YEAR 2017**

**Testimony of Robert J. Spagnoletti
Chairman
Board of Ethics and Government Accountability**

**Thursday, April 14, 2016
10:00 A.M.
1350 Pennsylvania Avenue, N.W.
Room 120
Washington, D.C. 20004**

Good morning, Chairperson McDuffie and members of the Committee. I am Robert Spagnoletti, Chairman of the Board of Ethics and Government Accountability (Board). Joining me today are Darrin Sobin, Director of Government Ethics (OGE), and Traci Hughes, Director of the Office of Open Government (OOG), whose respective offices comprise the Board's agency organizational umbrella.¹ Together, we are pleased to be here to discuss the Board's budget needs for Fiscal Year 2017 and to update the Committee and the public on the Board's operations.

The Board's budget request for Fiscal Year 2017 is contained in the Mayor's proposed budget and totals \$2,060,000. That figure is comprised of \$1,695,000 in personal services funds and \$365,000 in nonpersonal services funds.

This past year has been one of continued progress for Board operations. Beginning with Director Sobin, the services and functions his office provides have become more widely known inside and outside of the government, as demonstrated by the numerous requests received daily for ethics training, advice, and investigations. As the visibility of the office has increased, so too has the workload and the complexity of the matters handled. A dedicated group of five attorneys, three investigators, and three administrative staffers work hard to provide all services, including oversight of lobbyist activities and financial disclosures.

In the last year, Director Sobin has increased ethics training efforts substantially, on the theory that government employees will be better able to comply with ethics rules as long as they know that the rules exist and can understand them. The goal, in short, has been to reduce the number of enforcement proceedings through preventative training and advice-giving. We are already starting to see results. Though the number of enforcement proceedings has remained consistent, between 10 and 15 matters at any given time, there has been a decline in the number of cases in which government employees claim that they did not intend to violate a rule or that they were not aware that a specific rule exists. The Board thanks the

¹ The Ethics Act did not establish the Office of Government Ethics (OGE). However, the Board created the office for internal administrative purposes and, for operational purposes, to make clear the independence as between OGE and OOG.

Committee for providing the additional FTE last year dedicated to training. It has clearly made a difference.

OOG has been equally impactful. The office is routinely looked to by jurisdictions nationally and globally as a standard for best practices for governments seeking to integrate open government and transparency best practices into their organizational structures, policies, and legislative mandates.

In addition to outreach, OOG has coordinated with the Mayor's Office of Talent and Appointments to train nearly 80 boards and commissions on the requirements of the Open Meetings Act (OMA) and has conducted Freedom of Information Act (FOIA) trainings for 40 agencies. In addition to the high-volume of training, OOG has written several formal advisory opinions on FOIA and the OMA. Director Hughes had done all this single-handedly until February 8 of this year, when the office hired an attorney advisor – bringing the number of staff, including the Director, to a total of three. The office looks to increase OMA enforcement capabilities with the increased publication of public body meeting dates, agendas, and other records on the central calendar maintained by OOG. However, enforcement tracking with this tool will continue to be limited until such time as public body postings on the calendar are made mandatory.

To support the expansion of both our ethics work and the work of OOG, and in an effort to meet increasing overall demands for training, advice, and compliance activity, the Board requested – and received – an enhancement of \$172,216 for the Fiscal Year 2017 budget to cover stipends for the Board (which has been increased from three members to five members), salary for the previously authorized FTE for ethics training, office support, and a standing charge from OCTO for technical support.

Additionally, the Board requested approval from the Mayor for separate budget authority for OOG in order to support further the independent status of that office under the Board's umbrella. Approval was not granted, but OOG will divide the \$172,216 enhancement with the Board. OOG will receive \$43,000, while the Board will receive \$129,216, which is in addition to \$39,929 that had been proposed by the Mayor for the Board's Fiscal Year 2017 budget.

Both OGE and OOG have agreed that the separate allocation will meet the respective objectives of the offices for Fiscal Year 2017.

In closing, the Board looks forward to the continued progress of OGE and OOG, as well as to continuing to work with the dedicated staff of both offices, who have accomplished so much with limited resources.

Thank you for the opportunity to testify. I am happy to answer any questions you may have, as are Directors Sobin and Hughes.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



Office of Government Ethics

VIA EMAIL AND REGULAR MAIL TO:

April 14, 2015

The Honorable Kenyan McDuffie
Councilmember
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 506
Washington, D.C. 20004

Dear Councilmember McDuffie,

During the Public Hearing on our Fiscal Year 2017 Budget today, I stated that I would supplement my testimony with respect to two matters that you raised -- an allegation that the Office of Government Ethics failed to respond to a complaint filed by Commissioner Kathy Henderson that was submitted more than a year ago, and a statement that I read into the record providing our rationale for providing language to clarify the definition of “nonprofit” that we requested be included in this year’s Budget Support Act. My supplemental testimony is attached herewith.

With respect to Commissioner Henderson’s concerns, we searched our records and determined that last year Commissioner Henderson filed 3 complaints with our office. She alluded to a complaint filed on September 1, 2015 for which she purportedly received no response. Our records reflect that we reviewed the allegations in the complaint and sent Ms. Henderson a response to that complaint on November 9, 2015. Commissioner Henderson acknowledged the response was sent to the correct email address. Ms. Henderson filed 2 additional complaints dated October 13 and November 14, 2015. We reviewed and responded to those complaints by letter dated December 10, 2015. We have no outstanding complaints or other requests from Ms. Henderson.

I hope this information is helpful to you. Please do not hesitate to contact me if you or your staff have any additional questions or wish to discuss this matter further. I can be reached at 202-481-3411, or by email at darrin.sobin@dc.gov.

Sincerely,

A handwritten signature in black ink that reads "Darrin P. Sobin". The signature is written in a cursive style.

DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

Attachment: Supplemental Testimony of Director Darrin P. Sobin

cc: Robert J. Spagnoletti – Chairman Board of Ethics and Government Accountability

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY**



COUNCIL OF THE DISTRICT OF COLUMBIA

PUBLIC HEARING

**AGENCY BUDGET OVERSIGHT HEARING
FISCAL YEAR 2017**

**Supplemental Testimony of Darrin P. Sobin
Director of Government Ethics
Board of Ethics and Government Accountability**

**Thursday, April 14, 2016
10:00 A.M.
1350 Pennsylvania Avenue, N.W.
Room 120
Washington, D.C. 20004**

Supplemental testimony in response to CM McDuffie's question concerning the requested BSA subtitle that would define the term "non-profit organization" for purposes of calculating registration fees for certain lobbyists who engage only in charitable activities.

D.C. Official Code § 1-1162.27(b)(2) states that "The registration fee for lobbyists who lobby solely for nonprofit organizations shall be \$ 50." However, the term "nonprofit organization" is not defined anywhere in the Government Ethics and Accountability portion of the Ethics Act. This is in contrast to each reference to a nonprofit organization in the campaign finance title of the Ethics Act, where each reference is to "a nonprofit organization, within the meaning of section 501(c) of the Internal Revenue Code." We need legislation that specifically defines the term "nonprofit organization" as it is used in the Lobbyist Registration portion of the Ethics Act.

Currently, because of the lack of a definition of "**nonprofit organization**", **entities including the Associated Builders and Contractors of Metro Washington, America's Health Insurance Plans, the American Beverage Association, the American Coatings Association, the American Petroleum Institute, and the Apartment and Office Building Association of Metro Washington**, to mention only a few, have all identified as "nonprofit organizations" and paid the \$50.00 registration fee rather than the higher \$250.00 fee. (Examples of organizations that are registered with BEGA and seemingly engage in activities that do not financially benefit themselves or their members include, for instance, the National Organization for Women, Latin American Youth Center, Jews United for Justice.)

For our purposes, the term "Nonprofit organization" should be limited to those nonprofit organizations that are eligible to receive tax-exempt status under 26 U.S.C. § 501 (c)(3) and do not operate for purposes that financially further the organization and/or its members. Only 2 other jurisdictions (Indiana and Texas), even allow a lower fee for nonprofits and those only pertain to (c)(3), (c)(4), and (c)(6)(Texas), entities. Our lobbying statute was adopted by Congress and modeled after the federal statute. The IRS Code contains language that a 501(c)(3)

entity is entitled to a tax exemption only if "no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation ...". The congressional purpose, expressed in the legislative history, was to ensure that no tax-deductible contributions were used to pay for substantial lobbying. See, 26 USC § 501(c)(3). **This means that entities organized under 501(c)(3), are carrying out charitable works that generally benefit society as a whole and are not permitted to engage in substantial lobbying.** Thus, there is a strong reason to allow them to pay a reduced fee, but other entities that are acting on behalf of business and private interests should be required to pay the same fee as other lobbyists.

Testimony of Barbara Cline, CPA Before the Committee of the Judiciary
Regarding the Board of Ethics and Government Accountability/Open Government
April 14, 2016

Chairperson McDuffie and Councilmembers,

I am Barbara Cline, a senior who lives with my husband in a DC rent-controlled apartment.

Since 2010 I have been a housing advocate as a member of the Citizens Advisory Group for IONA Senior Services.

FOIA request to OTA

My testimony today tells my story about requesting FOIAs and my experience with the Office of the Tenant Advocate (OTA).

OTA provides education and legal services to renters like me.

Since 2009, I have attended seven of eight OTA Summits.

The Summit is a free all-day city-wide event held on a Saturday in September.

The Summits feature workshops, panel discussions and legal clinics all designed to help DC renters understand and use their DC renter rights.

Last spring I noticed something odd.

As part of my housing advocacy, I read and review OTA's performance oversight questions.

There was no mention of the contract of the 2014 OTA Summit.

I contacted OTA's oversight committee- the Business, Consumer and Regulatory Affairs Committee, chaired by CM Orange.

The committee produced a new schedule including OTA's 2014 Summit.

How much was the missing 2014 OTA Summit contract? \$62,000.

In my accounting profession- this kind of missing information of a regular annual expense – in 2014- \$62,000- is a "red flag"-an area that often signals something is not right.

But this was not the first time I had noticed "red flags" regarding OTA's Summit.

One- Why were all eight OTA Summits a city-wide event- held repeatedly at the Kellogg Conference Center at Galluadet University-?

This Conference Center is a small site with a 300 seat auditorium.

DC renters make up over 58% of DC's entire population, giving OTA a potential audience of 300,000 attendees at the OTA Summit.

Two- How does OTA justify a \$62,000 contract for such a small event?

Three- I have also attended several DC Housing Expo, another free annual event, hosted by the DC Department of Housing and Community Development. (Exhibit 1)

The Housing Expo, now in its 8th year, is held in June at the Washington Convention Center. The 2016 DC Housing Expo expects 5,000 attendees.

In 2016, OTA's Summit will be in its 9th year- why hasn't OTA's summit also reached at least a thousand attendees?

And why isn't OTA using the same centrally located Convention Center like the DC Housing Expo, which sits on top of two Metro lines compared with the Galludet's single Metro stop?

Advocacy Assistance

I am a CPA and former auditor—and this year I decided to look into the “red flags” of OTA's Summit.

But I needed documentation to present a compelling case to the oversight committee.

In January I made a FOIA request to OTA's FOIA Officer and General Counsel Dennis Taylor for all the 2015 Summit documentation, including contracts, statement of work and advertising costs. (Exhibit 2)

Mr. Taylor responded to my FOIA request and set a March 4, 2016 deadline for my materials. (Exhibit 3)

However, March 4th came and went with no response from OTA.

On March 7th I e-mailed Mr. Taylor who apologized for the delay and stated I would hear from him as soon as possible.

Once again, two weeks later there was no response from Mr. Taylor. I did not know how to proceed.

Fortunately, I knew DC had a FOIA Officer who was available to me.

I contacted Ms. Traci Hughes, Director of the Open Government Office.

With her invaluable assistance I wrote a second FOIA request letter to Mr. Taylor. (Exhibit 4)

This time Mr. Taylor responded.

On Monday April 4, 2016 I picked up the FOIA materials from OTA's office.

I now have information I need to document my testimony for next week's budget hearing regarding the 2015 OTA Summit.

Recommendations

I believe I never would have received my OTA FOIA documents without the help from Ms. Hughes. As a technical expert in FOIA, she gave me the tools I needed to receive my OTA FOIA materials.

FOIAs are a critical tool for DC advocates like myself- they allow us to review the actions of our DC public officials and show us where our taxpayer dollars are going.

Mayor's Bowser ran on a campaign that promised an honest government. She has stated repeatedly that her DC government would be open, transparent and accountable.

However, Ms. Hughes is the Director of an "Open Government" office without any administrative or staff support.

If Mayor Bowser is truly committed to "open government" she must fund this office- or her pledge for an "open and honest" government is just one more empty and unfulfilled campaign promise.

I recommend the following for the Open Government Office:

- 1) Funding for one administrative staff position

- 2) Funding for legal staff, including exploring the partnering with a legal clinic to set up on-going FOIA clinics throughout the city for all DC residents
- 3) \$100,000 to produce FOIA educational materials and hold meetings throughout the city to educate DC residents on their FOIA rights and how to use them.

Thank you for the opportunity to testify.

Testimony of Barbara Cline, CPA
Before the Committee of the Judiciary
Hearing of regarding the Board of Ethics and Government Accountability/Open Government
April 14, 2016

Exhibits List

Exhibit 1:

Eighth Annual DC Housing Expo and Home Show held at the Washington Convention Center
To be held on: June 11, 2016
“More than 5,000 people are expected to attend this all day event”

Exhibit 2:

January 28, 2016: FOIA request letter
From Barbara Cline, CPA to Dennis Taylor, OTA FOIA Officer and General Counsel

Exhibit 3:

January 28, 2016: FOIA acknowledgment letter
From Dennis Taylor, OTA FOIA Officer and General Counsel to Barbara Cline, CPA

“OTA will have, at least some, documents pursuant to your inquiry ready for your inspection by March 4, 2016.”

Exhibit 4:

March 25, 2016: 2nd FOIA request letter
From Barbara Cline, CPA to Dennis Taylor, FOIA Officer and General Counsel

“By close of business Friday, April 1, 2016, please supply all requested records.
If I do not hear from you, I will submit a formal appeal to the Mayor’s Office of Legal Counsel.”



Eighth Annual DC Housing Expo and Home Show

SAVE THE DATE



8th Annual DC Housing Expo & Home Show
Saturday, June 11, 2016 - 10am - 3pm | Washington Convention Center

Mark your calendars for the Eighth Annual DC Housing Expo and Home Show! Saturday, June 11, 2016, 10:00 am-3:00 pm, Walter E. Washington Convention Center

The Eighth Annual DC Housing Expo and Home Show is hosted by the D.C. Department of Housing and Community Development (DHCD), in partnership with the Greater Washington Urban League, in celebration of "National Homeownership Month." This year's Expo also will add a new District-centered theme of "June Housing Bloom."

More than 5,000 people are expected to attend this all-day event, which will provide invaluable information and guidance for all current and potential renters and homeowners in Washington, D.C. This year's event will include resources for homeowners, renters, residents facing foreclosure, small business owners, seniors, the youth, and community leaders.

In essence, the Expo will be a ONE STOP SHOP for all the resources you are looking for related to housing and community development.

Exhibitor, Sponsor and Attendee registration begins NOW. See below for details and/or contact dhcd.events@dc.gov to request additional information on the 8th Annual Housing Expo and Home Show.

Registration details for the Eighth Annual DC Housing Expo and Home Show

Past Housing Expo and Home Shows

Seventh Annual DC Housing Expo and Home Show (June 27, 2015)

- Housing Expo Summary
- Photo Album on Flickr
- Workshops
- Exhibitors
- Partners and Sponsors

January 28, 2016

Dennis Taylor, Esquire
General Counsel and FOIA Officer
Office of the Tenant Advocate
2000 14th Street, NW Suite 300N
Washington, DC 20009
Via Email: Dennis.Taylor@dc.gov
RE: FOIA Request

Dear Mr. Taylor:


Pursuant to the District of Columbia Freedom of Information Act, codified at D.C. Code §2-532 et. seq., I hereby respectfully request the following public records:

- 1) Budgets, proposals, contracts, procurement, estimate of costs, statement of work, and purchase order data and agency supplemental costs for the services, amenities and facilities of the Annual Tenant Summit at the Kellogg Conference Center, Gallaudet University held in 2015.
- 2) All records containing or reflecting statistics on the total number of registrations and total number of attendees per each of the eight DC Wards at the Annual Tenant Summit, at the Kellogg Conference Center, Gallaudet University held in 2015.
- 3) All documents and survey records containing or reflecting statistics on how registrants heard about the Annual Tenant Summit at the Kellogg Conference Center, Gallaudet University including the Capital Community News-Hill Rag, Mid-City and East of the River, the Currents- Northwest, Georgetown, Dupont or Foggy Bottom, Express, Radio, WMATA and Other held in 2015, 2014, 2013, 2012 and 2011.
- 4) Budgets, proposals, contracts, procurement, purchase order data and agency supplemental costs for the newspaper and general advertising, promotion and media costs for the Annual Tenant Summit at the Kellogg Conference Center, Gallaudet University held in 2015, 2014, 2013, 2012 and 2011 including the Capital Community News- Hill Rag, Mid-City and East of the River, the Currents- Northwest, Georgetown, Dupont or Foggy Bottom, Express, Radio, WMATA and Other(s) held in 2015, 2014, 2013, 2012 and 2011.
- 5) All communications referring to or relating to the selection and justification for the selection of the Kellogg Conference Center, Gallaudet University for the Annual Tenant Summit held in 2015.

I am willing to pay duplication fees up to \$25.

I request a waiver of fees for search or review under D.C Code §2-532(b-1)(2). If fees may be incurred, then please let me know of the amount of any proposed search, review and reproduction charges before those activities are carried out. I will expect a written response within 15 business days as provided by the law.

If you have any questions regarding this request, please contact me at 202-244-8679.

Sincerely,

Barbara B. Cline
4500 Connecticut Avenue, NW #601
Washington, DC 20008



VIA EMAIL, barbaracpa@hotmail.com

January 28, 2016

Re: FOIA Request of January 28, 2016

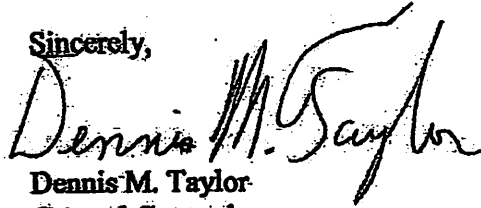
Dear Barbara,

I am in receipt of your FIOA request of January 28, 2016. In that request, you asked for:

- 1) Budgets, proposals, contracts, procurement, estimate of costs, statement of work, and purchase order data and agency supplemental costs for the services, amenities and facilities of the Annual Tenant Summit at the Kellogg Conference Center, Gallaudet University held in 2015.
- 2) All records containing or reflecting statistics on the total number of registrations and total number of attendees per each of the eight DC Wards at the Annual Tenant Summit, at the Kellogg Conference Center, Gallaudet University held in 2015.
- 3) All documents and survey records containing or reflecting statistics on how registrants heard about the Annual Tenant Summit at the Kellogg Conference Center, Gallaudet University including the Capital Community News-Hill Rag, Mid-City and East of the River, the Currents- Northwest, Georgetown, Dupont or Foggy Bottom, Express, Radio, WMATA and Other held in 2015, 2014, 2013, 2012 and 2011.
- 4) Budgets, proposals, contracts, procurement, purchase order data and agency supplemental costs for the newspaper and general advertising, promotion and media costs for the Annual Tenant Summit at the Kellogg Conference Center, Gallaudet University held in 2015, 2014, 2013, 2012 and 2011, including the Capital Community News- Hill Rag, Mid-City and East of the River, the Currents- Northwest, Georgetown, Dupont or Foggy Bottom, Express, Radio, WMATA and Other(s) held in 2015, 2014, 2013, 2012 and 2011.
- 5) All communications referring to or relating to the selection and justification for the selection of the Kellogg Conference Center, Gallaudet University for the Annual Tenant Summit held in 2015.

You have requested a voluminous amount of documentation, Pursuant to D.C. Official Code § 2-531(d), the Office of the Tenant Advocate ("OTA") is exercising its option to extend the time to respond to your inquiry by ten business days. Also, the production of responsive records may be provided on a rolling basis. OTA will have, at least some, documents pursuant to your inquiry ready for your inspection by March 4, 2016.

Sincerely,

A handwritten signature in black ink that reads "Dennis M. Taylor". The signature is written in a cursive style with a large, stylized initial "D".

Dennis M. Taylor
General Counsel

March 25, 2016

Mr. Dennis Taylor, FOIA Officer and General Counsel
Office of the Tenant Advocate (OTA)
2000 14th Street, NW Suite 300N
Washington, DC 20009
RE: Outstanding FOIA Request, January 28, 2016

Dear Mr. Taylor:

As you are aware, the public policy of the District of Columbia is that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. As a FOIA Officer, it is incumbent upon you to comply with the timely response requirements mandated by FOIA.

On January 28, 2016 I made a FOIA request to OTA. You acknowledged this request and indicated I would receive "at least some, documents pursuant to your inquiry ready for your inspection by March 4, 2016".

However, this March 4, 2016 deadline was not met. When I contacted you, your March 7, 2016 e-mail confirmed the missed deadline, offered an apology and stated that I would hear from you as soon as possible.

As of close of business March 24, 2016, you have not contacted me to either notify me of OTA's intent to withhold records or supply the documents I requested nearly a month ago.

As a FOIA Officer, OTA's General Counsel and a DC government official, you hold a position of trust and accountability. Your failure to perform your FOIA duties falls well short of Mayor Bowser's pledge for an open and accessible DC government.

By close of business Friday, April 1, 2016 please supply all requested records.

If I do not hear from you, I will submit a formal appeal to the Mayor's Office of Legal Counsel. Thank you.


Barbara B. Cline, CPA

- Cc: Johanna Shreve, Chief Tenant Advocate, Office of the Tenant Advocate (OTA)
- Melissa Tucker, Associate Director, Mayor's Office of Legal Counsel
- Traci Hughes, Director of DC Office of Open Government, Board of Ethics and Government Accountability
- CM Orange, At-Large
- CM Bonds, At-Large
- CM Cheh, Ward 3
- CM Grosso, At-Large

Attachments: Original FOIA, January 28, 2016, B. Cline, CPA
Acknowledgment of FOIA, January 28, 2016, D. Taylor, FOIA Officer and OTA's General Counsel
E-mails, B. Cline, March 6, 2016 and D. Taylor, March 7, 2016

**TESTIMONY BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY**

FISCAL YEAR 2017 BUDGET OVERSIGHT HEARING

**Thursday, April 14, 2016, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

**Acting Executive Director Terri D. Stroud
D.C. Board of Elections**

Good afternoon, Chairman McDuffie, members of the Committee on the Judiciary, and Committee staff. My name is Terri Stroud, and I am the Acting Executive Director of the D.C. Board of Elections. I am joined by the Board's General Counsel, Ken McGhie, and by Paul Blake from the DC Office of the Chief Financial Officer's Office of Finance and Resource Management. I would like to thank you for the opportunity to provide testimony on behalf of the Board regarding "A Fair Shot," the Fiscal Year 2017 Proposed Budget and Financial Plan as it pertains to the Board.

The Board of Elections is a chartered independent agency comprised of a three-member Board and a small, dedicated staff that carries out the agency's mission. That mission is to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process as mandated by federal and local laws. The Board accomplishes this mission through the operation of three divisions: 1) a policy-making, three-member Board of Supervisors; 2) Election Operations, which executes the Board's voter registration, voter services, and election operations activities, and; 3) Agency Management, which provides administrative support for the agency's programs and activities.

The fundamental factors governing the Board's operations are that: 1) election programs are legally mandated; and 2) these programs are all subject to absolute statutory deadlines. Thus,

these programs must be sufficiently financed to meet time constraints imposed by the electoral process. The agency's mission is thus acutely sensitive to any impediments (either financial or legal) that may impact the timely execution of program activities. The disruption of any number of these programs has the potential to undermine the integrity and the legality of the overall electoral process. In light of this, I am happy to report that the funding proposed for the Board through "A Fair Shot" - \$7,593,411 - is sufficient to allow for the effective management and execution of the agency's core mission, including the administration of the major election event that the Board will be administering in the 1st quarter of FY17: the Presidential, Congressional, and Council General Election, which will be held on Tuesday, November 8, 2016. The projected cost for the administration of this election is approximately \$3,000,000. (For the record, the approximate cost of administering the June 14, 2016 Primary Election is \$2,700,000.) In the event of an unscheduled election event during FY17, such as a special or recall election, additional funding would be required.

The Board currently has 33 full-time employees (FTEs), but our temporary work force expands during each election event to include 40 - 60 more employees referred to as "WAEs". Vacant position funding is used to hire these WAEs, who work under temporary appointments on an intermittent basis.

The Board currently has four vacancies, and their statuses are as indicated below:

Position	Status
Data Systems Manager (Supervisory IT Specialist)	Vacancy occurred on Feb 2, 2016. This position was sent to the Department of Human Resources to be posted and advertised. An FTE is currently performing the primary functions of this position.
Public Affairs Specialist (Public Information Officer)	An FTE is currently performing the functions of this position.
Special Assistant	This position became vacant on March 21, 2015. A determination regarding the status of this position is forthcoming.
Warehouse Supervisor (Lead Support Specialist)	A temporary employee is currently performing the functions of this position.

At the Board’s performance oversight hearing this past February, I indicated that there was \$4,782,478.73 in the Board’s HAVA fund balance. These funds have been, or are slated to be, encumbered as follows:

Item	Amount
Voting Equipment: 190 DS200 Precinct Scanners, 400 ExpressVote Ballot Marking Devices (“BMDs”), one DS850 High Speed Digital Image Scanner, and supporting devices. (ES&S); Network Servers to support voting equipment (ES&S)	\$2,635,027.67 (Lease Year 1: \$967,630 Option Lease Year 2: \$802,630 Option Lease Year 3: \$824,130 Network Server: \$40,637.67)
600 Electronic Poll Books (KNOWiNK)	\$900,000
Ergotron Tablet Management Carts (ABC Technical Solutions)	\$39,818.30
Express Vote Privacy Screens (Thompson Computer Corporation)	\$38,120
	Total Encumbered: \$3,612,965.97 Balance Remaining: \$1,169,512.76

The Board plans to use the remaining funds to purchase additional electronic poll books (“e-pollbooks”) in advance of the November 8, 2016 General Election, and to support the replacement of our voter registration system.

We have taken delivery of all voting equipment and 600 e-pollbooks, and are in the process of working through a comprehensive implementation timeline regarding the same. I would like to take this opportunity to announce that the voting equipment that the Board has

leased will enable us to transmit results wirelessly from the precincts to the Board's main office. To facilitate this end, Board staff has been working diligently with our vendor, Election Systems & Software ("ES&S"), the Office of the Chief Technology Officer, including its security division, DCNet, and Verizon to ensure the overall functionality and security of the process. Several members of the Board's staff traveled to Orange County, Florida last month to observe that jurisdiction's primary election; they use the same election system that we have acquired, and they also transmit results wirelessly. We were hosted by Bill Cowles, Supervisor of Elections for Orange County, whom I would like to thank profusely on the record. He and his staff generously made themselves available to discuss their operations, the equipment, and their processes with us. We gained valuable information and the benefit of lessons they have learned, which we can incorporate into our own program.

The Board requested \$10,000 in one-time funding to support its election connectivity program, which will allow for the wireless transmission of election results and communication among e-pollbooks during early voting. To date, we have incurred additional, unanticipated costs of approximately \$60,000 due to purchasing items necessary to execute this program. We expect to incur more costs in order to address connectivity issues at 48 polling places that are located at private facilities. The chart below indicates the items purchased to date:

Item	Amount
Wi-Fi Access Points (Presidio)	\$4336.90
Firewall for Communications Server (Symantec)	\$343.88
Connectivity Survey of Early Voting and Election Day Voting Locations (DCNET/OCTO)	\$3,600
Bandwidth Upgrade at Board Warehouse (DCNET/OCTO)	\$6,525
DS200 Wireless Transmission Network	\$54,875
	Total Cost: \$69,680.78

The FY 2016 budget of the Office of the City Administrator (“OCA”) includes \$65,000 “to support an audit of equipment readiness and business processes associated with counting and reporting of votes.” As we have already leased new voting equipment, we would like to request that the Board be allowed to use the \$65,000 to defray the costs of the items purchased to support the election connectivity program which will support the wireless transmission of election results. In the absence of that, we request \$60,000 in additional funding.

The Board has embarked upon a comprehensive voter education and outreach program designed to introduce voters to the new election technology, and to educate them about the changes to the Board’s election administration program as a result of the Primary Date Alteration Act of 2014. To assist us in this effort, the Board has engaged the services of the communications firm, CD Global Strategies Group. CD Global Strategies Group, which was selected after a competitive bidding process facilitated through the Office of Contracting & Procurement, will also be assisting us throughout the 2016 election cycle as we seek to

effectively communicate our agency's vision, achievements, goals, and innovations.

In addition, Board staff and our 33 Ward Outreach Coordinators, temporary personnel who are responsible for educating current and prospective voters about the Board's programs and activities on a Ward-based level, are establishing relationships with Advisory Neighborhood Commissions, civic associations, churches, schools, and other entities so as to facilitate outreach activities. Thus far, the Ward Outreach Coordinators, who began working on April 10, 2016, have participated in eight outreach events, and have registered 133 voters.

The Ward Outreach Coordinators will work for the Board throughout the 2016 election cycle. The position is newly-created, and one for which we did not plan when contemplating our budgets for either FY 2016 or FY 2017. As such, we request an additional \$40,000 to support this program, which will undoubtedly prove beneficial for the citizens of the District.

In other outreach news, Board staff has scheduled a meeting with the Council Constituent Services contacts to coordinate outreach activities. We have also scheduled several targeted outreach activities. Specifically, we have scheduled an event for the purpose of introducing the District's elected officials to the equipment for April 28, 2016, and an accessibility forum for individuals and organizations involved with disability rights for April 22, 2016.

As you are aware, there are three Board of Elections-related subtitles proposed for the Budget Submission Act: 1) Bill 18-822, the "District of Columbia Board of Elections Membership Expansion Act of 2010"; 2) Bill 21-193, the Ballot Access Modernization Amendment Act of 2015", and; 3) Bill 21-576, the "Presidential Primary Ballot Access Temporary Amendment Act of 2016."

This past January, the Board testified favorably with respect to the Ballot Access Modernization bill, which would require the Board to implement a mobile application petition

pilot program that would allow for the use of mobile devices as a means of collecting signatures needed for ballot access. The Board's position has not changed. The Board's only concern regarding the bill involved the timeframe mandated for its implementation, as set forth in the bill's effective date. The Board will work diligently to launch the application in FY 2017. However, we believe that it would be in the electorate's best interest to launch a program of this nature and magnitude not according to an arbitrary deadline, but rather only after we have developed and executed a design and implementation plan that ensures the program's success and security.

The Board does not foresee any operational challenges regarding the Presidential Primary Ballot Access bill, which would allow for access to the presidential preference primary ballot through means other than the Board's nominating petition process. This legislation will spare political parties the trouble of having to request that the Council pass such legislation on an emergency basis every presidential election year, as they have in the past, and provide for stability with respect to planning for elections.

The Board takes no position regarding the merits of the Board of Elections Membership Expansion bill, which would increase the size of the Board from three members to five. The position of the Board's General Counsel is that the aim of the legislation can only be effectuated through an amendment to section 491 of the District Charter.

Thank you for allowing us the opportunity to testify regarding the Board's FY 2017 budget. We are prepared to respond to any questions you may have at this time.

OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS
FRANK D. REEVES MUNICIPAL BUILDING
SUITE 420, 2000 14TH STREET, NW
WASHINGTON, D.C. 20009
(202) 671-0550

BEFORE THE COMMITTEE ON THE JUDICIARY
STATEMENT OF CECILY E. COLLIER-MONTGOMERY
DIRECTOR, OFFICE OF CAMPAIGN FINANCE
ON THE
FISCAL YEAR 2017 PROPOSED BUDGET REQUEST
APRIL 14, 2016

GOOD AFTERNOON CHAIRPERSON KENYAN MCDUFFIE AND MEMBERS OF THE COMMITTEE ON THE JUDICIARY. I AM CECILY E. COLLIER-MONTGOMERY, DIRECTOR OF THE OFFICE OF CAMPAIGN FINANCE. SEATED WITH ME TODAY IS WILLIAM O. SANFORD, THE GENERAL COUNSEL FOR THE AGENCY. THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY ON THE FISCAL YEAR (FY) 2017 PROPOSED BUDGET REQUEST OF THE OFFICE OF CAMPAIGN FINANCE.

THE OFFICE OF CAMPAIGN FINANCE (OCF) IS ESTABLISHED WITHIN THE DISTRICT OF COLUMBIA BOARD OF ELECTIONS (THE BOARD). THE OFFICE IS RESPONSIBLE FOR THE OPERATIONS OF THE BOARD PERTAINING TO THE ADMINISTRATION, INTERPRETATION, AND ENFORCEMENT OF THE CAMPAIGN FINANCE LAWS OF THE DISTRICT OF COLUMBIA.

THE MISSION OF THE OFFICE IS TO ENHANCE THE CONFIDENCE OF DISTRICT RESIDENTS IN THE INTEGRITY OF THE ELECTION PROCESS AND GOVERNMENT SERVICE, BY MONITORING, AIDING, THROUGH EDUCATION, AND ENFORCING COMPLIANCE WITH THE CAMPAIGN FINANCE ACT OF 2011 (THE ACT), AS AMENDED. THIS GOAL IS ACCOMPLISHED BY THE OFFICE OF THE DIRECTOR AND THE THREE DIVISIONS OF THE AGENCY, NAMELY, THE PUBLIC INFORMATION AND RECORDS

MANAGEMENT DIVISION, THE REPORTS ANALYSIS AND AUDIT DIVISION, AND THE OFFICE OF THE GENERAL COUNSEL.

THE OFFICE OF CAMPAIGN FINANCE PROCESSES AND MAINTAINS FINANCIAL RECORDS FOR PUBLIC INSPECTION; COMPILES AND PUBLISHES INFORMATION FOR PUBLIC DISCLOSURE; REVIEWS AND VERIFIES THE ACCURACY OF FINANCIAL REPORTS BY DESK, RANDOM, INVESTIGATIVE, AND FULL FIELD AUDITS; INVESTIGATES COMPLAINTS AND INITIATES THE INFORMAL HEARING PROCESS TO ADDRESS ALLEGED VIOLATIONS OF THE CAMPAIGN FINANCE ACT; ISSUES INTERPRETATIVE OPINIONS; AND PROVIDES MANDATORY AND INFORMAL TRAINING TO CANDIDATES, THE TREASURERS AND REPRESENTATIVES OF COMMITTEES, THE CONSTITUENT SERVICE AND STATEHOOD FUND PROGRAMS, AND TO MEMBERS OF THE GENERAL PUBLIC.

THE PROPOSED FY 2017 GROSS BUDGET FOR THE AGENCY TOTALS \$2,792,105.00, AND 30 FULL TIME EQUIVALENTS (FTEs). THIS REPRESENTS A 3.2 % PERCENT INCREASE OF \$87,846.00 FROM THE FY 2016 APPROVED REVISED BUDGET OF \$2,704,259.00 AND 30 FTEs. THE PERSONAL SERVICES BUDGET IS \$2,726,012.00; AND IN NON PERSONAL SERVICES, THE BUDGET PROPOSES THE TOTAL SUM OF \$66,092.86: \$10,000.00 IN OBJECT CLASS 20 – SUPPLIES AND SERVICES, AND \$56,092.86 IN OBJECT CLASS 40 – OTHER SERVICES AND CHARGES. ADJUSTMENTS WERE MADE FOR INCREASES OF \$86,173.00 IN PERSONAL SERVICES TO ACCOUNT FOR FRINGE BENEFIT COSTS, COST OF LIVING ADJUSTMENTS, AND PROJECTED SALARY STEPS; AND AN INCREASE OF \$1,673.00 IN NON PERSONAL SERVICES TO ACCOUNT FOR FIXED COST ESTIMATES FOR FLEET SERVICES. THE BUDGET PROPOSAL REFLECTS A NET REDUCTION OF \$33,597 IN NON PERSONAL SERVICES ACROSS MULTIPLE PROGRAMS TO OFFSET THE INCREASE IN PERSONAL SERVICES. THIS ADJUSTMENT INCLUDES A

DECREASE OF \$25,000 IN EQUIPMENT COSTS, AND A NET DECREASE OF \$8,732 IN OTHER SERVICES AND CHARGES.

IN EACH BUDGET CYCLE, ADEQUATE FUNDING FOR CONTRACTUAL SERVICES AND PERSONAL SERVICES REMAINS CRITICAL TO THE SUCCESS OF THE AGENCY PROGRAMS. FIRST, ADDITIONAL FUNDS HAVE BEEN ALLOCATED SINCE FY 2001 FOR CONTRACTUAL SERVICES TO SUPPORT THE CONTINUING DEVELOPMENT, UPGRADE, AND MAINTENANCE OF THE OCF ELECTRONIC FILING AND DISCLOSURE SYSTEM. THE ELECTRONIC FILING SYSTEM ENABLES THE ONLINE SUBMISSION AND REAL TIME DISCLOSURE OF REPORTS OF RECEIPTS AND EXPENDITURES AT THE WEB SITE, WHICH SERVES AS THE MAIN INTERFACE FOR THE FILER AND THE PUBLIC.

THE CONTINUED FUNDING OF THE ELECTRONIC FILING PROJECT ENSURES THE ORDERLY PROGRESSION OF THE PROJECT, THROUGH UPGRADES REQUIRED BY CHANGES IN THE LAW AND THE OCF BUSINESS PRACTICES, AND THE ANNUAL MAINTENANCE REQUIRED TO GUARANTEE THE SMOOTH OPERATION OF THE WEBSITE AND THE E-FILING SYSTEM. MOST RECENTLY, D.C. LAW 20-79, THE "CAMPAIGN FINANCE REFORM AND TRANSPARENCY AMENDMENT ACT OF 2013" (EFFECTIVE FEBRUARY 22, 2014, AND APPLICABLE JANUARY 31, 2015), ESTABLISHED SEVERAL SWEEPING REFORMS OF THE CAMPAIGN FINANCE LAWS, INCLUDING NEW DISCLOSURE AND CERTIFICATION REQUIREMENTS; THE MANDATE TO FILE ALL FINANCIAL REPORTS ONLINE; AND THE DUTIES OF THE AGENCY TO PUBLISH ALL INFORMATION SUBMITTED UNDER THE ACT ONLINE WITHIN 24 HOURS OF FILING IN A PUBLICLY ACCESSIBLE, SEARCHABLE, AND SORTABLE FORMAT, AND TO MAKE THE DATABASE AVAILABLE FOR BULK DOWNLOAD FROM THE PORTAL WEBSITE.

TO FULLY IMPLEMENT THESE LEGISLATIVE CHANGES, ENHANCEMENTS TO THE ELECTRONIC FILING SYSTEM WERE DEVELOPED AND INTRODUCED AT THE

WEBSITE IN MARCH OF 2015. IN ADDITION, THE E-FILING APPLICATIONS AND THE WEBSITE WERE REDESIGNED USING THE LATEST TECHNOLOGY; AND THE FORMAT OF DATA AVAILABLE AT THE WEBSITE FOR PUBLIC VIEW, SEARCH, RETRIEVAL, SORT, AND DOWNLOAD WAS SIGNIFICANTLY EXPANDED.

AS A CONSEQUENCE OF THESE IMPROVEMENTS AND UPGRADES, THE ANNUAL MAINTENANCE COSTS FOR THE E-FILING AND DISCLOSURE SYSTEM HAVE SUBSTANTIALLY INCREASED. DURING FY16, THE AGENCY SOLICITED ANNUAL MAINTENANCE SERVICES IN THE TOTAL SUM OF \$51,744.00 WHICH INCLUDE THE TECHNICAL SUPPORT/MAINTENANCE OF THE REGISTRATION SYSTEM, THE ADMINISTRATIVE MODULES, THE PUBLIC REPORTS, AND THE DATA DOWNLOAD MODULES. THE PROCUREMENT OF ANNUAL MAINTENANCE IS ESSENTIAL TO ADDRESS ANY ADJUSTMENTS REQUIRED FOR THE MOST RECENT UPGRADES AND TO SECURE THE ONGOING AVAILABILITY OF THE SYSTEM FOR FILING AND DISCLOSURE. THE OPTIMAL PERFORMANCE OF THE SYSTEM IS THE KEY TO SUCCESSFUL ONLINE FILING AND DISCLOSURE.

IN SUM, THE PROPOSED FUNDING OF \$56,092.86 FOR OBJECT CLASS 40, "OTHER SERVICES AND CHARGES", FALLS SHORT OF THE PROJECTED COSTS OF \$97,451.00 TO PROCURE ANNUAL MAINTENANCE SERVICES FOR THE E-FILING AND DISCLOSURE SYSTEM (\$51,744.00); ANNUAL RECRUITMENT AND STAFFING SUPPORT SERVICES FROM THE DEPARTMENT OF HUMAN RESOURCES (\$15,000.00); ANNUAL FLEET SERVICES FROM THE DEPARTMENT OF PUBLIC WORKS (\$9,954.00); ANNUAL COPIER MAINTENANCE (\$3,500.00); AND ANNUAL MANAGED SUPPORT SERVICES FROM THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER (OCTO) FOR THE WEBSITE AND APPLICATIONS/SYSTEMS ON THE SERVER/DATABASE HOSTED BY OCTO (\$17,253.00). TO FULLY FUND THESE NEEDED SERVICES, THE PROPOSED NON PERSONAL

SERVICES BUDGET WILL REQUIRE THE ADDITIONAL SUM OF \$41,358.14.

SECOND, THE FY 2017 PROPOSED FTE LEVEL OF 30 POSITIONS MAINTAINS THE CURRENT OCF STAFFING LEVEL AT THE FY16 ACTUAL LEVEL OF 30 FTES. DURING FY16, THE STAFFING LEVEL WAS REDUCED FROM THIRTY-ONE (31) TO THIRTY (30) POSITIONS WHEN THE CS-09 PARALEGAL SPECIALIST POSITION, SALARY \$44,478.00, WAS ABSORBED TO MEET THE FY16 FIVE PERCENT (5%) BUDGET MARC.

BRIEFLY, BY WAY OF BACKGROUND, THE FY13 BUDGET INCREASED THE OCF STAFFING LEVELS FROM 16 TO 31 CONTINUING FULL TIME EQUIVALENTS. THE FIFTEEN (15) NEW POSITIONS WERE ALLOCATED IN THE AUDIT (10 POSITIONS) AND LEGAL (5 POSITIONS) DIVISIONS. THE NEW POSITIONS CLOSED THE CRITICAL DISPARITY WHICH EXISTED IN THE OFFICE BETWEEN WORKLOAD AND STAFFING LEVELS. AT THIS STAGE, THE AGENCY IS FINALLY ABLE TO KEEP PACE WITH THE REQUIREMENTS OF A CONSTANTLY CHANGING AND GROWING WORKLOAD DUE TO THE RECENT REFORM OF THE CAMPAIGN FINANCE LAWS; A MORE COMPLEX AND COMPLICATED DEMAND FOR INFORMATION; THE STEADY INCREASE IN THE NUMBER OF CANDIDATES AND COMMITTEES PARTICIPATING IN THE ELECTION PROCESS, AND THE REPORTED CONTRIBUTIONS AND EXPENDITURES; AND THE COMPLEXITY OF THE FUNDING MECHANISMS USED TO SUPPORT CAMPAIGNS.

THE INCREASED POSITIONS STRENGTHENED THE ABILITY OF THE OFFICE TO PROMOTE VOLUNTARY COMPLIANCE WITH THE CAMPAIGN FINANCE ACT THROUGH EXPANDED EDUCATION, AUDIT, AND ENFORCEMENT PROGRAMS; TO CONDUCT PERIODIC RANDOM AUDITS OF PRINCIPAL CAMPAIGN COMMITTEES ACTIVE DURING AN ELECTION CYCLE, AND FULL FIELD AUDITS OF THE CAMPAIGN OPERATIONS OF NEWLY ELECTED PUBLIC OFFICIALS; AND TO CONDUCT SITE VISITS AT THE EARLY VOTING CENTERS AND ELECTION PRECINCTS OPERATED BY THE BOARD, AND TO THE

CAMPAIGN OFFICES OF CANDIDATES.

THE ABILITY OF THE AGENCY TO MEET THE REQUIREMENTS OF A WORKLOAD THAT SEEMS TO CHANGE AND GROW WITH EACH ELECTION CYCLE IS MEASURABLY TIED TO ITS WORKFORCE. WE SUBMIT THAT THE CONTINUED INVESTMENT OF FUNDS WITHOUT FURTHER REDUCTIONS IN PERSONAL SERVICES IS CRUCIAL TO ADVANCE THE SUCCESS AND QUALITY OF THE SERVICES PROVIDED BY THE AGENCY, AND WILL PERMANENTLY YIELD, A HIGHER LEVEL OF PERFORMANCE IN ALL OF THE OCF PROGRAMS.

FROM A PERFORMANCE STANDPOINT, DURING FY 2017, THE AGENCY WILL MONITOR THE CAMPAIGN ACTIVITIES OF CANDIDATES AND POLITICAL COMMITTEES PARTICIPATING IN THE NOVEMBER 1, 2016 GENERAL ELECTION. CONSISTENT WITH OUR ONGOING STATUTORY RESPONSIBILITIES, THE AGENCY WILL OVERSEE THE REPORTING OF THE CONSTITUENT SERVICE AND STATEHOOD FUND PROGRAMS.

THE OFFICE OF CAMPAIGN FINANCE WILL EVALUATE THE RESULTS OF THE ONLINE SURVEY OFFERED IN FY16 TO WEIGH THE EFFECTIVENESS OF THE MAJOR TECHNOLOGICAL ADVANCEMENTS INTRODUCED IN FY15, INCLUDING THE REDESIGN AND MODERNIZATION OF THE WEBSITE AND THE E-FILING SYSTEM TO IMPROVE DATA ACCESS, SYSTEM PERFORMANCE, AND THE NAVIGATION SCHEME.

OTHER SIGNIFICANT ACTIVITIES IN FY 2017, WILL INCLUDE SITE VISITS TO THE EARLY VOTING CENTERS AND ELECTION PRECINCTS DURING THE NOVEMBER 2016 GENERAL ELECTION; THE PRODUCTION AND DISSEMINATION OF THE 2017 BIENNIAL REPORT OF CONTRIBUTIONS AND EXPENDITURES ; AND THE CONDUCT OF FULL FIELD AUDITS OF THE CAMPAIGN OPERATIONS OF NEWLY ELECTED PUBLIC OFFICIALS.

LASTLY, THE AGENCY WILL CONTINUE TO CONDUCT THE MANDATORY TRAINING PROGRAM FOR NEW CANDIDATES AND TREASURERS ON THE REPORTING REQUIREMENTS, THE CONTRIBUTION LIMITATIONS, AND THE ELECTRONIC FILING SYSTEM. THE AGENCY WILL ALSO OFFER THE MONTHLY EDUCATIONAL SEMINARS AND SPECIAL SESSIONS UPON REQUEST, THROUGHOUT CALENDAR YEAR 2017, WITH THE SPECIFIC GOAL OF STRENGTHENING THE PUBLIC'S UNDERSTANDING OF THE MOST RECENT REFORMS OF THE CAMPAIGN FINANCE LAWS.

IN CONCLUSION, THE FY 2017 PERFORMANCE PLAN DIRECTS THE MAJOR EFFORTS OF THE OFFICE OF CAMPAIGN FINANCE, IN UNISON, TO ACHIEVE VOLUNTARY COMPLIANCE WITH THE CAMPAIGN FINANCE ACT; AND TO PROVIDE FULL AND COMPLETE DISCLOSURE OF FINANCIAL INFORMATION IN A TIMELY AND USEFUL MANNER. FINALLY, THE FY 2017 PLAN CONTINUES, AS WELL AS EVALUATES, THE PROJECTS INITIATED AND COMPLETED DURING THE MOST RECENT FISCAL YEARS.

THIS COMPLETES MY TESTIMONY. I WILL BE PLEASED TO ENTERTAIN ANY QUESTIONS THE COMMITTEE MAY HAVE.

ATTACHMENT E

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY**

AGENDA AND WITNESS LIST

1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A BUDGET OVERSIGHT HEARING FOR THE

**DEPARTMENT OF CORRECTIONS
CORRECTIONS INFORMATION COUNCIL
OFFICE ON RETURNING CITIZEN AFFAIRS
DEPARTMENT OF FORENSIC SCIENCES
OFFICE OF THE CHIEF MEDICAL EXAMINER**

**Wednesday, April 20, 2016, 10:00 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

AGENDA AND WITNESS LIST

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. BUDGET OVERSIGHT HEARING**
 - 1. Department of Corrections**
 - i. Public Witnesses
 - 1. Michael Sindram, Public Witness
 - 2. Emily MacLeod, Legal Fellow, Washington Lawyers' Committee for Civil Rights and Urban Affairs
 - 3. Rev. Michael Bryant, Catholic Volunteer Coordinator, Catholic Charities of the Archdiocese of Washington
 - 4. Daniel Okonkwo, Executive Director, DC Lawyers for Youth
 - 5. Sergeant John Rosser, Chairman , FOP DC Corrections Union
 - ii. Government Witness

1. Thomas Faust, Director
2. **Corrections Information Council**
 - i. Public Witness
 1. Michael Sindram, Public Witness
 - ii. Government Witness
 1. Michelle Bonner, Executive Director
3. **Office on Returning Citizen Affairs**
 - i. Public Witnesses
 1. Michael Sindram, Public Witness
 2. Gable Barmer, President, J&G Consultants
 - ii. Government Witness
 1. Charles Thornton, Director
4. **Department of Forensic Sciences**
 - i. Public Witness
 1. Michael Sindram, Public Witness
 - ii. Government Witness
 1. Dr. Jennifer Smith, Director
2. **Office of the Chief Medical Examiner**
 - i. Public Witness
 1. Michael Sindram, Public Witness
 - ii. Government Witness
 1. Dr. Roger A. Mitchell, Jr., Chief Medical Examiner

IV. ADJOURNMENT

BUDGET OVERSIGHT HEARING – DEPARTMENT OF CORRECTIONS
DISTRICT OF COLUMBIA COUNCIL, COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
April 20, 2016

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
Chairperson Kenyan McDuffie

Written Testimony of: Emily MacLeod, Legal Fellow
D.C. Prisoners' Project,
Washington Lawyers' Committee for Civil Rights and Urban Affairs

Thank you very much for the opportunity to testify today. The Washington Lawyers' Committee for Civil Rights and Urban Affairs was founded in 1968 to address poverty and discrimination by mobilizing the pro bono resources of volunteer lawyers and law firms. Among the areas that the WLC works on are criminal justice problems, including prison and jail issues through the DC Prisoners Project.

The mission of the DC Prisoners' Project is to advocate for the humane treatment and dignity of all persons convicted of or charged with a criminal offense under DC law, whether in prisons, jails or community corrections programs; to assist their family members with prison-related issues; and to promote progressive criminal justice reform. In addition to litigation and related advocacy work, the Project has undertaken, with the cooperation of law firms, a series of reports on DC criminal justice issues. Several of the reports already completed focus on Department of Corrections issues, as I will discuss today.

At the outset, we want to congratulate the Department of Corrections on the new public library branch housed inside the Central Detention facility. The Washington Lawyers' Committee believes that access to the new facility will increase literacy, improve prisoners' mental health, and decrease conflicts. In addition, we believe the library will help reduce recidivism for incarcerated DC residents, resulting in a stronger, safer city for all residents.

Second, we would like to express our support for the Department of Corrections' plan to take over operations of the Correctional Treatment Facility upon the expiration of the DOC's contract with the Corrections Corporation of America in 2017. We are hopeful that the Department of Corrections will improve operations at the facility. In addition, we believe that District operation of the facility will result in increased accountability and transparency.

There are several areas where additional improvements are very important with respect to DOC and related issues. Specifically:

1. JAIL AND PRISON CONDITIONS

BUILD A NEW JAIL

The Washington Lawyers' Committee continues to urge the District to construct a new D.C. jail facility. While the Department of Corrections' operation of the Central Treatment Facility is an important step, we urge the Council to consider working towards closing both the D.C. Jail and CTF to construct a new, safer facility.

As detailed in The Washington Lawyers' Committee's report, *D.C. Prisoners: Conditions of Confinement*, the D.C. Jail is suffering from a degraded infrastructure, as evidenced by recurring plumbing problems and holes in the walls. Rather than invest resources in an overhaul of the two current facilities, the District should be proactive and design a new facility to better meet the needs of those confined in the District.

MENTAL HEALTH CONCERNS

We would like to express our support for the DOC's new Mental Health Step Down Unit, which we believe will help more adequately address the needs of D.C. prisoners with mental health issues. As reflected in our recent report on *D.C. Women in Prison*, DOC and the Department of Behavioral Health should work to better connect women at CTF to core agencies that provide mental health rehabilitation services. And in connection with DOC taking over CTF, it is important that, as DC officials have indicated, there be programs added with respect to mental health concerns, as well as substance abuse.

RESTORE IN PERSON VISITATION TO THE CENTRAL DETENTION FACILITY

The lack of in person visitation at the Central Detention Facility remains a problem in need of legislative or policy correction, as documented in our Conditions of Confinement report. It is our hope that with the plans to take over CTF, the Department of Corrections will take the opportunity to reevaluate visitation policies at the Central Detention Facility. The Washington Lawyers' Committee submitted testimony in support of proposed legislation restoring in person visits to the Central Detention Facility (Bill 20-122). While we will not repeat our testimony here, we stand by the notion that allowing in person visitation is in the best interest of the DOC, as well as those in custody and their families. In person visits lower the rate of recidivism, and assist both adults and children in their transition back into their communities.

While we are encouraged by a recent effort by the DOC to provide some incentive-based in-person visitation, we urge the DOC to provide in-person visitation for all prisoners in DOC custody. In-person visitation should not be a reward for good behavior. Video visitation is no substitute for in person visitation. Although video visitation may provide a welcome alternative to families who are inhibited from visiting the jail due to cost or inconvenience of travel, it should only supplement the availability of in person visitation. As it stands, families of incarcerated persons must still incur the costs and travel of visiting their loved one at the Central Detention Facility or a satellite facility, as they must travel to the facilities to take part in the video visitation.

2. D.C. PRISONERS' REENTRY

OVERSIGHT OF HOPE VILLAGE

In addition to challenges facing D.C. prisoners during their incarceration, those returning from federal custody to D.C. face significant barriers to reentry as well. First, we ask that the District consider running its own halfway house, as we believe the city could more adequately address the needs of reentering residents. In the alternative, we urge that the Council and the Department of Corrections increase their oversight of Hope Village Halfway House. While we realize that the DOC has only a small contract with Hope Village, but we ask that you oversee operations to the full extent you are able. Our conversations with Hope Village residents, as well as with Hope Village staff, raise serious concerns.

Hope Village is meant to serve as a transitional home for incarcerated D.C. residents returning to our community. However, Hope Village residents are provided with little or no services to aid in their reentry. Residents report a lack of programming and job resources.

We urge that the Council recognize that a D.C. halfway house is an opportunity to welcome incarcerated District residents back into the community. Efforts to improve opportunities for reentering citizens will result in a safer and more prosperous community for all of us.

BRING D.C. MEN AND WOMEN HOME

Finally, the Washington Lawyers' Committee urges the Department of Corrections to provide D.C. prisoners an opportunity to come home to D.C. at the end of or instead of their incarceration in a federal facility. D.C. prisoners are serving sentences sometimes thousands of miles away from their homes in the District. Our recent *DC Women in Prison* report documents the particular hardships faced by DC women confined in federal prisons far from DC who are separated from even the youngest of children. We are happy that the Department of Corrections is talking about working with the BOP to house returning D.C. prisoners who are unable to obtain halfway house placement in D.C. custody, and we ask that they not delay implementing this plan. We recommend that DOC house returning residents in facilities at least six to nine months out from their release, in order to provide them with an opportunity to connect with family and community resources prior to their return to the community. DOC should also explore with BOP the possibility of housing more prisoners with relatively short sentences in DOC custody for their entire sentence. By bringing D.C. prisoners back home sooner, we can increase the chances of their successful reentry.

CONCLUSION

The Washington Lawyers' Committee urges this committee, and the District of Columbia, to be at the forefront of the movement concerning incarcerated and reentering

populations. By ensuring adequate mental healthcare, restoring in person visitation, improving reentry services, and bringing D.C. prisoners back home, the District of Columbia can help alleviate many of the problems plaguing the criminal justice system. We thank you in advance for your giving your time and attention to the issues we've brought forward, and hope that we can be partners in addressing them expeditiously and effectively.

The Future Use of the Correctional Treatment Facility

Mr. McDuffie and Members of the Judiciary Committee: my name is Michael Bryant, Ph.D. and I am a priest of the Archdiocese of Washington. I served as the Department of Corrections Staff Chaplain at DC Jail and Lorton Prison for 25 years, from 1980 to 2005. I am a licensed Mental Health Counselor and founder of the Welcome Home Reentry Program for Catholic Charities that assists men and women in their journey home from prison.

I want to propose to city leaders and the leadership of the Department of Corrections that serious consideration be given to develop the Correctional Treatment Facility as a 'state of the art' Pre-Release and Reentry Center for men and women returning home from prison to the District of Columbia. There is an overwhelming need in our city for a reentry center that is effective in restoring and returning those who have served time in prison to our community. There are currently scattered reentry services offered through the Department of Corrections and the faith based community, but they are inadequate in effectively addressing the needs of approximately two thousand men and women released from prison to this city every year.

I am aware that the District Government will not renew its lease with the Correctional Corporation of America (CCA) that currently manages the Correctional Treatment Facility (CTF), 1901 E Street SE. CCA is scheduled to vacate the facility in early 2017. At that time the DC Department of Corrections will assume responsibility for the facility. Coupled with this reality there has been a significant reduction in the population at both CTF and DC Jail over the last two years. Currently there are less than 500 inmates at CTF and less than 1300 inmates at DC Jail.

What will be the future of the Correctional Treatment Facility? It is critical that those who work with men and women coming home from prison answer this question. The hurdles they face in their reentry to the community from prison are huge. They all have criminal records. Many have not completed high school, few have marketable job skills and many have no place to live except in homeless shelters. Many suffer from mental illness or have a history of drug abuse.

Hope Village for men and Mayfair for women are the two contract halfway facilities where returning citizens are housed before release. They provide little in the way of reentry services. Most returning citizens are utterly ill prepared to re-engage free society. Without support in transition 67% of those released will fail to transition effectively within three years. They will either violate the requirements of their parole or commit a new crime. Half of this 67% will be returned to prison. The other half will be placed under much tighter restrictions and surveillance.

CTF was built in the early 1990's as a 'state of the art' reentry center for men and women returning from Lorton Prison and the Federal Bureau of Prisons in the last six months of their sentence to prepare them for reentry. The rationale for building CTF was that it would provide those close to release opportunities to complete their high school education and give them support services if they had a history of addiction. Most of these well meaning efforts never

came to fruition. Eventually CTF became an extension of the District Jail as the population of offenders grew during the years of mass incarceration.

The District of Columbia has little in the way of effective reentry services. In 2001 Lorton Prison was closed and all DC felons were transferred to the Federal Bureau of Prisons. Courts Services Offender Supervision (CSOSA) began managing approximately 2,000 men and women each year who were returning from federal facilities who were on parole or probation. Efforts at reentry began at that time between a partnership with CSOSA and the faith-based community. Federal funds were provided to local churches who indicated they would provide an array of reentry services. This approach gradually declined and was seen as only minimally effective in reducing recidivism. Local churches were ill prepared to provide the myriad of social services needed by returning citizens needing employment, housing, and counsel. Federal funds eventually dried up for this reentry approach.

Currently, there is a real opportunity to make CTF a Reentry Center with a full range of services for the 2,000 men and women who return to the District each year in the last six months of their sentences. CTF can become what a real halfway house designed to be, a place that prepares people for coming home and staying home.

With some modification to the building to accommodate reentry services, CTF can become a minimum security Reentry Center with the Department of Corrections (DOC) providing security, housing, meals, medical and mental health services in the last six months of incarceration. Partnerships with the government, the private sector and the faith-based community can provide an array of services and training men and women need in the last phase of their sentence.

CTF can be modified to house a vocational training school that provides workshops in the construction trade, offering workshops in basic carpentry, masonry, welding, dry-walling, electrical and plumbing skills, automotive repairs, computer literacy and training basic skills IT technicians can be offered. A school in the culinary arts can be offered. Why can't they be trained in marketable job skills as they prepare to go for employment interviews?

Many can be provided the opportunities to complete their high school education or take courses with UDC that will lead to an Associates or College degree.

Counseling services must be provided, family counseling, life style skills coaching, anger management counseling and addiction support services.

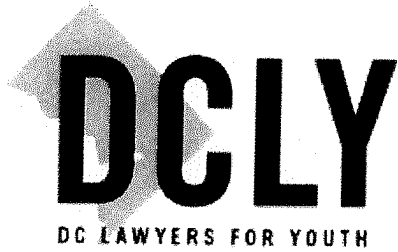
CTF can offer a One-Stop Center where people can obtain ID Cards and receive information about Social Security and wrap-around services: like Jubilee Jobs, Welcome Home Reentry Program, employment opportunities through Job Fairs, and information about affordable housing. CTF be a drop-in center for those already released to return for additional training or supportive services if needed.

It costs \$35,000 to keep one person in prison for a year. Could not the District of Columbia invest in the lives of these men and women coming home from prison and make them assets instead of liabilities? Could not our tax dollars be more effectively spent on providing them new beginnings, helping them become contributors to society who pay taxes once they had employment? The last 40 years have decimated poor minority communities through mass incarceration. It is way past time to rebuild and reunite families and restore broken homesteads and communities.

The progressive philosophy and practical approaches that work in Montgomery County, MD and Bronx, NY have a history of successful reentry programs. These approaches are based on a restorative model of justice that heal and repair the broken lives of men and women and their families who were exposed to a punishment only system of justice over the past four decades that lead to mass incarceration. Those who have broken our laws and punished through imprisonment are not 'through-a-ways' of society, but brothers and sisters who were not born with all the blessings and advantages you and I take for granted; good parenting, decent neighborhoods, fine schools and jobs with a future. It is time to provide them with similar blessings.

Respectfully submitted,

Rev. Michael Bryant
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Washington, DC 20003
202 577-6471 ©



Testimony of R. Daniel Okonkwo
Executive Director, DC Lawyers for Youth
Department of Corrections Budget Oversight Hearing
DC Council Committee on the Judiciary
Councilmember Kenyan McDuffie, Chairman
April 20, 2016

Good afternoon Chairman McDuffie and members of the Committee on the Judiciary. My name is Daniel Okonkwo and I am the Executive Director of DC Lawyers for Youth (DCLY). First, I would like to thank you, Councilmember McDuffie, for your leadership in introducing comprehensive juvenile justice reform legislation. You and your staff have shown brave leadership proposing legislation that will mark the District in one of the nation's leaders in how we treat young people who are court-involved.

Thank you for the opportunity to testify before your Committee today. Since DCLY was founded 8 years ago, I have testified every year about the population under the Department of Corrections jurisdiction that we are most concerned with—the Title 16 youth. Title 16 youth are those young people who are charged as adults by the U.S. Attorney's office. I am here today once again to raise some concerns concerning the conditions of confinement for these young people in the juvenile unit at the Correctional Treatment Facility (CTF). I will also briefly touch on some issues with the expiring CCA contract to run CTF.

Prohibiting the Pre-Trial Detention of Youth in Adult Facilities

Adult facilities are generally ill-equipped to provide the services that youth need for positive development, such as education, exercise, and pro-social interactions with positive role models.¹ From their physical plant to their staff training, adult facilities are not designed for children. Compared to their peers in juvenile facilities, youth in adult facilities report that the staff members are less supportive in helping them achieve their goals, learn new skills, and improve their personal relationships.² Most importantly, adult facilities also generally provide weaker education services than do juvenile facilities, a critical weakness given the importance of education for adolescents' future prospects.³

The facility in which the District holds youth charged as adults has similar deficiencies. An independent evaluation done by the Ridley Group of the Juvenile Unit at CTF found that 1) the facility space is too limited to provide adequate programming or sufficient physical activity, 2) most youth are not able to have in-person visitation with their family members, 3) some staff working the unit are inadequately trained to address the needs of youth, and 4) the amount of structured programming offered to youth is inadequate.⁴ These issues reveal the inherent limitations of housing youth in facilities designed for adults. Nonetheless, over the past five years the District has held more than 600 individual youth under age 18 in adult facilities.⁵

¹ *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America* (Campaign for Youth Justice, November 2007), http://www.campaignforyouthjustice.org/documents/CFYJNR_JailingJuveniles.pdf.

² Jennifer L. Woolard et al., "Juveniles Within Adult Correctional Settings: Legal Pathways and Developmental Considerations," *International Journal of Forensic Mental Health* 4, no. 1 (2005): 15.

³ *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*, 7.

⁴ Walter B. Ridley, Francis Mendez, and Ghia Ridley Pearson, *The District of Columbia Department of Corrections Correctional Treatment Facility Juvenile Unit Assessment*.

⁵ *FOIA Response Juv 2007 - 2012* (DC Department of Corrections, December 23, 2013). Provided in response to a Freedom of Information Act request. On file with DC Lawyers for Youth.

I will say that the DOC staff responsible for running the unit has been trying to address the deficiencies illustrated in the Ridley Report. For the last year and a half or more, I have had a quarterly conference call with the DOC staff responsible for the Title 16 unit. To their credit, they have taken some very positive steps, including 1) allowing for contact visits for more youth, 2) increasing the availability of mental health services, 3) changing the young people's uniforms and cell décor, and 4) revamping the DOC policy on restrictive housing.

These are all very commendable steps and I applaud the Department for taking them and others. However, the fact remains that adult jails are inappropriate for youth. Incarcerating youth under age 18 in adult facilities places them at higher risk of suicide and victimization, limits their educational and work opportunities, and makes them more likely to commit future crimes. Research also shows that youth are less likely to re-offend and more likely to succeed in school and the workplace if they receive comprehensive services that support positive youth development.⁶ Not all youth who are charged as adults are ultimately convicted which means they will soon return to our communities; therefore, the District has an interest in ensuring that these young people are housed in an environment that supports their development rather than the DC Jail which has been found to be inadequate for that purpose. I again commend you for introducing legislation that addresses this issue.

Councilmembers, we are also concerned about what will happen over the next couple of years after the CCA contract for CTF expires in January 2017. Admittedly, this is not an area of focus for DCLY as we work on predominantly youth-related issues. However, in looking at the

⁶ Jeffrey A. Butts, Gordon Bazemore, and Aundra Saa Meroe, *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development* (Washington, DC: Coalition for Juvenile Justice, 2010), <http://johnjayresearch.org/wp-content/uploads/2011/07/pyj2010.pdf>; Ashley Nellis and Richard Hooks Wayman, *Back on Track: Supporting Youth Reentry from Out-of-Home Placement to the Community* (Washington, DC: The Youth Reentry Task Force of the Juvenile Justice and Delinquency Prevention Coalition, 2009), http://www.sentencingproject.org/doc/publications/CC_youthreentryfall09report.pdf.

budget request and the current numbers of people at the two facilities, CDF and CTF, some items stood out. First, the DOC facilities are significantly underutilized—by our count, as of last Friday DOC was less than half full. Second, I understand that there is a need for funding to manage the transition from CCA to DOC; however, it isn't immediately clear to me what the need is. I would encourage this Committee to spend some time with the Department around the needs for managing this transition.

Additionally, given that this transition will be happening very soon, I think there is an incredible opportunity for this Committee and the Department to not spend dollars on business as usual and to use money saved by the expiring CCA contract to make meaningful, long-lasting change to corrections in the District. To the extent that there must be additional money for transitioning away from CCA, this money should be a short-term approval for the next fiscal year only. Further, before the FY2018 budget cycle, this Committee should convene a body of stakeholders, which would include returning citizens, DOC, attorneys, advocates, and other stakeholders to start to look at:

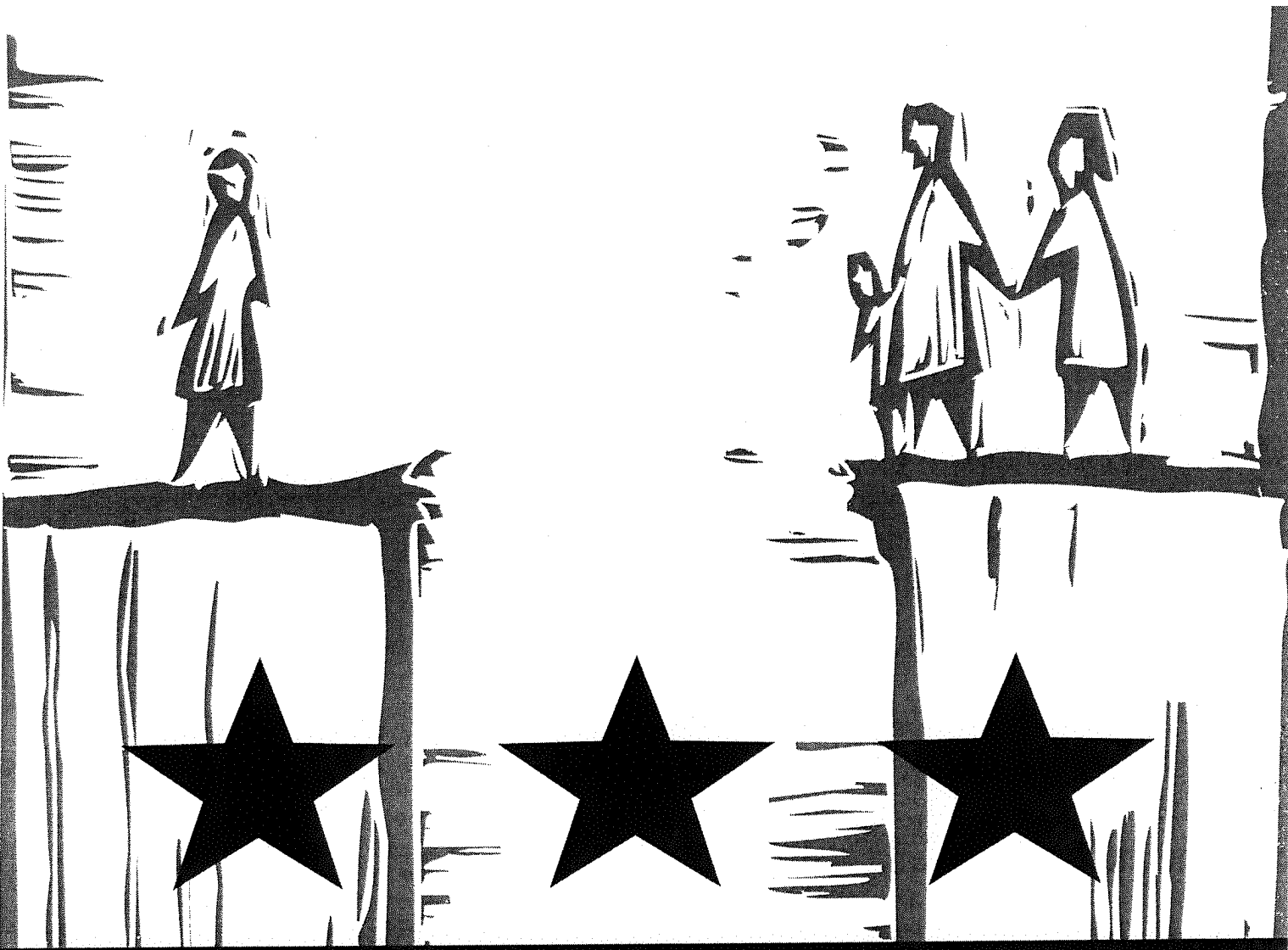
- (1) Right-sizing the DC Jail: what size facility does DC actually need?
- (2) Innovation: In what best practices should the District be investing?
- (3) Re-Investment: to the extent there are savings from underused facilities, how can that money be reinvested in front-end programs or re-entry services?

Conclusion

Councilmember McDuffie, I have heard from numbers of young people who have spent time as teenagers in the DOC facility who felt that the space was inappropriate for them. Additionally, as I stated earlier in my testimony, an independent evaluation of the conditions of confinement for youth at CTF has shed some light on what young people at the jail experience—from the living conditions, to their education, to their recreation time. I think that it is very telling

that the report states "The Unit space is inadequate for the population served. The school is cramped and the unit does not have dedicated programming or recreation space. Juveniles are required to share the gym and outdoor recreation space with the adults. Due to required site and sound separation, the juveniles can only use the space when the adults are not using it."⁷ This is not the description of a place where our young people should be housed—especially because these young people are going to come back to the District. We recommend, as always, that this population be housed somewhere else—at a facility more equipped to handle youth and now there is a legislative vehicle to accomplish such a move. I welcome the opportunity to work further with you, with your staff, and with the affected agencies to move our young people into a facility that will have long lasting benefits for them and for our city. Thank you for the opportunity to speak here today and I am available to answer any questions.

⁷ Ibid., 9.



Capital City Correction

Reforming DC's Use of
Adult Incarceration Against Youth



CAMPAIGN FOR
YOUTH JUSTICE
BECAUSE THE CONSEQUENCES AREN'T MINOR

May
2014

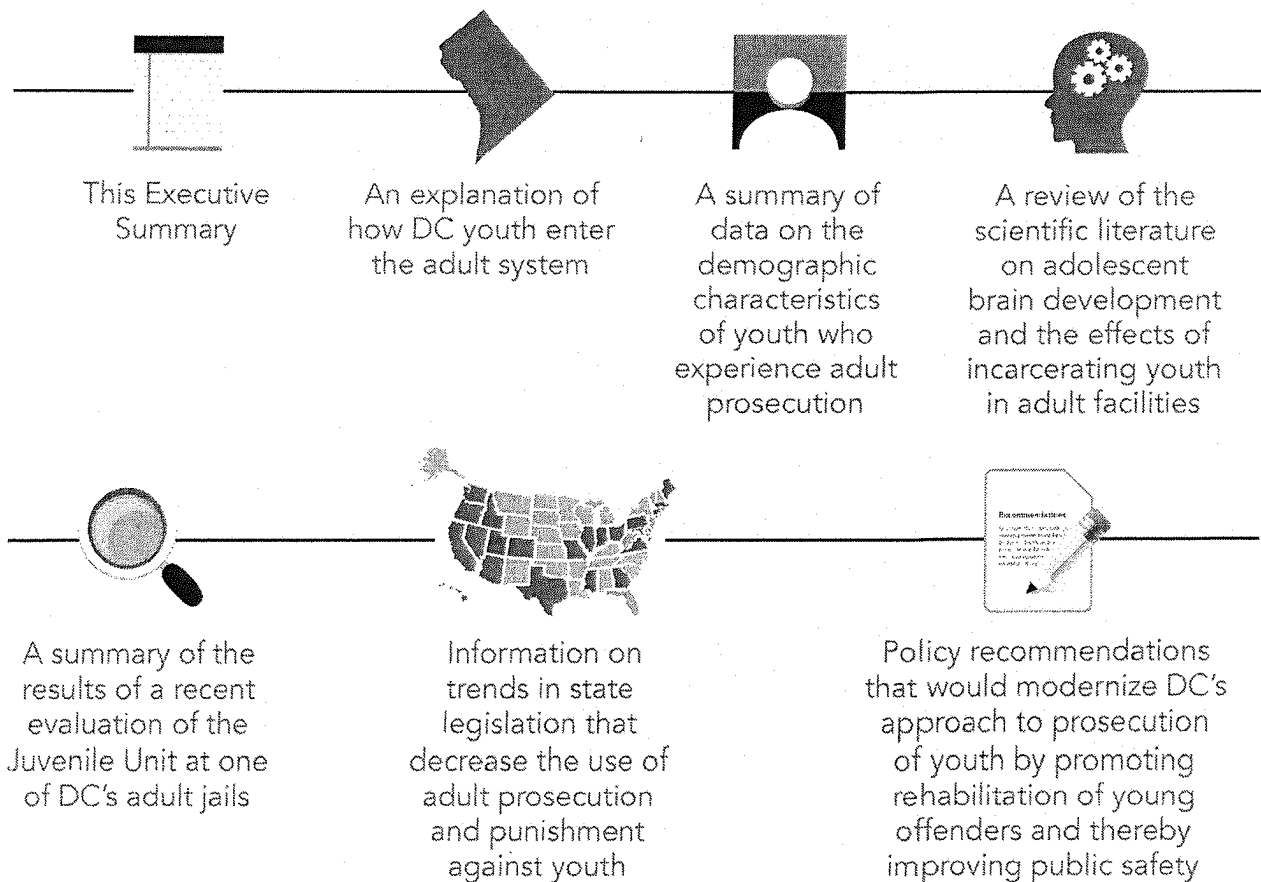
Executive Summary

Think about what you were like at age 16. Now imagine that a federal prosecutor suspects you of a crime and decides to charge you as an adult. Even before you have a trial, you are sent to a Department of Corrections complex that holds about 2,200 adult inmates and 20 youth who have also been charged as adults. In the adult facility, you do not have access to rehabilitative programs – such as education, counseling, and job training – that are as good as those in juvenile facilities. You can only see your family through a video screen in the common area that you share with other inmates. If the facility administrators decide that you should be separated from other youth, you may be placed in solitary confinement for weeks or months. And this is all before you have even gone to trial or been found guilty of anything.

Once you are in this position, there is nothing that you or your attorney can do to get your case into juvenile court. The judge is not even able to hear arguments about why you should be in the juvenile system. You will be tried as an adult, and there is nothing you can do to stop it. You are no longer a child in the eyes of the law.¹ You have quite literally had your childhood taken away from you.

This scenario gives you a small taste of the experience of the 541 youth tried as adults in the District of Columbia and held at the Correctional Treatment Facility (CTF) between 2007 and 2012.² This report makes the case for policy changes that would decrease the use of this practice in such a way that promotes both public safety and the rehabilitation of incarcerated youth.

The report includes:



The Scope of Adult Prosecution of DC Youth

There are two ways that a DC youth can enter the adult system: direct file or judicial transfer. In direct file cases, federal prosecutors from the US Attorney's Office charge the case in the adult system, and there is no opportunity for judicial review of that decision. Federal prosecutors can direct file cases against youth aged 16 or 17 who are suspected of specific offenses.³ In judicial transfer cases, the proceeding instead begins in the juvenile system and prosecutors must convince a judge to move the case to the adult system.⁴ Since 2007, every youth tried as an adult has been direct filed.⁵ In addition, while transfer cases are handled initially by District prosecutors from the Office of the Attorney General, direct file cases are handled by federal prosecutors from the US Attorney's Office.⁶

In the past six years, hundreds of DC children have been tried in adult court and held in adult facilities. During fiscal years 2007-2012, the Metropolitan Police Department made 663 arrests of youth that, based on the top charge at arrest, were potentially eligible for direct file in adult court.⁷ From 2007 to 2012, 541 individual youth were held in adult facilities with one unit designated for juveniles. Demographically, nearly 97% of these youth were African American and 3% were Latino. Males made up 98% of those held and the remaining 2% were female. Geographically, nearly all youth held in DOC facilities lived in zip codes in the economically disadvantaged eastern half of the District, or they were listed as being homeless. During 2012

alone, DC youth spent 10,016 days imprisoned in adult facilities. Of these days, 59% were spent by youth who were awaiting trial.⁸

Adult Prosecution Is Harmful to Youth and Does Not Promote Public Safety

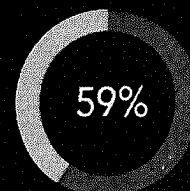
DC continues this practice of prosecuting, detaining, and incarcerating youth in the adult system despite the fact that research consistently finds that adult prosecution of youth does not effectively deter crime. In 2007, the Centers for Disease Control and Prevention published a systematic review of scientific research that examined the effects of placing youth under age 18 in the adult criminal justice system. The review found that there was insufficient evidence to conclude that transfer to adult court decreased youth crime overall and found consistent evidence that transfer to adult court actually increased recidivism.⁹ In December 2013, the Washington State Institute for Public Policy (WSIPP) conducted an evaluation of the state's statute requiring that certain youth offenses be prosecuted in adult court and found that, even when controlling for observed differences, the youth who were automatically processed through the adult system were more likely to recidivate than youth who were treated in the juvenile system.¹⁰

The ongoing development of the adolescent brain means that youth have a far greater capacity for change than adults.¹¹ Furthermore, neurological research demonstrates that brain development is not

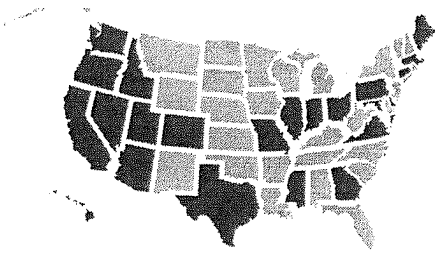
During 2012 alone, DC youth spent

10,016 days imprisoned

in adult facilities.



Of these days, 59% were spent by youth who were awaiting trial.



enacted legislation to limit youth contact with the adult criminal justice system.²⁰

The District of Columbia is Ripe for Reform

complete until youth reach their 20s,¹² and that the particular state of teenagers' brains makes them less able to engage in higher-reasoning processes and fully evaluate the consequences of a situation.¹³ As the Supreme Court has recognized, this fact makes youth both less culpable and less likely to be deterred by increases in criminal sanctions.¹⁴

Adult facilities are generally ill-equipped to provide the services that youth need for positive development, such as education, exercise, and pro-social interactions with positive role models.¹⁵ From their physical plant to their staff training, adult facilities are not designed for children.¹⁶ Compared to their peers in juvenile facilities, youth confined in adult institutions are 36 times more likely to commit suicide.¹⁷

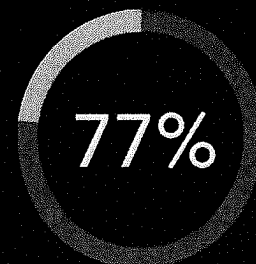
Prosecuting and sentencing a youth as an adult imposes negative consequences that can last a lifetime. District residents with adult felony convictions may be denied professional licenses in many fields, may be denied entrance to the District's housing assistance voucher program,¹⁸ and may also be ineligible for certain forms of federally-funded education financial aid.¹⁹

Over the past nine years, 23 states have enacted legislation to limit youth contact with the adult criminal justice system.²⁰ Key trends include expanding juvenile court jurisdiction so that fewer youth are tried as adults, limiting the youth who can be housed in adult jails and prisons, and changing transfer statutes so that fewer youth are prosecuted as adults.²¹ The District's neighboring states are included in these trends. Virginia has eliminated its "once an adult always an adult" rule for youth who were acquitted in adult court²² and passed legislation that requires all youth awaiting trial be held in juvenile facilities unless a judge finds them to be a safety risk.²³ The Maryland State Legislature recently passed legislation that would permit more youth to request transfer of their cases from adult court to juvenile court.²⁴

Even independently of national trends, the time is particularly appropriate for reform in the District of Columbia. Youth arrest rates are at the lowest they have been in many years.²⁵ Additionally, a poll of registered DC voters found that 77% believe youth awaiting trial should be held in a juvenile facility rather than an adult jail²⁶ and 71% believe placing youth in adult facilities is minimally or not at all effective at rehabilitating youth.²⁷



Neurological research demonstrates that brain development is not complete until youth reach their 20s.¹²



A poll of registered DC voters found that

believe youth awaiting trial should be held in a

Proposed Policy Changes to Promote Youth Accountability and Rehabilitation

DC lawmakers and policymakers should pursue three key changes to the District's justice system to promote public safety and the effective rehabilitation of youthful offenders: 1) allow judges to review a youth's case to consider whether it should be moved to juvenile court, 2) end "once an adult always an adult," and 3) prohibit the pretrial detention of youth in adult facilities.

1. Allow for "reverse transfer" motions

After youth are direct filed into the adult system, there is no mechanism for their case to be transferred to the juvenile system, no matter what additional facts become available.²⁸ In many cases, further investigation or questioning of witnesses at trial reveals important information. Indeed, at trial, a youth may not even be found guilty of any offense that would have made him or her eligible for direct file.

The District should make policy changes that allow the youth to ask the judge to transfer the case to juvenile court. Such a motion is often referred to as a "reverse waiver" or "reverse transfer" motion, mirroring the transfer motions that can be filed in juvenile court to move a case into the adult system. Such motions would allow for the decision about

which system is most appropriate for an individual youth to be made by an impartial judge and when full information on the case is available.

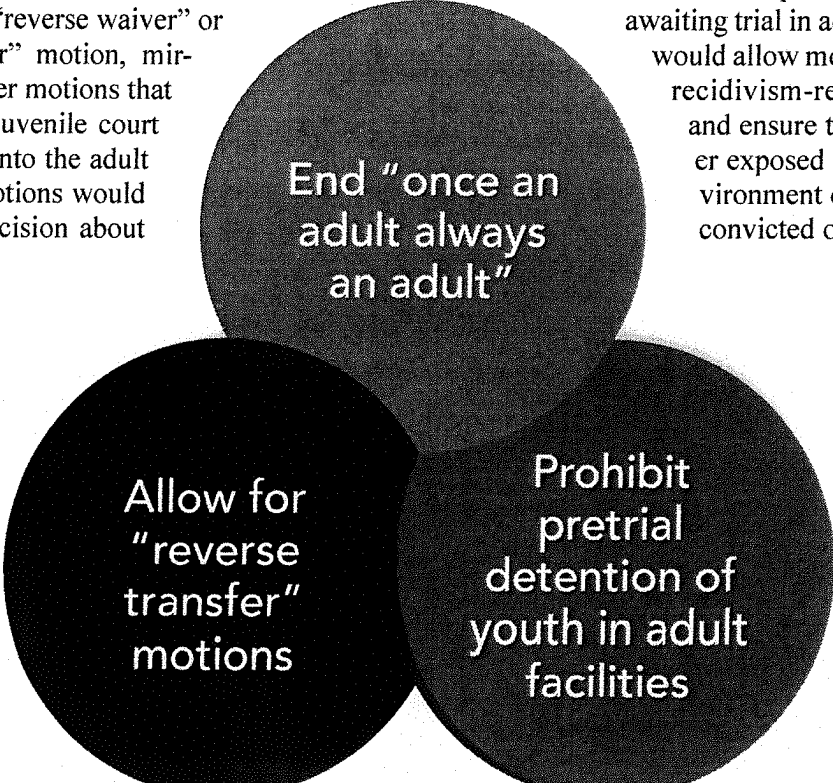
2. End "once an adult always an adult"

Once a child is transferred for criminal prosecution as an adult, the juvenile court no longer has jurisdiction over the child for any subsequent delinquent act unless the youth is acquitted.²⁹ This procedure improperly presumes that any youth who was once charged as an adult does not belong in the juvenile system. If a youth has been released from the custody of the adult system, a minor charge may be handled more appropriately by the juvenile system. The District should eliminate "once an adult always an adult," setting the default rule that individuals under age 21 be charged in juvenile court for any offense alleged to have been committed prior to age 18.

3. Prohibit pretrial detention of youth in adult facilities

DC youth charged as adults are currently held at the Correctional Treatment Facility (CTF) while they await trial. In fact, 59% of all days that youth spent at CTF during 2012 were pretrial days.³⁰

DC law should prohibit holding youth awaiting trial in adult facilities. This would allow more youth access to recidivism-reducing programs and ensure that youth are never exposed to the harmful environment of adult jail unless convicted of a crime.



End "once an adult always an adult"

Allow for "reverse transfer" motions

Prohibit pretrial detention of youth in adult facilities



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

D.C. Prisoners: Conditions of Confinement in the District of Columbia

June 11, 2015

A report of the Washington Lawyers' Committee
for Civil Rights & Urban Affairs
11 Dupont Circle NW, Suite 400
Washington, DC 20036
www.washlaw.org

suicide prevention training.”¹¹³ The suicide prevention training program for all employees was “a 39-slide PowerPoint presentation . . . encompassing only one hour of instruction.”¹¹⁴ Overall, the report concluded that “the number of hours devoted to both pre-service and annual suicide prevention training for correctional, medical, and mental health staff is inadequate, and the content of the training curricula is in need of improvement.”¹¹⁵

2. Suicide Prevention Task Force

In response to the increase in prisoner suicides, the DCDOC formed the Suicide Prevention Task Force to review “custodial practices related to medical and mental health issues in DOC facilities.”¹¹⁶ On October 14, 2013, the Task Force published a report summarizing a recent meeting and other steps taken by the Task Force to date.¹¹⁷ In the report, the Task Force noted that, as of the date of the report, the suicide rate for the DCDOC as a whole, when accounting for the average daily population of its facilities, was “more than 3 times the average” of local jails nationwide.¹¹⁸

The report also described positive steps that the Task Force had taken to address some of the concerns outlined in the Hayes Report. For example, the following Task Force recommendations were implemented:

- Increase the frequency of “Segregation and Intake unit checks” to at least once every fifteen minutes.¹¹⁹
- Ensure that “NO ONE is placed in a single cell unless there’s an overwhelmingly compelling reason to do so.”¹²⁰
- Include a dedicated booking supervisor at intake to “monitor all high-risk inmates . . . to determine if an expedited referral to a mental health clinician is warranted.”¹²¹
- Implement a new “Razor plan” that prohibits prisoners from accessing razors.¹²²

¹¹³ *Id.* at 9.

¹¹⁴ *Id.*

¹¹⁵ *Id.* at 10.

¹¹⁶ *See* Task Force Report, 2.

¹¹⁷ *See generally id.*

¹¹⁸ *Id.* at 4.

¹¹⁹ *Id.* at 6.

¹²⁰ *Id.*

¹²¹ *Id.* at 5.

¹²² *Id.* at 6.

- Institute a more robust four-hour suicide prevention training curriculum.¹²³

In its report, the Task Force also described a set of “long-term suicide prevention strategies undergoing consideration.”¹²⁴ For example, in order to improve suicide-resistance in prisoner cells, the “DOC’s Facilities team” worked on and had “nearly completed a ‘suicide-resistant’ cell prototype.”¹²⁵

Although the Task Force report signaled some improvements in the DCDOC’s suicide prevention program, more work needed to be done beyond what was described in the October 2013 report. The DCDOC has reported that, as of May 2015, it has taken the following additional steps to improve its suicide prevention practices.

- The DCDOC reports that, as of October 2014, “all 40 designated cells have been completed and retrofitted as follows: to decrease ligature points, handles have been removed from toilets and desks, vents are covered with anti-ligature grade mesh, pick-proof, penal-grade caulking has been used in the cells, and doors have been replaced to allow for 2 clear panels that provide enhanced vision into and out of the cells.”¹²⁶
- As of May 2015, the DCDOC “provides suicide-resistant smocks and blankets.”¹²⁷ In addition, “more time out of cells and the provision of more family visits and telephone access is under review.”¹²⁸
- The DCDOC reports that it “immediately discontinued “Behavior Management” status...upon receipt of the Hayes Report.” As of May 2015, the DCDOC reports that there are “two categories of observation: Suicide Watch for inmates thought to be actively suicidal and Suicide Precaution for inmates who are at risk of suicide, but less acutely compared to inmates on Suicide Watch.”¹²⁹ The DCDOC states that “Inmates on Suicide Watch are placed in a safe cell on 3rd floor medical and are provided one-to-one constant monitoring by a healthcare professional,” whereas “Inmates on Suicide Precaution are monitored by officers every fifteen (15) minutes in staggered intervals.”¹³⁰

¹²³ *Id.*

¹²⁴ *Id.* at 7.

¹²⁵ *Id.* at 8.

¹²⁶ DCDOC Response.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

- The DCDOC also reports that “Suicide Prevention training has been significantly enhanced.”¹³¹ As of May 2015, “[a]ll correctional officers, other DOC staff and healthcare vendor staff must undergo four (4) hours annually of Suicide Prevention training.”¹³² The DCDOC also stated that it “brought in national expert Dr. Dean Aufderheide to conduct a full day of training on self-injurious behavior issues which involved inmates with mental health issues as well as those exhibiting ‘bad behavior.’”¹³³ That training was attended by “[c]orrectional officers on the mental health and segregation units, as well as mental health staff.”¹³⁴

The DCDOC reports that the recommendations of the Hayes Report “have been implemented.” However, the WLC was unable to verify that this is the case. Based on the information provided, none of these improvements make clear how prisoners who were isolated for exhibiting suicidal behavior would be treated in a manner that is less restrictive or punitive than before. Hayes had noted that these seemingly punitive conditions were based on false assumptions and that they were actually counterproductive. Moreover, it is not clear that the 40 designated safe cells are being made available to inmates in all cases where there may be a need. For example, although a new inmate processing center currently under construction at the D.C. Jail contains a suicide-resistant cell, or safe cell, the existing inmate processing center (a converted housing unit) does not. It also is not clear whether a best-practices standard has been applied to confirm that safe cells are in fact adequately suicide-resistant. On our tour, a cell at the D.C. Jail deemed to be a safe cell appeared to be little different from a regular cell and included potentially dangerous fixtures, such as bunk beds.

Even though the D.C. Jail’s recent District inmate population is well below operating capacity, the DCDOC has a practice of double-celling, or holding two people in a single cell, for the general population. This practice was described as a suicide prevention measure. Individuals in the mental health unit, however, are generally housed one to a cell.

C. Issues Confronting Youth

Significant problems with the conditions of confinement for youth who are housed at the CTF were identified in a 2013 report prepared by a criminal justice consulting firm (the “Ridley

“Juveniles at CTF have needs far greater than the services currently provided.”

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

Report”).¹³⁵ The DCDOC operates the Incarcerated Juvenile Program at CTF, which includes youth who “have been charged in the court system as adults and are awaiting trial or currently serving their sentence.”¹³⁶ According to the Ridley Report, approximately one girl and seventy boys are processed through CTF each year, and approximately 26% of these youth have mental health issues.¹³⁷ At the time of the onsite assessments by the Ridley Group, the CTF was housing twenty-five youth, all but one of whom were boys.

The Ridley Report found that “juveniles at CTF have needs far greater than the services currently provided.”¹³⁸ The report highlights the inadequacies of the facilities at the CTF, the excessive imposition of segregation and isolation, and the insufficient programming for juveniles. The report also notes that boys may only visit with family members through video visitation, which can interfere with maintaining critical family bonds. As the following analysis suggests, many of these problems are exacerbated by the fact that the DCDOC is housing an average of twenty-five youth at a facility that also houses hundreds of adults.¹³⁹

1. Inadequate Facility

The Ridley Report concluded that the youth’s “Unit Space is inadequate for the population served.”¹⁴⁰ Units for youth should include “sufficient space for adequate physical exercise; provision of regular, special, and vocational education; and therapeutic programming.”¹⁴¹ However, the Ridley Report found that at the CTF, the on-site “school is cramped and the unit does not have dedicated programming or recreation space.”¹⁴² Some of the issues appear to arise from the fact that the small number of youth must be separated from the adult prisoner

The on-site “school is cramped and the unit does not have dedicated programming or recreation space.”

¹³⁵ Walter B. Ridley, Francis Mendez, and Ghia Ridley Pearson, *The District of Columbia Department of Corrections Correctional Treatment Facility Juvenile Unit Assessment* (2013). Mr. Ridley is a former Director of the DCDOC.

¹³⁶ *Id.* at 6.

¹³⁷ *Id.*

¹³⁸ *Id.* at 47.

¹³⁹ D.C. Dep’t of Corr., *DOC Official Population Counts by Facility*, <http://doc.dc.gov/node/307122>; D.C. Dep’t of Corr., *Quarterly Population Statistics October 2014*, <http://doc.dc.gov/node/344902>.

¹⁴⁰ Walter B. Ridley, Francis Mendez, and Ghia Ridley Pearson, *The District of Columbia Department of Corrections Correctional Treatment Facility Juvenile Unit Assessment* (2013), 9.

¹⁴¹ *Id.* at 13.

¹⁴² *Id.* at 9.

population by both sight and sound. For example, the juveniles are permitted to use the gym and outdoor recreation facilities only when the adults are not using those facilities. The Ridley Report recommended that the DCDOC “explore whether there are unused spaces in the complex that can be used for recreation activities and or to move the unit to a larger space.”¹⁴³

2. Use of Segregation

The Ridley Report, which was released in 2013, suggests that the use of isolation and segregation for youth at CTF is excessive. Generally, youth in D.C. are not supposed to be subject to isolation for more than five days, and a hearing of the housing board is required to extend the isolation of a juvenile beyond five days.¹⁴⁴ However, the Ridley Group found that in some cases “segregation had been extended multiple times,” causing the “juveniles to remain in segregation for longer periods of time.”¹⁴⁵ Indeed, “a few juveniles reported being placed in segregation for 2 months with 1 hour of recreation daily.”¹⁴⁶ In response, the Ridley Report recommended that DOC adopt a

[W]ritten policy which reflects clearly the process and procedure which ensures (a) juveniles are returned to the general population within the mandated five days of segregation/the duration of the segregation is as short as possible to address the risk to the other juveniles or (b) clear guidelines are defined and followed for segregation extensions.¹⁴⁷

In addition, the report recommended that “segregation should be revoked as soon as it is considered no longer reasonable and necessary for the purpose for which it was implemented.”¹⁴⁸ In March 2014, Daniel Okonkwo, the Executive Director of D.C. Lawyers for Youth testified before the D.C. City Council Committee on Public Safety and the Judiciary, asserting that, as of that time, the DCDOC had “still not established and published” a written policy “that defines the procedure and requirements for imposing solitary confinement.”¹⁴⁹ As a result, it appeared “that there [still] is no upper limit to how long a youth can be held in solitary.”¹⁵⁰

¹⁴³ *Id.* at 13.

¹⁴⁴ *Id.* at 36.

¹⁴⁵ *Id.* at 37.

¹⁴⁶ *Id.* at 15

¹⁴⁷ *Id.* at 37.

¹⁴⁸ *Id.*

¹⁴⁹ Testimony of R. Daniel Okonkwo, Executive Director, Committee on Public Safety & the Judiciary, Performance Oversight Hearing on the Department of Corrections (Mar. 19, 2014), http://www.dclj.org/cpsj_doc_2014#_ftn2.

¹⁵⁰ *Id.*

Excessive use of solitary confinement is troubling because of the effect that it can have on juveniles' development. A joint report by the American Civil Liberties Union and Human Rights Watch found that "solitary confinement of young people often seriously harms their mental and physical health, as well as their development," and called for the practice to be abolished.¹⁵¹ Clinical studies of the use of solitary confinement have "shown that adult prisoners generally exhibit a variety of negative physiological and psychological reactions to conditions of solitary confinement,"¹⁵² and the "American Academy of Child and Adolescent Psychiatry has concluded that, due to their 'developmental vulnerability,' adolescents are in particular danger of adverse reactions to prolonged isolation and solitary confinement."¹⁵³

"Solitary confinement of young people often seriously harms their mental and physical health, as well as their development"

While the inadequate facilities and excessive use of isolation are significant problems in their own right, the Ridley Report suggested that they may be linked. Inadequate space might require corrections staff to use isolation and segregation on youth more frequently than they would if they were housed in a more appropriate facility: "Based on the fact that all juveniles are housed on one unit, at CTF, it is difficult to separate them without the use of segregation."¹⁵⁴

The DCDOC has provided information on the use of administrative segregation subsequent to the release of the Ridley Report. The following chart provided by DCDOC shows the number of juveniles who were segregated over the past year (either because they were "awaiting a disciplinary hearing or placed in administrative segregation"):

¹⁵¹ Human Rights Watch and American Civil Liberties Union, *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*, <https://www.aclu.org/files/assets/us1012webwcover.pdf>.

¹⁵² American Civil Liberties Union, *Alone and Afraid*, <https://www.aclu.org/files/assets/Alone%20and%20Afraid%20COMPLETE%20FINAL.pdf>.

¹⁵³ *Id.* (internal citations omitted).

¹⁵⁴ Ridley Report, 37.

Month	Number of juveniles
May 2014	Six (6)
June 2014	Zero (0)
July 2014	Three (3)
August 2014	Three (3)
September 2014	Two (2)
October 2014	Six (6)
November 2014	Two (2)
December 2014	Zero (0)
January 2015	Zero (0)
February 2015	Zero (0)
March 2015	Five (5)
April 2015	Two (2)
May 2015	Zero (0)

Further, the DCDOC provided the following information about how, as of May 2015, it uses isolation and segregation with juveniles.

- Juveniles in administrative segregation are “housed in a separate cell on the lower tier within the juvenile unit.”¹⁵⁵
- According to the DCDOC, those juveniles are able to “attend school through DCPS and have access to legal services, programming, counseling services, and meaningful contact with the other juvenile inmates.”¹⁵⁶
- In addition, “[i]f a juvenile is placed in administrative segregation . . . officers are required to do a visual security check of the juvenile every fifteen (15) minutes,” and the “juvenile receives individual recreation for two (2) hours per day.”¹⁵⁷

As of May 2015, the DCDOC reports that, over the past year, “the average stay in segregation” is “approximately two (2) days.”¹⁵⁸ The DCDOC states that “[j]uveniles will not be placed in segregation for longer than five (5) days unless extenuating circumstances exist.”¹⁵⁹ It is unclear what these extenuating circumstances are or how frequently they are deemed to exist.

3. Insufficient Programming and Staffing

Insufficient programming for youth is a significant problem. According to the Ridley Report, “programming at the Juvenile Unit is insufficient and needs to be

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

expanded.”¹⁶⁰ The lack of programming left youth “without structured activity for the majority of the weekend.” Feedback from youth cited in the Ridley Report indicated that there “is too much down time with nothing structured to do.”¹⁶¹ In addition, youth who completed their GED or high school diploma did not have any academic programming provided and were instead “assigned to detail duty for extended periods of time.”¹⁶² With regard to re-entry programming, the Ridley Report recommended that CTF “incorporate evidence-based reentry planning as early as possible for all juveniles from the moment they are admitted.”¹⁶³ Such programming can be critical for helping to ensure that problems do not carry over into adulthood and that the youth are best equipped to succeed when they re-enter their communities. While the Ridley Group acknowledged that the DCDOC had “significantly expanded programming” in recent months, it stated that “there is still an opportunity to increase programming even further.”¹⁶⁴ According to the DCDOC, it has further expanded the juvenile program since the Ridley Report.¹⁶⁵ For example, the DCDOC expanded an after-school program so that it now operates Monday through Friday.¹⁶⁶

The Ridley Report also raised concerns with the staffing of the juvenile unit for youth prisoners, finding that many of the corrections officers lacked proper training. In response, the Ridley Group recommended that “Personnel on all shifts should be trained to work with juveniles.”¹⁶⁷ As a recent report by D.C. Lawyers for Youth and Youth Justice acknowledged, staffing issues were at least partially attributable to the fact that a small number of boys and girls are housed at an otherwise adult facility: “Given that youth are such a small fraction of CTF’s population, it is perhaps unsurprising that CTF does not have a separate position description for hiring corrections officers to the Juvenile Unit and that the Unit sometimes utilizes relief staff who normally work with adults.”¹⁶⁸ The DCDOC reports that, “[a]s of September 2014, all correctional officer recruits are trained in Positive Youth Development (PYD), as well as the operational and disciplinary procedures of the Juvenile Unit.”¹⁶⁹ The DCDOC states that its PYD training “emphasizes building skills and assets in youth in addition to preventing

¹⁶⁰ Ridley Report, 11.

¹⁶¹ *Id.*

¹⁶² *Id.* at 12.

¹⁶³ *Id.* at 21.

¹⁶⁴ *Id.* at 11.

¹⁶⁵ DCDOC Response.

¹⁶⁶ *Id.*

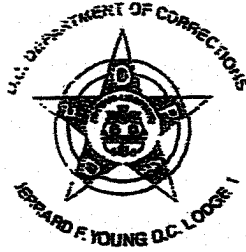
¹⁶⁷ Ridley Report, 14.

¹⁶⁸ Campaign for Youth Justice and D.C. Lawyers for Youth, *Capital City Correction: Reforming D.C.’s Use of Adult Incarceration Against Youth*, 18, http://www.campaignforyouthjustice.org/images/pdf/Capital_City_Correction.pdf.

¹⁶⁹ DCDOC Response.

Fraternal Order of Police

Department of Corrections Local Authorities



711 4th Street, Northwest
Washington, D.C. 20001

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202-737-1892

email: fopdocdc@yahoo.com
Fax 202-737-1505

Testimony

Sergeant John Rosser

Chairman FOP DC Corrections Union

Presented before the

Judiciary Committee of the City Council, Washington DC

Kenyan McDuffie - Chairman

Good Morning Judiciary Committee Chairman McDuffie, I am Sergeant John Rosser Chairman of the Union that represents the City's publicly employed Uniformed Correctional Officers and vital Non-Uniformed Support Staff. I want to discuss several Public Safety Issues impacting DC Corrections. These issues are; **(1) the lack of a competitive Fully Funded Law Enforcement Retirement, the need for a new and Modern Jail Facility and the need for a dedicated Medical Holding Unit Lockward.**

Councilman McDuffie, **every jurisdiction that touches Washington DC has a Defined Benefit Retirement for its public corrections workforce.** Washington DC's pension benefit is the worst in the region. This sad fact has essentially reduced the entire city public workforce to a regional training operation where our neighboring states and counties fill their agency needs with our trained workforce. Nowhere is this more damaging than at Corrections. I am told this is a Collective Bargaining issue, not so! Next door Virginia, a right to work, non-Union state, gives its public employees, especially in Public Safety, a defined benefit retirement. We lose too many Officers and vital Support staff to our neighbors over this enticing Retirement issue. Yes, today we are suffering because of decisions and choices made by City leaders nearly thirty years ago. On October 1st 1987 City Leaders, in their march towards statehood, chose for their workforce a cheap way out. Naturally city employees, retiring in the late 1980's and throughout the 1990's, were still under civil service, so the issue wasn't apparent. **Today**

A Law Enforcement based fully funded Pension plan competitive with all our neighbors, a new and modern publicly run Detention facility, and a secure lockward providing security at our hospitals are three top priorities that need addressing and action at DOC.

We care at Corrections. Nowhere is this more evident that our yearly One Fund contributions that are always the largest in the city! This year over \$113,000 !!! Simultaneously we collected and distributed gloves to over 400 children in the shelter that is our neighbor in South East.

We Care! We ask that the elected Officials take time to care about the safety issues presented today.

Thank You.

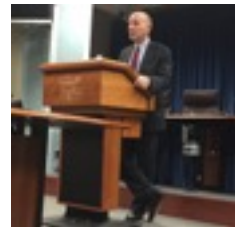
Martin Moulton, Vice Chair MPD3D Citizens Advisory Committee, Public Volunteer ANC6E Public Safety Committee

"Our criminal justice system is not rehabilitative"

— MPD Chief Lanier, 6 April 2016,
MPD Community Engagement Academy

**"We spend... close to \$100,000 per individual
in the criminal justice system now."**

— DC Council Chairman Phil Mendelson, 29 February, 2016
(video: <http://tinyurl.com/jofpfn4>)



Good morning Chairman McDuffie and Members of the committee and committee staff. Thank you for holding this public oversight hearing on the Department of Corrections and Office of Returning Citizens. My name is Martin Moulton and I serve as the Vice Chair of the MPD Third District Citizens Advisory Committee and as a public volunteer on the ANC6E Public Safety Committee. I live in the Shaw community of Ward 6 where we've seen on too many occasions how the Department of Corrections does in fact not correct the behavior of its clients and the Office of Returning Citizens completely fails at re-integrating our fellow citizens back into civilized society.

As a Libertarian, I'm enthusiastic about eliminating the budgets of completely useless government agencies which serve merely as political totem poles and are more of a burden to taxpayers than anything else. (I bring to your attention, the two above quotes from MPD Chief Lanier and DC Council Chairman Mendelson from earlier this year.)

The cottage industry of alphabet soup agencies ripping off tax payers are not solving problems but instead seem to be perpetuating them. Fourteen year olds enter your criminal justice vortex only to get advanced degrees in violence and destructive crime. Adding more and more bandaids to the problems won't solve them without fundamentally changing the laws which you have in place which create many of the problems in the first place. DC Superior Court Judge Lynne Leibovitz recently sentenced a local Shaw drug dealer and gunman to three years, but expressed deep regret from the bench noting that incarcerating him surely was not going to do him **"any good."**

DATA and New Strategies

Oftentimes at these hearing, instead of real verifiable stats these agencies deliver only deceitful anecdotes to cover up the waste fraud and abuse as they recycle human lives — like rotting meat through a grinder — churning out more deadly and callous criminals

For anyone who has seen the latest Micheal Moore documentary **"Where to Invade Next"**, there are clearly other methods and techniques to address criminal corrections and we should not need to live in a majority white society to put those in place while systematically overthrowing the underclass in our largely African American city.

Martin Moulton, Vice Chair MPD3D Citizens Advisory Committee, Public Volunteer ANC6E Public Safety Committee

I would like to know how many Councilmembers — who create and lord over the laws which send so many to jail — have spent the night in the DC jail themselves to demonstrate that you understand what it must be like to be treated like a caged rodent and then — somehow, miraculously — come out with greater self esteem, motivation, dignity and with the ability to love yourself — and others — and not be released like a rabid callous empty soul who will go on shooting rampages in public parks and Rec centers in Shaw, neighborhoods in the 7th District, and schools in the third district — where a man was murdered and another riddled with bullets just last weekend.

As MPD Detectives verify under oath each week in DC Superior Court — but Chief NEVER testifies to before the Council, although many black men and boys can no longer make millions selling dope and poison on our streets, thousands of born and bred and poorly educated Native Washingtonian murderous gunslinging drug dealers from 12 to 50 years old, can still in 2016, make more money pushing dope on our streets than in any entry level or even a \$20 minimum wage job and they don't even need to work 8 hours a day or 5 days a week to bring home that bacon to their families and those they pay off to look the other way.



Friday 15 April
Shooting, MPD 7D

The Office of Returning Citizens must address the reality that they cannot prepare many its clients to do anything more lucrative or productive than pushing dope on our streets.

Recommendations

I suggest that you consider upgrading the justice system's High Intensity Supervision Program (HISP) GPS system. Give gun offenders an option of being "**publicly**" tracked with an app — for the safety of the community — and so they are free to go to school or work in the community instead of being treated like a caged fowl on an industrial farm. A fourteen year old was released by the court after his arraignment recently who has unloaded more than 15 rounds from his TECH9 all over a block in the 7th District.

As long as we have a sex offender registry, we should be able to have a similarly **public** gun offender registry — for the safety of the community, so that when we see a known violent illegal gunslinger hanging out shooting craps or smoking dope outside the Kennedy Rec Center or in the NStPark we can at least make sure that our children aren't playing nearby before they go on their next bloody rampage.

These former offenders should be able to do the minimally skilled labour needed to help Casey Trees take care of our struggling and dying tree canopy by properly mulching and watering trees in and around our Rec centers and parks and in residential and business districts.

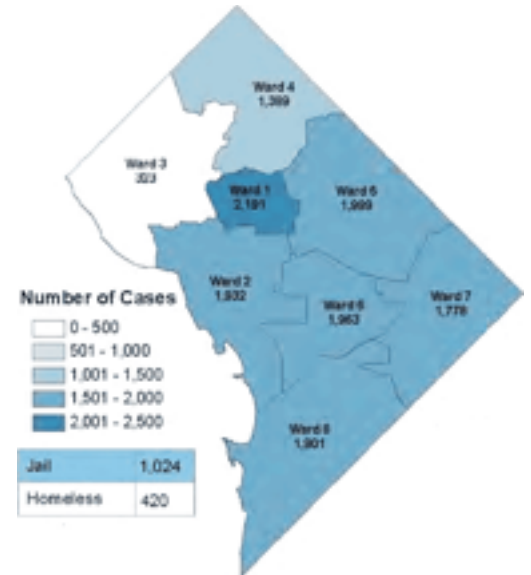
The NRA would surely appreciate your separating the wheat from the chaff — illegal gun owners can be distinguished from legal gun owners like my brother who as a hunter has a small arsenal of around 8 rifles and glocks — and who has taught my ten and eight year old niece and nephew to appreciate the danger of firearms and their proper use, just as we were taught at their age by our former military and farmer uncle.

Council of the District of Columbia
Budget Oversight Hearings on Fiscal Year 2017 | Budget Oversight Hearing: Committee on the Judiciary
Department of Corrections & Office of Returning Citizens Affairs
Room 120, John A Wilson Building
1350 Pennsylvania Avenue NW, Washington, DC 20004
10am, Wednesday, April 20, 2016

Martin Moulton, Vice Chair MPD3D Citizens Advisory Committee, Public Volunteer ANC6E Public Safety Committee

The Dept of Corrections should give an update on the jaw dropping levels of HIV infection out of control and too embarrassing for politicians to address need more attention by the Council as former Chairman and Mayor Gray addressed this horrifying epidemic in the DC Jail. (2010 HASTA Report.)

<http://eomdc.org/projects/2010dchastareport/>



Source: The Far Northeast/Southeast Ecumenical Outreach Ministry.

It's no wonder that HIV rates have increased among the African American women who likely interact with some of these callous individuals after they are released into the community.

Thank you for your time and consideration.

Martin Moulton

MPD 3DCAC Vice Chair

Public volunteer on the ANC6E public safety committee

(Soon) Graduate from MPD Community Engagement Academy

(202) 422-1161

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Corrections



Fiscal Year 2017 Budget Oversight Hearing

**Testimony of
Thomas Faust
Director**

Before the

**Committee on the Judiciary
Kenyan McDuffie, Chair
Council of the District of Columbia**

**Wednesday, April 20, 2016
10:00 am
Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004**



GOOD MORNING CHAIRMAN MCDUFFIE AND MEMBERS OF THE COMMITTEE ON THE JUDICIARY. I AM TOM FAUST, DIRECTOR OF THE D.C. DEPARTMENT OF CORRECTIONS. JOINING ME AT THE TABLE TODAY IS QUINCY BOOTH, DEPUTY DIRECTOR FOR MANAGEMENT SUPPORT, TONI PERRY, DEPUTY DIRECTOR FOR OPERATIONS, AND ANTOINETTE HUDSON BECKHAM, OUR AGENCY FISCAL OFFICER. I AM PLEASED TO TESTIFY BEFORE YOU TODAY ON MAYOR BOWSER'S FISCAL YEAR 2017 BUDGET.

THE DEPARTMENT OF CORRECTIONS CURRENTLY OPERATES A LARGE URBAN JAIL SYSTEM WITH A TOTAL DAILY POPULATION OF APPROXIMATELY 1,730 INMATES---WHICH INCLUDES PRE-TRIAL DETAINEES, SENTENCED MISDEMEANANTS, FELONS, AND PAROLE VIOLATORS.



WE ARE SUPPORTED BY TWO PRIMARY CORRECTIONAL FACILITIES—THE CENTRAL DETENTION FACILITY ALSO KNOWN AS THE D.C. JAIL AND THE CORRECTIONAL TREATMENT FACILITY (CTF), PRIVATELY OPERATED BY THE CORRECTIONS CORPORATION OF AMERICA UNDER CONTRACT WITH THE DISTRICT OF COLUMBIA. UPON EXPIRATION OF THE CCA CONTRACT IN JANUARY OF 2107, THE DISTRICT OF COLUMBIA WILL ASSUME FULL OVERSIGHT OF THE CORRECTIONAL TREATMENT FACILITY. THE DEPARTMENT ALSO CONTRACTS WITH TWO PRIVATELY OPERATED HALFWAY HOUSES SERVING MALES AND FEMALES AS ALTERNATIVES TO JAIL INCARCERATION. THE DEPARTMENT'S PROPOSED FISCAL YEAR 2017 TOTAL GROSS OPERATING BUDGET, WHICH INCLUDES LOCAL, SPECIAL PURPOSE REVENUE, AND INTRADISTRICT FUNDS IS APPROXIMATELY \$147 MILLION WITH AN FTE LEVEL OF 1,162. THIS REPRESENTS A 2.6% DECREASE OVER THE FISCAL



YEAR 2016 APPROVED GROSS BUDGET AND AN INCREASE OF 24.7% IN THE OVERALL FTE LEVEL—WHICH ALSO INCLUDES CTF STAFFING.

THE DEPARTMENT IS COMPRISED OF FOUR DIVISIONS THAT INCLUDE INMATE SERVICES, INMATE CUSTODY, AGENCY MANAGEMENT, AND AGENCY FINANCIAL OPERATIONS.

THE PROPOSED 2017 BUDGET DISTRIBUTION AMONG THESE DIVISIONS IS:

INMATE SERVICES – \$43.5 MILLION OR 30%

INMATE CUSTODY – \$81.6 MILLION OR 56%

AGENCY MANAGEMENT – \$20.4 MILLION OR 14%

AGENCY FINANCIAL OPERATIONS – \$1.3 MILLION OR 1%

IT SHOULD BE NOTED THAT THE LOCAL BUDGET REFLECTS A NET INCREASE OF \$1.9 MILLION TO SUPPORT SALARIES, FRINGE BENEFITS, AND OVERTIME COSTS ACROSS MULTIPLE DIVISIONS.



IN ADDITION, THE MAYOR'S FISCAL YEAR 2017 BUDGET INCLUDES A ONE-TIME ENHANCEMENT OF \$5.9 MILLION TO COVER COSTS ASSOCIATED WITH THE TRANSITION OF CTF OPERATIONS. FOLLOWING THE INITIAL TRANSITION YEAR, BASELINE FUNDING ALREADY ALLOCATED FOR THE CORRECTIONAL TREATMENT FACILITY WILL SUPPORT CONTINUED OPERATIONS UNDER DEPARTMENT OF CORRECTIONS LEADERSHIP. DOC PROJECTS THAT SUFFICIENT FEDERAL REIMBURSEMENT REVENUE WILL BE COLLECTED TO CONTINUE TO FUND CTF OPERATIONS WITH SPECIAL PURPOSE REVENUE.

IN MOVING FORWARD WITH THE TRANSITION, WE ARE WORKING CLOSELY WITH CCA MANAGEMENT AND LINE STAFF TO SHARE INFORMATION AND ENSURE THERE IS FULL TRANSPARENCY THROUGHOUT THE PROCESS.



TRANSITION PLANNING TEAMS HAVE BEEN ESTABLISHED
AND ARE MEETING ON A REGULAR BASIS TO
COLLABORATIVELY PLAN FOR EACH PHASE OF THE
MANAGEMENT CHANGE.

AS REPORTED DURING OUR PERFORMANCE HEARING,
OPERATIONAL AND PROGRAMMATIC PRIORITIES FOR THE
AGENCY INCLUDE TRANSITIONING CORRECTIONAL
TREATMENT FACILITY OPERATIONS FROM CCA TO THE
DEPARTMENT; ESTABLISHING ENHANCED OPERATIONAL
PROTOCOLS FOR RESTRICTIVE HOUSING AT THE D.C. JAIL;
ACHIEVING PRISON RAPE ELIMINATION ACT COMPLIANCE
FOR ALL DOC FACILITIES; OPERATIONALIZING A MENTAL
HEALTH STEP DOWN UNIT AT THE JAIL; AND EXPANDING
PROGRAMMING OPTIONS FOR THE JUVENILE POPULATION.



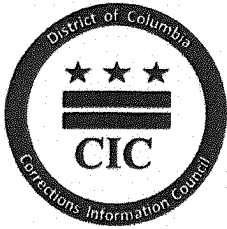
CRITICAL CAPITAL PROJECTS IN PROGRESS AND EXPECTED TO CONTINUE INTO FISCAL YEAR 2017 ALONG WITH THOSE PROJECTED TO BEGIN IN FISCAL YEAR 2016 INCLUDE:

GENERAL FACILITY RENOVATIONS, THE SECOND PHASE OF ROOF REFURBISHMENT, UPGRADING OF OUR FACILITY COMMAND CENTER, AND HVAC REPLACEMENT.

THE RESOURCES ALLOCATED TO THE AGENCY IN THE MAYOR'S PROPOSED FISCAL YEAR 2017 BUDGET SUPPORT OUR MISSION AND PRIORITIES ESTABLISHED AS WE WORK TOWARDS BECOMING A BENCHMARK CORRECTIONS AGENCY.

I THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY AND LOOK FORWARD TO ANSWERING YOUR QUESTIONS AT THIS TIME.





CIC | DC Corrections Information Council

Testimony of Michelle Bonner, Executive Director, DC Corrections Information Council, at the Committee on the Judiciary Budget Hearing Wednesday, April 20, 2016

Good day, Chairman McDuffie and other members of the Committee on the Judiciary.

I am Michelle Bonner, the Executive Director of the DC Corrections Information Council, commonly known as the "CIC." Board chair Phylisa Carter, board member Katharine Huffman, and recently nominated board member D. Yvonne Rivers join me in thanking you for your continued support.

As you know, the CIC is an independent monitoring body initially established under the 1997 Revitalization Act, with its mandate further expanded and detailed in the DC Jail Improvement Act of 2003. The CIC is mandated to inspect, monitor, and report on the conditions of confinement in the prisons, jails, and halfway houses where DC residents are incarcerated. This includes about 4,900 residents in 116 Federal Bureau of Prisons (BOP) facilities and contract facilities in 34 states and the District of Columbia, as well as over 1,700 residents in the custody of the DC Department of Corrections (DOC).

The CIC is in its sixth month as a newly independent agency. Thanks are due to Councilmember McDuffie, this Committee, the Mayor, and to the tireless work of many advocates who have never given up on the dream of a fully funded, supported and operational corrections oversight body. In fiscal year 2015, the CIC was part of the Deputy Mayor for Public Safety and Justice budget, with \$251,380 allocated for CIC. For fiscal year 2016, this Committee and Administration agreed to the CIC's \$230,000 budget enhancement request for additional staff, increasing the CIC's budget to \$482,292. With this increase, the CIC also was transformed into a truly independent agency, with control over its own budget. In less than six months, the CIC has:

- increased staff from two full-time employees (FTEs) to six FTEs;
- hired its first executive director;
- increased the number of program analysts from one to three; and
- acquired the authority to enter into contracts for services to improve the operations of the CIC.

In the Mayor's FY 2017 proposed budget, proposed local funds to the CIC is \$497,297, an increase of \$15,005. This increase is attributed to the 3.1 percent cost-of-living increase in personnel funds (\$17,000) and a decrease in of \$2000 in non-personnel services funds. In addition to the \$451,000 dedicated to personnel services, other allocations include:

- \$29,500 for local and out of town travel;
- \$7516 for professional services;

- \$5,000 for office supplies;
- \$3,000 for printing/duplication;
- \$250 for postage; and
- \$1,000 for professional dues/conference fees.

Some have said that the CIC won the proverbial budget “lottery” in fiscal year 2016 with its 48 percent budget enhancement; and the CIC is truly grateful for the increased budget and the increased staffing capacity has come with it. However, even with the modest additional proposed increases for fiscal year 2017, five months into our independence, the CIC realizes that there are still more enhancements that are necessary and essential for effective operations.

Office Space

In the CIC statute it clearly states that, “The Mayor shall provide the CIC with adequate office space that is separate and independent from the Department of Corrections.” DC Code § 24-101a (i). Until last year, the CIC was located in the fifth floor desk bank of the Wilson Building. When the Mayor’s Office needed that space, the Department of General Services (DGS) moved the two CIC FTEs to ground floor space at our current location, in the Greater Washington Urban League building. The CIC is now in about 600 sq. ft. of space that OSSE is not currently using (and which used to be the storage area for the DC Commission on the Arts & Humanities). Since the move the CIC has increased from 2 FTEs to 6 FTEs, plus up to four student interns, in this very small space. The program analysts and interns work in a windowless space of less than 400 sq. ft. containing 6-7 persons. This space is no longer adequate for the CIC.

The CIC has been in communications with DGS, trying to facilitate a move and to determine how the move and new space would be paid for. Yesterday, DGS informed the CIC that the language of the statute means that the Mayor would make space available, but that costs “would need to be included in the budget at formation, or provided for via MOU.” DGS has identified adequate space that requires \$123,200 per year, which is not included in the CIC’s current budget or proposed FY 2017 budget. If these office space costs (along with moving costs) are not covered by DGS’s general operating budget, then the CIC budget would need to be enhanced by at least \$150,000 (space, moving, build-out, furniture) to cover these costs.

Data Management System

The CIC has requested to reprogram \$45,008 of Personal Services (PS) funds in FY 2016 to be used to develop its data management system. These funds arise from the executive director’s position not being filled until November 9, 2015 and two program analyst positions not being filled until December 14, 2015, weeks into FY 2016. The funds would be used to contract with information technology consultants to build the CIC database, software licensing, and potential maintenance. While the CIC will not have the build-out expense of the database in FY 2017, there will likely be licensing fees, maintenance and support costs that will exceed the \$7,516 currently allocated for Professional Services. For instance, licensing fees for Salesforce can run upwards of \$2000 per license; and IT support

is estimated at no less than \$10,000. Therefore, \$20,000 for professional services would better meet the data management goals of the CIC.

Increase Board Size

In our Budget Support Act (BSA) submission, the CIC requested to increase its board size from three volunteer board members to five volunteer board members. The CIC feels that this increase would relieve some of the burden that the existing three-member board – all with full-time jobs and other responsibilities outside of the CIC – have graciously endured.

Staff Capacity

With an executive director and three program analysts, the CIC is very excited by the increased capacity to perform the agency's work. As stated during last month's performance hearing, staff have been very busy catching up on the backlog of inspection reports while learning the job during two program analysts' first four months. The third program analyst started last week, filling Cara Compani's position. We have resumed inspections, with a trip to FCI Hazelton in West Virginia last week and an inspection scheduled at FCI Allenwood Medium in Pennsylvania this Friday.

The program analysts are dedicated to inspections, report-writing, data collection and management, assessments of corrections programming and operations, and responding to inmates and their loved ones. An additional FTE to help with administrative operations would greatly increase the executive director's ability to perform more substantive work of the CIC, to include working with corrections agency officials, Department of Justice, and other federal and District agencies to improve conditions of confinement. In lieu of an additional FTE for FY 2017, the CIC requested an enhancement of \$20,000 for stipend support for a legal/graduate fellow or Public Allies volunteer, which is not included in the proposed budget.

Grants

While the CIC is hoping in FY 2017, if not before, to achieve objectives mentioned in this testimony, the agency will apply for grant funding to support special initiatives. The CIC has registered with Grants.gov to be ready to apply for federal grant opportunities as they arise. Also, the CIC intends to apply for FY 2017 Byrne JAG funding through the DC Justice Grants Administration next month. However, grant funds are not guaranteed; therefore, the CIC cannot rely on grant funding for office space, data management, or increased administrative capacity.

Again, the CIC is extremely grateful for the FY 2016 budget increase that greatly increased its capacity. The next steps are to provide adequate space, technological support, and administrative support so that the CIC can fulfill its mission to inspect and monitor correctional facilities to improve conditions of confinement and prepare DC incarcerated residents for safe, successful reintegration into the DC community.

Thank you.

**GOVERNMENT OF THE
DISTRICT OF COLUMBIA**
Mayor's Office on Returning Citizen Affairs



Fiscal Year 2017 Budget Oversight Hearing

Testimony of
Charles B. Thornton
Director, *Mayor's Office on Returning Citizen Affairs*

Before the
Committee on the Judiciary
Council of the District of Columbia

April 20, 2016
Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good morning, Chairman McDuffie and Councilmembers,

I am pleased to testify today on the Mayor's Office on Returning Citizen Affairs Fiscal Year 2017 agenda and budget.

Our work is fully aligned with Mayor Bowser's 'Fair Shot Agenda.' As you know, the Mayor has proposed a balanced budget that invests in things that matter most to District residents, including: jobs and job training, education, affordable housing, public safety and infrastructure.

These priorities support people of all backgrounds, of all ages, in all 8 Wards of our city – including the returning citizen community.

Our office is focused on making sure that the constituents we serve have full access to the services and benefits offered by District government.

We serve as a resource to the returning citizen community, and we ensure that their specific interests and concerns are reflected in the day-to-day work of the more than 70 agencies that serve District residents.

Specifically, in the next year, we will focus on:

Strategic Planning- MORCA is working with the Criminal Justice Coordinating Council (CJCC) to create a strategic plan for the office as well as a Reentry Plan for the District. The goal is to create a comprehensive strategic plan that involves every criminal justice stakeholder that touches returning citizens upon their release back into the community.

Evidenced Based Practices – MORCA has taken a closer look at our placements and has strategically started compiling and examining best practices for returning citizens in the District of Columbia. There are several Federal listed best practices i.e. high risk interventions as opposed to low risk. We believe we must continue to study the success and monitor the setbacks and come up with a list of best practices for our use.

Family Reunification- MORCA has seen a significant amount of success for individuals who have strong family support upon release and have begun to examine more ways to encourage family reunification and facilitate partnerships with family oriented organizations for returning citizens in the District.



Collaborations- MORCA will continue to seek out partnerships within the community to assist in the development and overall well-being of returning citizens. We will be focusing on health, education and the overall well-being of our clients.

Our office has a budget of \$490,000 to accomplish these goals. The Mayor's FY 2017 budget is built for the residents of Washington, DC. It keeps us on the path to ending homelessness....invests in our communities... provides the resources to keep our neighborhoods and streets safe....and allocates resources for vital infrastructure improvements.

The Mayor's budget will help us ensure that every resident gets a fair shot and a pathway to the middle class.

I am confident that Mayor Bowser's agenda and proposed budget will make life better for the returning citizen community, a constituency of over 60,000 people who call DC home.

Thank you for your time. And now, I am happy to answer your questions.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Forensic Sciences



Fiscal Year 2017 Budget Oversight Hearing

Testimony of
Dr. Jenifer A. L. Smith
Director

Before the

Committee on the Judiciary

Council of the District of Columbia

April 20, 2016
Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good Morning Chairperson McDuffie, members and staff of the Committee. I am Dr. Jenifer Smith, the Director of the Department of Forensic Sciences. I am pleased to testify before you today in support of Mayor Muriel Bowser's Fiscal Year 2017 Budget, entitled "Giving District Residents a Fair Shot." As Mayor Bowser recently testified before the Council, key investments in her proposed budget are geared toward making life better in the District. Ensuring the safety of DC residents and visitors requires the collective efforts of several key agencies to include the Department of Forensic Sciences. The ability to provide accurate and timely forensic results to employees of the Public Defenders Service, Metropolitan Police Department, United States Attorney's Office, or the District's Attorney General's Office is a key ingredient for these critical stakeholders to perform their duties to ensure a Safer and Stronger DC.

Today I am pleased to share that Mayor Bower's Fiscal Year 2017 Budget submission for the Department of Forensic Sciences includes additional resources that will help achieve a Safer, Stronger DC. This budget will allow me to:

- appropriately address the multiple statutory mandates within the legislation that established the Department of Forensic Sciences;
- provide high-quality, timely, accurate and reliable forensic science services with the use of best practices and best available technology;
- maintain continued accreditation;
- ensure a qualified workforce through efficient hiring and continual training;
- provide discovery documentation to critical stakeholders for court procedures;
- and begin civilianization of crime scene specialists in order to return sworn officers to their street duties.

For the record, the Mayor's proposed FY17 budget for the Department of Forensic Sciences is \$24,076,399, and funds 195.25 Full Time Employees (FTE). The proposed budget has three components: local, intra-district, and federal grant funds. The local budget represents \$22,879,234 and funds 187 FTEs. The intra-district budget represents \$821,275, and funds 3.25 FTEs. The federal grant budget represents \$375,890, and funds 5 FTEs. The proposed budget supports the four DFS Divisions:

- Forensic Science Laboratory, representing a total of 66.25 FTEs, including the Forensic Biology Unit, Latent Fingerprints Unit, Firearms Examination Unit, Forensic Chemistry Unit, and the Forensic Intelligence Unit;
- Public Health Laboratory, representing a total of 18 FTEs, including the Microbiology Unit, Chemistry Unit, Virology Unit, and the Molecular Diagnostics Unit;
- Crime Scene Sciences, representing a total of 78 FTEs, including the Crime Scene Sciences Unit, and the Central Evidence Unit; and the
- Agency Management Division, representing a total of 33 FTEs – consisting of quality assurance, training and development, legal affairs, performance management, human resources, resource allocation, health and safety, and our information technology support.

Before delving into specifics, I would like to briefly discuss previous FY15 and FY16 activities that provided a foundational support to the Mayor's proposed FY17 Budget. Soon after my appointment in mid-July 2015, I worked closely with my senior staff to fill gaps and address recommendations identified by the Mayor's internal review of the Department. These recommendations concerned issues beyond those affecting DNA testing, extending to infrastructure gaps, testing inefficiencies and management misalignments. At that time, the majority of the DFS senior management positions were vacant and the remaining managers took on additional duties and helped me begin to "right size" the organization. We conducted a



review of the responsibilities of all management positions and assessed the caseloads of the all units within the Department. These assessments led to realignment, or repurposing of positions and deactivation or creation of units. The need for a Laboratory Information Management Systems (LIMS) was determined to be a critical infrastructure gap and funding was directed towards procurement and implementation of LIMS. In addition to the need to outsource DNA testing, we determined that contractor support was needed to address increasing caseloads and productivity inefficiencies in the Latent Fingerprint and Firearms Examination Units. Additionally, during the summer, the need to civilianize the crime scene workforce was identified.

Throughout the early Fall of 2015, the Administration worked closely with the budget office and the Council and, this November, DFS received \$8 million in one-time funding and support to hire 50.75 additional term employees. Entitled the “Safer, Stronger DC plan”, this funding commitment from the Mayor and the Council helped the Department to:

- support the implementation of LIMS;
- begin to address case backlogs in the Latent Fingerprint and Firearms Units;
- hire additional civilians as term crime scene specialists;
- reduce turn-around -times associated with the testing of evidence from sexual assaults through out-sourcing;
- and reinstate DNA testing on February 18, 2016

The majority of supplemental positions, 37 FTEs, were added to expand our civilian Crime Scene Sciences Division, so that we can respond to crime scenes for evidence collection, a duty we currently share with MPD crime scene investigation officers. Two FTEs were added to the Forensic Biology laboratory and three additional FTEs were identified to create a Forensic Intelligence Unit that will coordinate evidence identification for forensic examination with all



contributors and stakeholders, process and track evidence related requests and provide statistics on service requests, evidence submissions, turnaround times and workflow efficiencies.

The remaining FTEs were assigned to the Agency Management Division that support quality assurance, accreditation, training, employee health and safety, human resource management, performance tracking, and resource allocation.

At the beginning of FY16, the additional FTEs from the “Safer, Stronger DC plan” increased the DFS vacancy rate from 20% to 42%, thus making reduction of the vacancies a top priority in the Department. Through the diligent work of DFS and DCHR we are hiring talented personnel to fill these positions. We have reduced our vacancy rate down from 42% in October to 24% today. Ultimately, we anticipate that the majority of the remaining new positions will be filled by the end of June.

The supplemental funding was also used for outsourcing DNA testing in order to address requests during the self-suspension within the Forensic Biology Unit. This allowed testing of sexual assault kits, required by the Sexual Assault Victims’ Rights Amendment Act, to continue. We focused our effort into decreasing the backlog of sexual assault kits by developing a more efficient process of outsourcing the work. Since my appointment in July we have been able to decrease the average number of days needed to process a sexual assault kit from 123.5 days to 63 days.

The Forensic Science Laboratory utilized the supplemental funding for contractors to help reduce case backlogs, increase entries and examination verifications associated with intelligence databases, and ensure efficient turn-around times in the Firearms Examination and the Latent Fingerprints Units. In July of 2015 the Latent Fingerprints Unit had 247 backlogged priority cases with requests for analysis. With the funding provided by the Mayor, additional contractors were brought in to the unit and this priority backlog has been reduced to 140 cases, or



nearly half. Similarly, firearm examiner contractors were hired to assist the Firearms Examination Unit. These contractors working with the three (3) qualified examiners within the unit have completed priority homicide and assault cases to ensure timely criminal justice proceedings and implemented individual training plans to ensure course completion of three (3) firearms examiner trainees by November 2016. In addition, the contractor presence has allowed for an increase in NIBIN entries, lead alerts and hits.

Now speaking specifically to the Mayor's proposed FY17 budget for the Department, this proposed budget reflects her commitment to continue the Safer, Stronger DC plan and supports the positive trajectory of DFS. The Mayor's proposed "Safer, Stronger DC" enhancement for FY17 of \$6,501,363 and 50.75 FTEs sustains the critical work we have started. The enhancement also includes an additional \$1,503,778 and 7.0 new FTEs for DFS to hire more firearms and fingerprint examiners and support staff to keep pace with the needs of our public safety stakeholders and to support our mission. The resources allocated to the agency in this proposed budget will be critical to continuing the changes initiated in FY16.

In this FY17 budget proposal, we have made changes to the budget structure to allow streamlined management and oversight of budgets and spending. Among the three major divisions, activities formerly outlined in FY16 will be efficiently organized into two activities in each Division in FY17. Specifically, the Forensic Science Laboratory Division and Public Health Laboratory Division will each have Administrative/Support Services and Laboratory Services as the only two activities. For Crime Scene Sciences Division, two activities include Administrative/Support Services and Evidence Handling. Further, upon reviewing the management structure I inherited, and acting on recommendations from the internal review of DFS concerning oversight of quality and training, I consolidated the responsibilities of two



Deputy Director positions into one. I decided not to fill the vacant Deputy Director position in FY16, thus allowing for a reduction in the FY17 proposed budget.

The proposed budget reflects efficiencies we will have in FY17 with implementation of changes the budget supports. The reinstatement of DNA testing this year and the additional forensic scientists in the Forensic Biology Unit, allows us to reduce the amount of funding needed in FY17 budget for outsourcing DNA testing. Also, as a result of the additional FTEs for the Firearms Examination and Latent Fingerprints Units, we have reduced the FY17 budget for contractors in those units. DFS has addressed the onboarding needs of new employees in FY16, purchasing all the additional computers, communication devices, personal protective equipment, and Crime Scene response vehicles and equipment. By conducting an internal six-week training program for the new Crime Scene Scientists we will minimize training costs for these individuals in FY17. We reviewed our usage of our three existing agency wide fleet and identified one leased vehicle that we will no longer keep. We revisited the need to maintain an additional Bio Safety Level 3(BSL3) facility as our Public Health Laboratory “Continuity of Operations” (COOP) site. The site has been repurposed as a training location and we are developing a Memoranda of Agreement with Maryland State Public Health Laboratory to use their facility for our COOP. We will fill the Public Health Laboratory Director position in the next few months, eliminating the need for that contractor support in the FY17 budget.

In conclusion, I would like to thank the Mayor and her staff for the generous support given to the Department. I would like to acknowledge the public and our stakeholders. I am very grateful for their patience and support in the Department’s actions over the past 12 months. I would like to recognize and thank all of the employees of the Department for their untiring efforts to make the District a safer city. Finally, The Council and this Committee, led by you, Chairperson McDuffie, have been key allies, and I appreciate your continued efforts to ensure



our agency is appropriately staffed and adequately funded to support our mission to provide high-quality, timely, accurate, and reliable forensic science services with the use of best practices and best available technology.

Thank you for the opportunity to testify today and I look forward to answering any questions the Committee may have.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Office of the Chief Medical Examiner**



Fiscal Year 2017 Budget Oversight Hearing

Testimony of

Roger A. Mitchell, Jr., M.D.
Chief Medical Examiner

Before the

Committee on the Judiciary
Kenyon McDuffie, Chairman

April 20, 2016
Room 120
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



“Good morning Chairman McDuffie, members and staff of the Committee. I am Dr. Mitchell, Chief Medical Examiner and Director of the D.C. Office of the Chief Medical Examiner. I am pleased to testify before you today on Mayor Bowser’s Fiscal Year 2017 Proposed Budget, entitled “A Fair Shot”. This balanced budget makes key investments in education, affordable housing, transportation, infrastructure, public safety, job training and employment services that give residents a fair shot at a pathway to the middle class. The budget submission, based on key priorities as identified by District residents at the Mayor’s public engagement forums, will ensure that our agency and the entire government have the necessary staff and resources to meet these ambitious goals.

The Office of the Chief Medical Examiner’s primary goal is to support and serve our citizens in their most critical time of need - - the sudden and unexpected loss of their loved one. To achieve this, our agency operates 24 hours a day, 7 days a week, and 365 days a year. We work to provide the unbiased independent death investigation of approximately 5,500 cases annually, including approximately 2,500 cremation requests, 1,800 declined cases, and 1,100 accepted cases. We also perform over 700 full autopsy examinations per year. Approximately 60% of all cases require a scene visit by our Death Investigators who conduct scene assessment, body examination, and circumstance evaluation.

The agency’s priority for the past two years has been to obtain accreditation through the National Association of Medical Examiners (NAME). NAME Accreditation requirements set the basic standards for medical examiner offices throughout the country. There are approximately 300 medical examiner offices in the country, 73 of which are fully accredited. These standards include but are not limited to: report turn-around time, adequate staffing and facilities, physician board certification, and quality programmatic practices found in death investigation, toxicology, pathology, histology, identification, and mass fatality management. To



obtain full accreditation, an agency must not have more than fifteen (15) Phase I deficiencies and zero (0) Phase II deficiencies. The agency was inspected on February 16-17th of this year and of the 351 NAME checklist items, only Six (6) Phase I deficiencies were noted in the final inspection report. As such, we are pleased that, for the first time in the history of the agency, the **OCME has achieved FULL ACCREDITATION** by The National Association of Medical Examiners.

Our staff worked diligently to meet this goal and objective. I want to take this moment and thank my staff, old and new, past and present for their hard work and dedication. Dr. Gorniak my Deputy Chief who I have with me today and who led the effort, our Chief of Staff, and General Counsel, as well as the staff and management in Records, Fatality Review, Administration/Procurement & Human Resources, Information Technology, Anthropology/ID, Mortuary Services, Death Investigations, Pathology Services, Emergency Preparedness/Fatality Management as well as our Agency Financial Officer, who should all be commended for this accomplishment.

The NAME accreditation extends for five (5) years from February 16, 2016 through February 16, 2021.

As part of the agencies budget responsibility and fiscal stewardship, the Office of the Chief Medical Examiner has set forth FY17 performance objectives that are strategically linked to budget spending. These include:

- 1. Efficient and quality medicolegal death investigation, toxicological analyses, family assistance and expert testimony;**
- 2. Effective quality management through continuous process improvement and quality control including maintenance of NAME accreditation;**
- 3. Providing service as a public health and safety surveillance organization;**



4. Providing expertise as the District's fatality management authority; and

5. Creating and maintaining a highly efficient, transparent and responsive District government.

The agency's FY17 budget supports these objectives, and the budget changes within the chapter can be linked directly to over 125 NAME Checklist Items, 24 Subcategories, and all 8 NAME Accreditation Guideline Categories. The FY17 gross budget of \$11,934,819 is made up of \$11,422,664 in Local funds and \$512,154 in Intra-District funds. This represents a 5.5% increase from FY16 for local funds, an 806% increase for Intra-District funds, and 9.7% increase overall.

The proposed local budget for the OCME includes an increase in 9 FTEs equaling \$740,848. The positions are as follows:

- 4 Mortuary Technicians to complement the current Medical Examiner Transport Team (METT) required to handle, transports and releases bodies, assists in mortuary duties, perform fleet mobilization and up-keep, and facilitate fatality management logistics;
- 1 Forensic Autopsy Assistant focused on assisting forensic pathologists in post-mortem examinations, ensure chain of custody, handle evidence, facilitate special testing and execute other administrative autopsy related duties;

It is important to note that in FY16 we added two (2) Mortuary Technicians as well as re-prioritized other staff. This resulted in our ability to improve our transportation capabilities. We improved from transporting less than 1% of cases per month from scenes and hospitals to transporting 50-60% per month. Now with the addition of 4 more mortuary technicians and 1 more Autopsy Assistant, we anticipate that we will be able to transport 75-80% of these cases.



This is critical not only to our day to day operations but also vastly improves our ability to respond in a mass casualty and continuity of operations scenarios.

In addition, in FY17 we will hire:

- 1 Forensic Photographer required to provide full service autopsy photography and support legal and academic/professional digital imaging;
- 1 Records/Quality Staff focused on agency quality assurance efforts as well as supporting the over 3,000 record case files created each month; and
- 2 Forensic Toxicologists to maintain and improve upon various testing associated with the District's Safer and Stronger Initiative.

The FY17 budget, in the form of Intra-district Funds, also includes \$306,789 for 4 FTEs based on letters of intent to support three projects: a) one forensic toxicologist to support drug impaired driver toxicology testing with the Department of Transportation; b) two forensic toxicologists for sexual assault toxicology testing for the Office of Victims Services; and c) one staff person in the Fatality Review Division to support the Fatality Review Boards.

Adjustments were also made for a net increase of \$238,346 in personal services to account for Current Services Funding Level adjustments.

Overall the FY17 budget supports the day to day work of the agency as we aim to meet our strategic objectives and maintain accreditation. First, in the area of providing efficient and quality forensic services, the Medicolegal Death Investigation and Certification Division is thriving with a full complement of board-certified forensic pathologists and will maintain and improve upon completion of postmortem examination reports at a rate of greater than 90% within 90 days – both of which are accreditation guidelines. Our Death Investigation Division is set to ensure that all of our investigators are certified by the American Board of Medicolegal



Death Investigators (ABMDI). The FY17 budget will support the necessary training and education of our professional staff to ensure that we are on the cutting edge of forensic medicine.

The agency will continue to work towards quality forensic toxicological analyses in FY17. The Toxicology Laboratory is currently accredited by the American Board of Forensic Toxicology (ABFT) and will maintain such accreditation in the upcoming fiscal year. The Forensic Toxicology Laboratory tests nearly 1400 cases per year including 8541 specimen. Approximately 60% of the caseload in any given month is dedicated to supporting the autopsy and post-mortem case load (PM), with 30% supporting Driving Under the Influence (DUI) testing that includes specimen submitted by agencies such as MPD, US Park Police, and US Secret Service, and about 10% supporting testing for Drug Facilitated Sexual Assaults (DFSA). The FY17 budget includes Intra-District funding support for travel and professional services in the amount of \$25,370 and \$123,481 for laboratory supplies as well as the three previously mentioned forensic toxicologists based on anticipated subgrant awards.

The OCME Toxicology Lab also continues to set forth the policies and guidelines for the Districts Breath Program, the technical maintenance of the Breath Intoximeter Instruments and has now trained 136 Metropolitan Police Department (MPD) officers in the use of the breath testing instruments.

It is important to note that continued funding of the Forensic Toxicology Laboratory is directly related to its outcomes. The FY16 budget included a technical adjustment that provided full funding for the laboratory to purchase supplies and service maintenance contracts. Additionally, supplemental funding was approved to support DOH led Emergency Department Synthetic Drug Surveillance Testing. With about 90% of new staff training complete, the results have demonstrated significant performance improvement. Turnaround times for postmortem toxicology testing has improved from 24% completed in 90 days in July 2015 to 98.7% in March



2016. Using the same parameters, turnaround times for DUI testing has improved from 36% in August 2015 to 81% in March 2016 and Drug Facilitated Sexual Assaults has improved from less than 20% of cases completed to 84.6% completed for the same time period.

As it relates to the provision of quality management and continuous process improvement, the agency has developed a newly modified Records and Quality Control Unit led by a newly appointed Quality Control/Records Manager. During FY16, staff and management has and will be trained in international standards (ISO), electronic records storage and document management systems. The completion of all additional Standard Operating Procedures as well as improvement of the Agency Regulations is set to be completed by the end of this fiscal year.

As part of quality assurance it is important that OCME data is timely and accurate. The agency has set forth a strategic objective to serve District residents as a public health and safety surveillance organization. The FY17 budget supports the use of mortality data, demographic data, and geospatial analysis to identify trends that can be used by stakeholders to develop programs and policy dedicated to the prevention of these deaths. Whether trends involving increased violence, falls among the elderly, or the geographic clustering of heroin and opioid drug abuse, the Office of the Chief Medical Examiner looks to improve the intentional availability of this data. The FY17 budget supports this initiative and charges our Forensic Epidemiologist to focus on the improvement of Data Fusion practices through timely and accurate trend analysis and report production.

In a post-Paris, Brussels, and even San Bernardino environment, it becomes more and more important for the District of Columbia to prepare itself for a Complex Coordinated Attack. As a result, the Office of the Chief Medical Examiner has received funding support, since our arrival in 2014, in the form of federal sub-grant awards for Mobile Body Storage Units, a Mobile Command Center, a portable X-ray System, as well as support for District Wide Mass Fatality



Planning, funding for a Disaster Morgue, improved response vehicles, and an increase personal protective equipment (PPE) cache for Bio-response to agents such as Ebola and Zika. The District has positioned itself to become a regional leader in Fatality Management and will continue, in FY17 to work with its local, regional and federal partners towards increasing capacity related to the training, planning, and execution of fatality management special operations.

The resources allocated to the Office of the Chief Medical Examiner in the Mayor's proposed Fiscal Year 2017 budget are critical to meeting our strategic objectives, maintaining agency accreditation, ensuring that quality standards are improved continuously, and that we, as a city, are prepared for the eventuality of a mass casualty event. This budget reflects the effective leadership of our Mayor and her Administration. I and my Executive Team pledge to execute the mission through good stewardship and management; a mission that could not be met without the effort of all of the OCME Staff who work tirelessly for the families, residents, and visitors of the District of Columbia.

We would like to thank the Council and this Committee, led by you Chairman McDuffie, for being key allies in this effort and I appreciate your continued support to ensure we operate efficiently and effectively.

Thank you for the opportunity to testify today and I look forward to answering any questions the Committee may have.

