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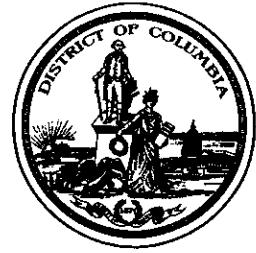
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**COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY**

TOMMY WELLS, CHAIRPERSON  
FY 2014 COMMITTEE BUDGET REPORT

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**TO:** Members of the Council of the District of Columbia

**FROM:** Councilmember Tommy Wells *TW*  
Chairperson, Committee on the Judiciary and Public Safety

**DATE:** May 8, 2013

**SUBJECT:** Report and Recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2014 Budget for Agencies Under Its Purview

The Committee on the Judiciary and Public Safety ("Committee"), having conducted hearings and received testimony on the Mayor's proposed operating and capital budgets for Fiscal Year 2014 (hereinafter "FY 2014") 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 2014 Budget Support Act of 2013, as proposed by the Mayor.

**TABLE OF CONTENTS**

**I. SUMMARY**

A. FY 2014 Agency Operating Budget Summary Table ..... 3

B. FY 2014 Agency Full-Time Equivalent Table ..... 7

C. FY 2014 Agency Capital Budget Summary Table ..... 9

D. Summary of Committee Budget Recommendations ..... 10

**II. AGENCY FY 2014 BUDGET RECOMMENDATIONS**

A. Introduction ..... 15

B. Office of the Attorney General (CB0) ..... 17

C. Metropolitan Police Department (FA0) ..... 23

D. Fire and Emergency Medical Services Department (FB0) ..... 32

E. Department of Corrections (FL0) ..... 48

F. District of Columbia National Guard (FK0) ..... 57

G. Homeland Security and Emergency Management Agency (BN0) ..... 61

H. Commission on Judicial Disabilities and Tenure (DQ0) ..... 66

I. Judicial Nomination Commission (DV0) ..... 69

J. Office of Police Complaints (FH0) ..... 72

K. Sentencing and Criminal Code Revision Commission (FZ0) ..... 75

L. Office of the Chief Medical Examiner (FX0) ..... 78

M. Office of Administrative Hearings (FS0) ..... 82

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COUNCIL BUDGET DIRECTOR CERTIFICATION:

*Janifer Babell*

DATE: *5/20/13*

Committee on the Judiciary and Public Safety  
*Fiscal Year 2014 Budget Report*

N.	Criminal Justice Coordinating Council (FJ0).....	88
O.	Office of Unified Communications (UC0).....	93
P.	Deputy Mayor for Public Safety and Justice (FQ0) .....	100
Q.	Department of Forensic Sciences (FR0) .....	110
<b>III.</b>	<b>FY 2014 BUDGET REQUEST ACT RECOMMENDATIONS .....</b>	<b>116</b>
<b>IV.</b>	<b>FY 2014 BUDGET SUPPORT ACT RECOMMENDATIONS.....</b>	<b>117</b>
A.	Recommendations on Budget Support Act Subtitles Proposed by the Mayor	
1.	Title I. Government Direction and Support. DGS Protective Services.....	118
2.	Title II. Economic Development and Regulation. Grant Making .....	120
3.	Title III. Public Safety and Justice. Central Cellblock Management. ....	123
4.	Title III. Public Safety and Justice. Security License Streamlining .....	126
5.	Title VI. Transportation, Public Works, and the Environment.....	128
B.	Recommendations for New Budget Support Act Subtitles	
1.	Title --, Subtitle --. Sentencing and Criminal Code Revision Commission .....	131
2.	Title --, Subtitle --. Domestic Violence Hotline Establishment. ....	133
3.	Title --, Subtitle --. Juvenile Working Group Establishment. ....	136
4.	Title --, Subtitle --. MPD Capital Project Rescission Act of 2013.....	140
5.	Title --, Subtitle --. Fire and Emergency Medical Services Department Overtime Limitation .....	142
<b>V.</b>	<b>COMMITTEE ACTION AND VOTE .....</b>	<b>146</b>
<b>VI.</b>	<b>ATTACHMENTS.....</b>	<b>147</b>
A.	April 10, 2013 FY 2014 Budget Oversight Hearing Witness List and Testimony	
B.	April 17, 2013 FY 2014 Budget Oversight Hearing Witness List and Testimony	
C.	April 25, 2013 FY 2014 Budget Oversight Hearing Witness List and Testimony	
D.	April 29, 2013 FY 2014 Budget Oversight Hearing Witness List and Testimony	

## I. SUMMARY

### A. FY 2014 AGENCY OPERATING BUDGET SUMMARY TABLE

Operating Budget Summary					
Agency/Fund Type	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL GRANTS	16,837,294	20,256,683	21,233,591	-	21,233,591
INTRA-DISTRICT FUNDS	14,544,779	15,895,696	17,896,752	-	17,896,752
LOCAL FUND	54,969,876	58,687,900	60,491,573	(20,000)	60,471,573
PRIVATE	100,368	-	318,937	-	318,937
SPECIAL PURPOSE REVENUE FUNDS	795,146	1,810,090	1,826,694	-	1,826,694
FEDERAL GRANTS	5,519,624	2,729,967	2,857,869	-	2,857,869
INTRA-DISTRICT FUNDS	27,582,135	22,550,573	22,626,837	-	22,626,837
LOCAL FUND	443,372,103	462,390,328	478,356,820	(875,000)	477,481,820
PRIVATE DONATIONS	122,906	-	-	-	-
SPECIAL PURPOSE REVENUE FUNDS	4,909,657	8,535,175	6,993,135	-	6,993,135
FEDERAL GRANTS	1,825,495	-	1,608,459	-	1,608,459
INTRA-DISTRICT FUNDS	2,243,962	-	-	-	-
LOCAL FUND	188,903,103	197,853,728	199,468,849	(215,000)	199,253,849
SPECIAL PURPOSE REVENUE FUNDS	1,465,032	1,520,000	1,520,000	-	1,520,000

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

FEDERAL GRANTS	426,360	-	-	-	-
INTRA-DISTRICT FUNDS	187,554	315,251	300,585	-	300,585
LOCAL FUND	108,219,277	117,148,138	120,825,533	-	120,825,533
SPECIAL PURPOSE REVENUE FUNDS	17,469,238	22,140,851	21,150,000	-	21,150,000
					9,485,908
FEDERAL GRANTS	2,946,932	5,518,971	5,943,858	-	5,943,858
FEDERAL PAYMENTS	348,936	500,000	500,000	-	500,000
LOCAL FUND	2,286,430	2,796,346	2,941,151	-	2,941,151
					9,485,908
FEDERAL GRANTS	112,775,345	100,032,252	91,866,134	-	91,866,134
INTRA-DISTRICT FUNDS	10,000	-	-	-	-
LOCAL FUND	1,845,901	2,006,892	2,026,818	-	2,026,818
					295,000
FEDERAL PAYMENTS	303,417	295,000	295,000	-	295,000
					205,000
FEDERAL PAYMENTS	231,888	205,000	205,000	-	205,000
LOCAL FUND	-	-	-	-	-
					2,110,487
LOCAL FUND	1,908,685	2,091,473	2,110,487	-	2,110,487
					1,406,556
LOCAL FUND	887,569	1,388,813	1,406,556	-	1,406,556

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

INTRA-DISTRICT FUNDS	239,130	90,000	-	-	-
LOCAL FUND	7,347,894	7,834,365	8,724,575	-	8,724,575
FEDERAL MEDICAID PAYMENTS	77,853	-	60,000	-	60,000
INTRA-DISTRICT FUNDS	1,202,793	1,272,637	1,224,288	-	1,224,288
LOCAL FUND	7,147,711	7,962,089	8,457,367	-	8,457,367
FEDERAL GRANTS	60,360	-	-	-	-
FEDERAL PAYMENTS	1,518,089	1,800,000	1,800,000	-	1,800,000
INTRA-DISTRICT FUNDS	645,910	109,192	90,697	-	90,697
LOCAL FUND	186,963	448,969	515,568	-	515,568
INTRA-DISTRICT FUNDS	628,505	246,532	260,973	-	260,973
LOCAL FUND	26,194,896	26,714,501	27,399,777	125,000	27,524,777
PRIVATE GRANT FUND	-	300,000	-	-	-
SPECIAL PURPOSE REVENUE FUNDS	8,617,386	16,825,757	16,403,080	-	16,403,080
FEDERAL GRANTS	-	430,520	430,520	-	430,520
INTRA-DISTRICT FUNDS	-	740,253	2,082,197	(1,635,800)	446,397
LOCAL FUND	-	8,504,835	8,864,316	1,665,000	10,529,316
FEDERAL GRANTS	8,839,074	5,316,841	5,961,382	-	5,961,382
INTRA-DISTRICT FUNDS	346,898	192,143	179,693	-	179,693
LOCAL FUND	7,719,789	11,144,403	16,603,086	5,000	16,608,086

Committee on the Judiciary and Public Safety  
*Fiscal Year 2014 Budget Report*

SPECIAL PURPOSE REVENUE FUNDS	2,383,166	1,954,352	1,577,106	-	1,577,106
Grand Total	1,086,195,419	1,138,556,517	1,165,405,260	(950,800)	1,164,454,460

**B. FY 2014 AGENCY FULL-TIME EQUIVALENT TABLE**

FTE Summary				
Agency/Fund Type	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL GRANTS	139.6	145.2	-	145.2
INTRA-DISTRICT FUNDS	127.6	144.9	-	144.9
LOCAL FUND	462.3	464.7	-	464.7
PRIVATE	-	5.5	-	5.5
SPECIAL PURPOSE REVENUE FUNDS	3.4	2.7	-	2.7
FEDERAL GRANTS	17.4	18.6	-	18.6
INTRA-DISTRICT FUNDS	12.0	8.5	-	8.5
LOCAL FUND	4,578.3	4,509.2	-	4,509.2
SPECIAL PURPOSE REVENUE FUNDS	1.8	0.7	-	0.7
FEDERAL GRANTS	-	30.0	-	30.0
LOCAL FUND	2,130.0	2,070.0	-	2,070.0
INTRA-DISTRICT FUNDS	1.2	-	-	-
LOCAL FUND	872.8	914.0	-	914.0
SPECIAL PURPOSE REVENUE FUNDS	20.0	20.0	-	20.0
FEDERAL GRANTS	74.3	71.5	-	71.5
LOCAL FUND	37.8	37.5	-	37.5
FEDERAL GRANTS	48.5	52.5	-	52.5
LOCAL FUND	16.5	16.5	-	16.5

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

				2.0
FEDERAL PAYMENTS	2.0	2.0	-	2.0
				2.0
FEDERAL PAYMENTS	2.0	2.0	-	2.0
				23.2
LOCAL FUND	23.2	23.2	-	23.2
				10.0
LOCAL FUND	10.0	10.0	-	10.0
				70.0
LOCAL FUND	69.0	70.0	-	70.0
				8.0
INTRA-DISTRICT FUNDS	8.0	8.0	-	8.0
LOCAL FUND	67.6	72.6	(3.0)	69.6
				13.7
FEDERAL PAYMENTS	13.7	13.7	-	13.7
INTRA-DISTRICT FUNDS	1.0	0.4	-	0.4
LOCAL FUND	1.3	1.8	-	1.8
				6.0
INTRA-DISTRICT FUNDS	2.0	6.0	-	6.0
LOCAL FUND	324.8	322.8	-	322.8
				3.0
INTRA-DISTRICT FUNDS	4.0	28.0	(25.0)	3.0
LOCAL FUND	68.3	72.2	25.0	97.2
				7.3
FEDERAL GRANTS	7.3	7.3	-	7.3
INTRA-DISTRICT FUNDS	1.8	1.8	-	1.8
LOCAL FUND	9.2	9.2	-	9.2
<b>Grand Total</b>	<b>9,158.6</b>	<b>9,163.2</b>	<b>(3.0)</b>	<b>9,160.2</b>



**C. FY 2014 AGENCY CAPITAL BUDGET SUMMARY TABLE  
 (DOLLARS IN THOUSANDS)**

<b>Mayor's Proposed Fiscal Year 2014-2019 Capital Budget by Agency</b>								
Agency Name	Code	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	6-Year
Metropolitan Police Department	FA0	18,211	9,950	7,000	0	0	0	35,161
Fire and Emergency Medical Services	FB0	26,148	15,500	11,500	0	0	0	53,148
Department of Corrections	FL0	11,200	2,000	1,250	0	0	0	14,450
Office of Unified Communications	UC0	31,000	3,000	1,000	0	0	0	35,000
<b>Total</b>		<b>86,559</b>	<b>30,450</b>	<b>20,750</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>137,758</b>
<b>Committee's Approved Fiscal Year 2014-2019 Capital Budget by Agency</b>								
Agency Name	Code	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	6-Year
Metropolitan Police Department	FA0	18,211	9,950	7,000	0	0	0	35161
Fire and Emergency Medical Services	FB0	26,148	15,500	11,500	0	0	0	53148
Department of Corrections	FL0	11,200	2,000	1,250	0	0	0	14450
Office of Unified Communications	UC0	31,000	3,000	1,000	0	0	0	35000
<b>Total</b>		<b>86,559</b>	<b>30,450</b>	<b>20,750</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>137,758</b>
<b>Change from Mayor's Proposed Budget</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

(Dollars in Thousands)

## **D. SUMMARY OF COMMITTEE BUDGET RECOMMENDATIONS**

### **OFFICE OF THE ATTORNEY GENERAL**

#### *Operating Budget Recommendations*

1. Reduce CSG 20 (Supplies and Materials) by \$20,000 of local funds in Program 1000 (reflecting a transfer of \$5,000 to FQ0 (Deputy Mayor for Public Safety and Justice), Program 6000 (Corrections Information Council), CSG 20 (Supplies and Materials); and \$15,000 to FR0 (Department of Forensic Sciences) Program 2000 (Investigative Forensic Science), CSG 70 (Equipment & Equipment Rental) for specialty DNA equipment).

### **METROPOLITAN POLICE DEPARTMENT**

#### *Operating Budget Recommendations*

1. Reduce CSG 50 (Subsidies and Transfers) in Program 2800 (Forensic Science Division) by \$1,650,000 in local funds (reflecting the ongoing shift of forensic functions from MPD to DFS, this is a technical change to move funds from an intra-District transfer line to the DFS baseline budget).
2. Increase CSG 70 (Equipment and Equipment Rental) in Program AMP1 (Activity 1040, Information Technology) by \$750,000 in local funds to fund technology improvements to cameras, software, computers, and handheld tablets. (These funds come from the proposed BSA subtitle "MPD Capital Project Recession Act of 2013".)
3. Increase CSG 40 (Other Services and Charges) in Program 6001 (Professional Development Bureau) by \$25,000 in one-time local funds for MPD to conduct training related to traffic enforcement, specifically on the topic of enforcing illegal U-Turns across bicycle lanes and other bicycle-safety issues.

#### *Capital Budget Recommendations*

1. The Committee recommends the Council identify funding to add \$7,000,000 to FY17, FY18, and FY19 in order to ensure patrol vehicles stay on a regular replacement schedule.

### **FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT**

#### *Operating Budget Recommendations*

1. Transfer 1.0 FTE (position 75470, Captain) and CSG 11- \$95,929 and CSG 14 -\$16,788 in local funds from Program 2000 (Fire Prevention and Education) to Program 7000 (Rail Safety Oversight Program). As the Administration noted a year ago, the establishment of a State Safety Oversight Agency for the District's streetcar program is a federal

requirement. The Committee has not received a sufficient explanation for why – given this federal requirement – the proposed fiscal year 2014 budget defunds this program. This increase restores that funding.

2. Reduce CSG 11 (Regular Pay – Cont Full Time) in agency-wide programs by \$550,000 in local funds to recognize salary lapse/vacancy savings (equal to less than a .04 percent of CSG 11). This modest savings is well below the historical vacancy rate for F&EMS and below the vacancy savings that was incorporated into the agency’s budget by the Council for FY13. It is being reallocated within F&EMS (\$335,000 - see the following recommendations), to the Office of Unified Communications for training (\$125,000), to MPD for training (\$25,000), and to the Judicial Nomination Commission for one-time information technology costs (\$65,000). (For the purposes of the budget report charts, the Committee reduced Program 3000, but recognizes that the salary lapse applies agency wide.)
3. Increase CSG 40 (Other Services and Charges) by \$100,000 in one-time local funds in Program 1000 (Administration and Support) to be used to advertise and otherwise aggressively recruit paramedic firefighters.
4. Increase CSG 40 (Other Services and Charges) by \$235,000 in one-time local funds in Program 1000 (Administration and Support) in Activity 1015 (Training and Employee Development) to support training and professional development opportunities that will assist single-role providers to transition to dual-role positions and EMT-firefighters to transition to paramedic-firefighters, with an emphasis on increasing the overall number of paramedic-firefighters.

*As part of the FY14 budget formulation, 44 positions were eliminated to fund the Workforce Investments account. Among these 44 positions were 15 paramedic firefighter positions. The following operating budget recommendations restore 10 of these positions. F&EMS’ hiring of these positions for fiscal year 2014, along with the agency filling the existing paramedic vacancies as directed below, will have a positive impact on emergency medical services delivery and the agency budget, specifically in overtime.*

5. Reduce FTEs by 3.0, and reduce CSG 11 by \$184,866 and CSG 14 by \$31,334.79 (total PS is \$216,200.79) in local funds in Program 1000 (Administrative Support) from the following vacant positions:
  - a. 00077800 (Program Analyst)
  - b. 00077801 (Program Analyst)
  - c. 00077804 (Program Analyst)
6. Increase FTEs by 3.0 and restore the following positions in Program 3000 (Field Operations) with local funds:
  - a. 00001290 (Paramedic Firefighter) and increase CSG 11 by \$48,731 and CSG 14 by \$8,259.90 (total PS increase = \$56,990.90)

Committee on the Judiciary and Public Safety  
*Fiscal Year 2014 Budget Report*

- b. 00003756 (Paramedic Firefighter) and increase CSG 11 by \$48,731 and CSG 14 by \$8,259.90 (*total PS increase = \$56,990.90*)
  - c. 00003898 (Paramedic Firefighter) and increase CSG 11 by \$48,731 and CSG 14 by \$8,259.90 (*total PS increase = \$56,990.90*)
7. Reclassify the following positions in Program 3000 (Field Operations) as Firefighter Paramedics and increase CSG 11 and CSG 14 as noted: (*\$31,010 + \$5,256.16 = \$36,266.16*)
- a. 00010947 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - b. 00018489 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - c. 00019489 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - d. 00021791 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - e. 00023299 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - f. 00025852 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - g. 00026071 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
8. Increase CSG 20 (Supplies and Materials) by \$8961.93 in local funds in Program 2000 (Fire Prevention and Education).

*Capital Budget Recommendations*

- 1. The Committee recommends the Council identify funding to add \$5,000,000 to capital project ELC-20630-Fire Apparatus in FY14 in order to allow for the purchase of additional apparatus to replace the aging fleet.

**JUDICIAL NOMINATION COMMISSION**

*Operating Budget Recommendations*

1. Increase CSG 40 (Other Services and Charges) in Judicial Nomination Program (2000) Commission Administration and Support (2500) by \$65,000 in one-time local funds.

**OFFICE OF ADMINISTRATIVE HEARINGS**

*Operating Budget Recommendations*

1. Reclassify the following positions in Program 200A (Judicial) as indicated:
  - a. Position 00029157 as Administrative Law Judge from Attorney Advisor
  - b. Position 00038309 as Administrative Law Judge from Attorney Advisor
2. Increase by 1.0 FTE in Program 200A (Judicial) and add a new position as Administrative Law Judge.
3. Eliminate 4.0 FTEs in Program 300A (Court Counsel) and reduce CSG 11 by \$269,978 and CSG 14 by \$62,364.92 in local funds from:
  - a. Position 10005345 (Attorney Hearing officer)
  - b. Position 10005347 (Attorney Hearing officer)
  - c. Position 10005348 (Attorney Hearing officer)
  - d. Position 10005357 (Legal Assistant)
4. Reallocate the \$332,342.92 in local funds (recommendation above) from Program 300A (Court Counsel) to Program 200A (Judicial) as follows:
  - a. \$76,079.90 total (CSG 11 - \$62,900; CSG14 - \$13,179.90) to be added to the existing funding for reclassified Position 00029157 (*now Administrative Law Judge, with a new total of \$164,835.00 from \$ 135,000 CSG 11 and \$29,835.00 CSG 14*);
  - b. \$76,079.90 total (CSG 11 - \$62,900; CSG14 - \$13,179.90) to be added to the existing funding for reclassified Position 00038309 (*now Administrative Law Judge, with a new total of \$164,835.00 from \$ 135,000 CSG 11 and \$29,835.00 CSG 14*);
  - c. \$164,835.00 total (CSG 11 - \$ 135,000; CSG 14 - \$29,835.00) to the new Administrative Law Judge position;
  - d. Increase CSG 20 (Supplies and Materials) in Program 200A (judicial) by \$15,348 in local funds.

**CRIMINAL JUSTICE COORDINATING COUNCIL**

*Operating Budget Recommendations*

1. Reduce Program 2000 (Collaboration and Planning Across Agencies Program) by \$14,000 in CSG 20 (Supplies and Materials), and \$28,222 in CSG 40 (Other Services and Charges) in federal funds.
2. Increase Contractual Services (CSG 41) in Program 3000 (Integrated Information System) by \$42,222 in federal funds at the request of the agency.

**OFFICE OF UNIFIED COMMUNICATIONS**

*Operating Budget Recommendations*

1. Increase CSG 40 (Other Services and Charges) in Program 2000 (Emergency Operations 911 Division) by \$125,000 in one-time local funds for in-person training purposes.

**DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE**

*Operating Budget Recommendations*

1. Increase CSG 20 (Supplies and Materials) by \$5,000 in local funds in Program 6000 (Corrections Information Council).
2. Decrease \$1,000,000 from Federal Grants in Fund 0200 (Fund type CVA13F/13) in Justice Grants Administration (Program 5300) (technical correction requested by OCFO).
3. Increase Office of Victim Services (Program 4200) CSG 50 by \$1,000,000 from Fund 0200 (Fund type CVA13F/13) (technical correction requested by OCFO).

**DEPARTMENT OF FORENSIC SCIENCES**

*Operating Budget Recommendations*

1. Increase Investigative Forensic Science (Program 2000), CSG 70 (Equipment & Equipment Rental) by \$15,000 in local funds to purchase equipment to allow for DNA testing on bone fragments.
2. As part of the ongoing shift of forensic functions from MPD to DFS, make the following technical corrections to move local funds from an intra-District transfer line to the DFS local budget:
  - a. Reduce the Intra-district transfer to Crime Scene Sciences Program (4000) by \$1,635,800 and 25 FTEs.
  - b. Increase the Program 4000 (Crime Scene Sciences) by \$1,635,800 in local funds and 25.0 FTEs.
  - c. Increase CSG 40 in Program 4000 (Crime Scene Sciences) in Local funds by \$14,200 to fully offset the decrease to MPD and fund the program.

## II. AGENCY FY 2014 BUDGET RECOMMENDATIONS

### A. INTRODUCTION

The Committee is responsible for matters affecting the judiciary and judicial procedure which are within the authority of the Council; matters affecting decedents' estates and fiduciary affairs; matters affecting administrative law and procedure; matters affecting criminal law and procedure; ex-offender affairs; 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.<sup>1</sup>

The Committee oversees all of the public safety agencies within the District<sup>2</sup> and interacts with local and federal prosecuting authorities, serving as the Council's liaison with federal partners in the justice system, including the D.C. Courts, the D.C. Public Defender Service, the Court Services and Offender Supervision 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
- Child Support Guidelines Commission
- Commission on Ex-Offender Affairs
- Commission on Judicial Disabilities and Tenure
- Commission on Selection and Tenure of Administrative Law Judges
- Corrections Information Council
- Criminal Justice Coordinating Council
- Department of Corrections
- Department of Forensic Sciences
- Deputy Mayor for Public Safety and Justice
- District of Columbia Judicial Nomination Commission
- District of Columbia National Guard
- District of Columbia Sentencing and Criminal Code Revision Commission
- Fire and Emergency Medical Services Department
- Homeland Security and Emergency Management Agency
- Homeland Security Commission
- Juvenile Justice Advisory Group
- Juvenile Abscondence Review Committee
- Metropolitan Police Department
- Motor Vehicle Theft Prevention Commission
- Office of Administrative Hearings (including the Advisory Committee to the Office of Administrative Hearings)
- Office of Justice Grants Administration
- Office of Police Complaints
- Office of the Attorney General for the District of Columbia
- Office of the Chief Medical Examiner
- Office of Unified Communications
- Office of Victims Services
- Office on Ex-Offender Affairs
- Police Complaints Board
- Police Officer Standards and Training Board
- Uniform Law Commission
- Security Officer Advisory Commission<sup>3</sup>

<sup>1</sup> See Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 20, Rule 239(a) (Resolution 20-1).

<sup>2</sup> Except the Department of Youth Rehabilitation Services—that agency falls under the jurisdiction of the Committee on Human Services.

<sup>3</sup> See Rules, *supra* note 1, at Rule 239(b).

Committee on the Judiciary and Public Safety  
*Fiscal Year 2014 Budget Report*

The Committee is charged with oversight over the performance and annual operating and capital budgets of the agencies listed. In total, the Committee oversees more than 20 agencies, that, in the Mayor’s proposed budget for FY 2014, comprise a total budget of more than \$1.2 billion in gross funds and approximately more than 9,000 full-time equivalents (FTEs).

Committee Chairperson Tommy Wells began his tenure with the Committee in January 2013. He is joined by Councilmembers Anita Bonds, Muriel Bowser, Mary Cheh, and Jack Evans.

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

<b>April 10, 2013</b>	Judicial Nomination Commission, Department of Corrections, Office of Returning Citizens Affairs, Corrections Information Council, Homeland Security and Emergency Management Agency
<b>April 17, 2013</b>	Commission on Judicial Disabilities and Tenure, Sentencing and Criminal Code Revision Commission, Office of Unified Communications, Fire and Emergency Medical Services Department, Office of Victims Services, Justice Grants Administration
<b>April 25, 2013</b>	Criminal Justice Coordinating Council, Access to Justice Initiative, Office of the Attorney General, Office of Administrative Hearings, Office of the Chief Medical Examiner
<b>April 29, 2013</b>	National Guard, Department of Forensic Sciences, Metropolitan Police Department, Office of Police Complaints, Deputy Mayor for Public Safety and Justice

The Committee received important comments from members of the public during these budget oversight hearings. Copies of witness testimony are included in this report as *Attachments A, B, C, and D*. A video recording of the hearings can be obtained through the Office of Cable Television or at [oct.dc.gov](http://oct.dc.gov). The Committee continues to welcome public input on the agencies and activities within its purview.



**B. OFFICE OF THE ATTORNEY GENERAL**

Office of the Attorney General (CB0) - Operating Budget by Fund Type					
Fund Type	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL GRANTS	16,837,294	20,256,683	21,233,591	-	21,233,591
INTRA-DISTRICT FUNDS	14,544,779	15,895,696	17,896,752	-	17,896,752
LOCAL FUND	54,969,877	58,687,900	60,491,573	(20,000)	60,471,573
PRIVATE	100,368	-	318,937	-	318,937
SPECIAL PURPOSE REVENUE FUNDS	795,146	1,810,090	1,826,694	-	1,826,694
<b>Grand Total</b>	<b>87,247,464</b>	<b>96,650,369</b>	<b>101,767,546</b>	<b>(20,000)</b>	<b>101,747,546</b>

Office of the Attorney General (CB0) - FTEs by Fund Type				
Fund Type	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL GRANTS	139.6	145.2	-	145.2
INTRA-DISTRICT FUNDS	127.6	144.9	-	144.9
LOCAL FUND	462.3	464.7	-	464.7
PRIVATE	-	5.5	-	5.5
SPECIAL PURPOSE REVENUE FUNDS	3.4	2.7	-	2.7
<b>Grand Total</b>	<b>732.8</b>	<b>763.1</b>	<b>-</b>	<b>763.1</b>

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>Office of the Attorney General (CB0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	49,623,216	52,649,841	55,772,060	-	55,772,060
12-REGULAR PAY - OTHER	10,374,588	10,427,737	10,562,656	-	10,562,656
13-ADDITIONAL GROSS PAY	301,354	142,938	160,941	-	160,941
14-FRINGE BENEFITS - CURR PERSONNEL	11,146,890	13,679,531	14,951,206	-	14,951,206
15-OVERTIME PAY	1,808	-	-	-	-
20-SUPPLIES AND MATERIALS	301,503	425,543	439,335	(20,000)	419,335
30-ENERGY, COMM. AND BLDG RENTALS	799,914	933,768	785,504	-	785,504
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	393,108	376,468	395,292	-	395,292
32-RENTALS - LAND AND STRUCTURES	570,258	-	-	-	-
33-JANITORIAL SERVICES	384,264	-	-	-	-
34-SECURITY SERVICES	306,842	391,854	434,265	-	434,265
35-OCCUPANCY FIXED COSTS	125,214	1,130,347	1,236,794	-	1,236,794
40-OTHER SERVICES AND CHARGES	2,077,472	2,833,183	3,656,326	-	3,656,326
41-CONTRACTUAL SERVICES - OTHER	9,284,980	11,832,823	11,544,198	-	11,544,198
50-SUBSIDIES AND TRANSFERS	1,095,087	1,474,977	1,474,977	-	1,474,977
70-EQUIPMENT & EQUIPMENT RENTAL	460,967	351,359	353,993	-	353,993
<b>Grand Total</b>	<b>87,247,464</b>	<b>96,650,369</b>	<b>101,767,546</b>	<b>(20,000)</b>	<b>101,747,546</b>

<b>Office of the Attorney General (CB0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-AGENCY MANAGEMENT	4,621,748	4,986,990	5,353,063	(20,000)	5,333,063
100F-AGENCY FINANCIAL OPERATIONS	907,471	929,480	960,841	-	960,841
1200-PERSONNEL LABOR & EMPLOYMENT DIVISION	2,846,656	3,023,651	2,976,082	-	2,976,082
2100-COMMERCIAL DIVISION	8,290,468	8,956,323	9,576,646	-	9,576,646
3100-LEGAL COUNSEL DIVISION	1,794,488	2,422,972	2,823,262	-	2,823,262
4000-CHILO SUPPORT SERVICES DIVISION	25,232,108	29,854,414	31,193,553	-	31,193,553
5100-CIVIL LITIGATION DIVISION	14,867,907	9,107,745	9,839,868	-	9,839,868
5200-PUBLIC INTEREST DIVISION	-	13,827,736	14,189,991	-	14,189,991
6100-PUBLIC SAFETY DIVISION	8,604,441	9,606,780	10,115,361	-	10,115,361
7000-SOLICITOR GENERAL DIVISION	2,068,619	2,057,356	2,109,218	-	2,109,218
7200-HEALTH AND HUMAN SERVICES DIVISION	10,150,090	-	-	-	-
8100-FAMILY SERVICES DIVISION	4,968,570	5,496,400	5,812,135	-	5,812,135
9100-POLICY AND OPERATIONS OVERSIGHT PROGRAM	199,037	-	-	-	-
9200-SUPPORT SERVICES DIVISION	2,060,246	2,099,303	2,192,684	-	2,192,684
9300-OFFICE OF THE ATTORNEY GENERAL	635,614	4,281,221	4,624,841	-	4,624,841
<b>Grand Total</b>	<b>87,247,464</b>	<b>96,650,369</b>	<b>101,767,546</b>	<b>(20,000)</b>	<b>101,747,546</b>

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

The mission of the Office of the Attorney General (OAG) is to enforce the laws of the District of Columbia and to provide legal services to the District government. OAG is charged

with conducting the District's legal business. To discharge these duties, OAG is divided into ten operating divisions.<sup>4</sup>

OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District's behalf, and represents the District in a variety of administrative hearings and other proceedings. In addition, OAG is responsible for advising the Executive Office of the Mayor, the D.C. Council, the D.C. Courts, and various Boards and Commissions; for reviewing legislation and regulations; and for supervising lawyers working in the general counsel offices of 28 agencies. In all, the Attorney General supervises the legal work of approximately 350 attorneys and an additional 350 administrative/professional staff.

## **b. Mayor's Proposed FY 2014 Operating Budget**

### **Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Office of the Attorney General is \$101,767,546, an increase of \$5,117,177 or 5.3 percent, over the current fiscal year. The proposed budget supports 763 FTEs, an increase of 30.2 FTEs, or 4.1 percent, from the current fiscal year.

**Local Funds:** The Mayor's proposed budget is \$60,491,573, an increase of \$1,804, or 3.1 percent, over the FY 2013 (hereinafter "FY 2013") approved budget of \$58,688,000. This funding supports 464.7 FTEs, an increase of 2.5 FTEs, or 0.5 percent, over the FY 2013 approved level.

**Special Purpose Revenue Funds:** The Mayor's proposed budget is \$1,826,694 an increase of \$16,694, or 0.9 percent, over the FY 2013 approved budget of \$1,810,000. The funding supports 2.7 FTEs, a decrease of -0.7 FTEs, or -19.5 percent, over the FY 2013 approved level.

**Federal Resources:** The Mayor's proposed budget is \$21,233,591, an increase of \$976,591 or 4.8 percent, over the FY 2013 approved budget of \$20,257,000. The funding supports 145.2 FTEs, an increase of 5.6 FTEs, or 4.0 percent, over the FY 2013 approved level.

**Private Donations:** The Mayor's proposed budget is \$319,000, an increase of \$319,000, from the FY 2013 approved budget of \$0.00. The funding supports 5.5 FTEs, an increase of 5.5 FTEs from the FY 2013 approved level.

**Intra-District Funds:** The Mayor's proposed budget is \$17,896,752, an increase of \$2,001,000 or 12.6 percent, from the FY 2013 approved budget of \$15,896,000. The funding supports 144.9 FTEs, an increase of 17.3 FTEs, or 13.6 percent, from the FY 2013 approved level.

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<sup>4</sup> The agency's operating divisions are: (1) Office of the Solicitor General; (2) Child Support Services; (3) Civil Litigation; (4) Commercial; (5) Family Services; (6) Health and Human Services; (7) Legal Counsel; (8) Public Safety; (9) Personnel, Labor and Employment; and (10) Agency Management.

**Committee Analysis and Comments**

**Agency Accomplishments:** The OAG has continued to have numerous successes during the course of the year. Under Attorney General Irvin B. Nathan, the OAG has obtained victories or settlements in a number of cases, which brought in or saved the District substantial sums, started new initiatives, and achieved significant milestones that benefit the government and the District.<sup>5</sup> OAG resolved hundreds of suits where the total demand against the District was approximately \$732,000,000.<sup>6</sup> As a result of scrupulous litigation, OAG resolved all of these actions for about \$17,100,000, less than 3.4 percent, of its exposure.<sup>7</sup>

**Training Opportunities:** Training remains a high priority for OAG.<sup>8</sup> OAG continues to work with members of the local and federal bench to provide volunteer training opportunities for the OAG attorneys. The U.S. Attorney's Office has also allowed OAG attorneys to participate in their training programs. Having these training contributions readily available has assisted in lowering the costs of OAG training, while providing meaningful professional development for our legal services branch.

**Charles F.C. Ruff Law Fellows Program:** The Charles F.C. Ruff Law Fellows Program will continue to be funded in the Mayor's proposed FY 2014 budget. OAG has secured commitments from area law schools, including: 1) the University of the District of Columbia; 2) George Washington University; and 3) Georgetown University to fund on a matching basis with the District salaries for Fellows to join the OAG for one year.<sup>9</sup> The Fellows provide substantial assistance to OAG attorneys; five Fellows have been hired for permanent positions.

**Document Management System:** The Mayor proposed \$700,000 in OAG's FY 2014 budget for the continued operation of its Document Management System. This system was implemented in 2011 in response to a court order in the *Barham* case, which involved mass arrests by the Metropolitan Police Department at a protest rally in 2001.<sup>10</sup> The Attorney General testified that the funding provided by the budget enhancement will allow for the continued operation of the OAG Document Management System, which has and will continue to save the District dollars and liability exposure.<sup>11</sup>

**Elected Attorney General Legislation Budget Impact:** During the budget oversight hearing, Chairperson Wells inquired about the potential budgetary impact of Bill 20-134, the "Elected Attorney General Implementation and Legal Services Establishments Amendment Act of 2013", should it be passed as introduced. The Attorney General stated that it would

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<sup>5</sup> *Office of the Attorney General: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety, at 1* (Apr. 25, 2013) (written testimony of Irvin B. Nathan, Attorney General, Office of the Attorney General).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 5.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> *Id.* at 3.

<sup>11</sup> *Id.*

significantly reduce the budget of OAG.<sup>12</sup> According to the Attorney General, the OAG would no longer continue with its current system of a Memorandum of Understanding (MOU) with agencies for approximately 150 attorneys and the Child Support Services Division would fall under the budget of the Department of Human Services. The Committee is still in the process of considering this legislation; these factors have been noted.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

1. Reduce CSG 20 (Supplies and Materials) by \$20,000 of local funds in Program 1000 (reflecting a transfer of \$5,000 to FQ0 (Deputy Mayor for Public Safety and Justice), Program 6000 (Corrections Information Council), CSG 20 (Supplies and Materials); and \$15,000 FR0 (Department of Forensic Sciences) Program 2000 (Investigative Forensic Science), CSG 70 (Equipment & Equipment Rental) for specialty DNA equipment).

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<sup>12</sup> *Office of the Attorney General: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety (Apr. 25, 2013)* (oral conversation between Irvin B. Nathan, Attorney General, Office of the Attorney General and Councilmember Wells, Chairperson, Committee on the Judiciary and Public Safety).

## C. METROPOLITAN POLICE DEPARTMENT

Metropolitan Police Department (FA0) - Operating Budget by Fund Type					
Fund Type	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL GRANTS	5,519,624	2,729,967	2,857,869	-	2,857,869
INTRA-DISTRICT FUNDS	27,582,135	22,550,573	22,626,837	-	22,626,837
LOCAL FUND	443,372,103	462,390,328	478,356,820	(875,000)	477,481,820
PRIVATE	122,906	-	-	-	-
SPECIAL PURPOSE REVENUE FUNDS	4,909,657	8,535,175	6,993,135	-	6,993,135
<b>Grand Total</b>	<b>481,506,424</b>	<b>496,206,043</b>	<b>510,834,661</b>	<b>(875,000)</b>	<b>509,959,661</b>

Metropolitan Police Department (FA0) - FTEs by Fund Type				
Fund Type	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL GRANTS	17.4	18.6	-	18.6
INTRA-DISTRICT FUNDS	12.0	8.5	-	8.5
LOCAL FUND	4,578.3	4,509.2	-	4,509.2
SPECIAL PURPOSE REVENUE FUNDS	1.8	0.7	-	0.7
<b>Grand Total</b>	<b>4,609.6</b>	<b>4,537.0</b>	<b>-</b>	<b>4,537.0</b>

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>Metropolitan Police Department (FA0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	309,763,392	310,140,332	314,508,934	-	314,508,934
12-REGULAR PAY - OTHER	3,873,377	4,012,804	4,610,101	-	4,610,101
13-ADDITIONAL GROSS PAY	24,052,737	24,410,840	24,410,840	-	24,410,840
14-FRINGE BENEFITS - CURR PERSONNEL	50,665,630	53,862,895	55,294,756	-	55,294,756
15-OVERTIME PAY	26,760,814	29,697,031	28,323,374	-	28,323,374
20-SUPPLIES AND MATERIALS	4,576,128	5,073,621	3,785,910	-	3,785,910
30-ENERGY, COMM. AND BLDG RENTALS	378,207	259,700	259,700	-	259,700
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	111,452	135,000	200,000	-	200,000
32-RENTALS - LAND AND STRUCTURES	750,000	750,000	750,000	-	750,000
33-JANITORIAL SERVICES	9,711	-	-	-	-
35-OCCUPANCY FIXED COSTS	98,452	100,000	100,000	-	100,000
40-OTHER SERVICES AND CHARGES	13,319,604	12,730,745	10,457,300	25,000	10,482,300
41-CONTRACTUAL SERVICES - OTHER	44,837,083	52,440,166	63,034,575	-	63,034,575
50-SUBSIDIES AND TRANSFERS	-	-	1,710,700	(1,650,000)	60,700
70-EQUIPMENT & EQUIPMENT RENTAL	2,309,837	2,592,908	3,388,471	750,000	4,138,471
<b>Grand Total</b>	<b>481,506,424</b>	<b>496,206,043</b>	<b>510,834,661</b>	<b>(875,000)</b>	<b>509,959,661</b>



Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>Metropolitan Police Department (FA0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-REGIONAL FIELD OPERATIONS	(16,776)	-	-	-	-
1001-PATROL SERVICES & SCHOOL SECURITY BUREAU	278,155,656	267,575,781	281,929,095	-	281,929,095
100F-AGENCY FINANCIAL OPERATIONS	3,900,357	3,334,420	3,447,382	-	3,447,382
2000-INVESTIGATIVE FIELD OPERATIONS	-	-	-	-	-
2001-INVESTIGATIVE SERVICES BUREAU	70,137,228	66,088,034	59,345,757	(1,650,000)	57,695,757
3000-SPECIAL FIELD OPERATIONS	-	-	-	-	-
4001-STRATEGIC SERVICES BUREAU	4,692,940	5,330,672	4,959,563	-	4,959,563
5000-POLICE BUSINESS SERVICES	(156,392)	-	-	-	-
5001-CORPORATE SUPPORT BUREAU	12,991,191	14,048,139	13,161,728	-	13,161,728
6001-PROFESSIONAL DEVELOPMENT BUREAU	29,094,804	42,014,437	41,254,114	25,000	41,279,114
7001-ASSISTANT CHIEF INTERNAL AFFAIRS BUREAU	8,663,261	8,745,930	8,419,029	-	8,419,029
9001-HOMELAND SECURITY BUREAU	51,654,330	63,679,568	70,955,994	-	70,955,994
AMP1-AGENCY MANAGEMENT PROGRAM	22,389,825	25,389,061	27,362,000	750,000	28,112,000
<b>Grand Total</b>	<b>481,506,424</b>	<b>496,206,043</b>	<b>510,834,661</b>	<b>(875,000)</b>	<b>509,959,661</b>

<b>Mayor's Proposed Fiscal Year 2014-2019 Capital Budget, MPD, by Project</b>								
<b>Project Name</b>	<b>Number</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>6-Year</b>
6th District Relocation	PDR01C	4,000	0	0	0	0	0	4,000
MPD Scheduled Capital Improvements	PL110C	2,500	3,000	0	0	0	0	5,500
CCTV/Shotspotter Integration	PDB23C	2,000	0	0	0	0	0	2,000
Specialized Vehicles - MPD	PEQ20C	1,711	3,050	4,000	0	0	0	8,761
Specialized Vehicles - MPD	PEQ22C	5,500	3,900	3,000	0	0	0	12,400
Crime Fighting Technology	PLT10C	2,500	0	0	0	0	0	2,500
<b>Agency Total</b>		<b>18,211</b>	<b>9,950</b>	<b>7,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,161</b>
<b>Committee's Approved Fiscal Year 2014-2019 Capital Budget, MPD, by Project</b>								
<b>Project Name</b>	<b>Number</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>6-Year</b>
6th District Relocation	PDR01C	4,000	0	0	0	0	0	4,000
MPD Scheduled Capital Improvements	PL110C	2,500	3,000	0	0	0	0	5,500
CCTV/Shotspotter Integration	PDB23C	2,000	0	0	0	0	0	2,000
Specialized Vehicles - MPD	PEQ20C	1,711	3,050	4,000	0	0	0	8,761
Specialized Vehicles - MPD	PEQ22C	5,500	3,900	3,000	0	0	0	12,400
Crime Fighting Technology	PLT10C	2,500	0	0	0	0	0	2,500
<b>Agency Total</b>		<b>18,211</b>	<b>9,950</b>	<b>7,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,161</b>

(Dollars in thousands)

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

The mission of the Metropolitan Police Department (MPD) is to safeguard the District of Columbia and protect its residents and visitors by providing the highest quality police service with integrity, compassion, and a commitment to innovation that integrates people, technology, and progressive business systems.

MPD provides crime prevention and response services through patrols, investigations, and homeland security services. The Patrol Services and School Security division delivers community policing to the District's neighborhoods through 46 police service areas in seven police districts and oversees the provision of security services to the District of Columbia Public

Schools. The Investigative Services division investigates violent, property, and narcotic crimes and provides forensic support for those cases. The Homeland Security division coordinates domestic security and intelligence operations, as well as traffic safety and special events. The Internal Affairs Bureau investigates use of force, potential equal employment opportunity violators, and other complaints against MPD officers and employees. The Strategic Services, Professional Development, and Corporate Support Bureaus support the work of the entire department through research, crime analysis, strategic direction, recruitment, hiring and training personnel, fleet management, procurement, and other administrative support services.

## **b. Mayor's Proposed Fiscal Year 2014 Operating Budget**

### **Proposed Operating Budget Summary**

The Mayor's fiscal year 2014 budget proposal for the MPD is \$510,834,661, an increase of \$14,628,618 or 2.9 percent, above the current fiscal year. The proposed budget supports 4,537 FTEs, a decrease of 72.6 FTEs, or -1.6 percent, from the current fiscal year.

***Local Funds:*** The Mayor's proposed budget is \$478,357,000, an increase of \$15,966,000, or 3.5 percent, above the fiscal year 2013 approved budget of \$462,390,000. This funding supports 4,509.2 FTEs, a decrease of 69.1 FTEs, or -1.5 percent, from the fiscal year 2013 approved level.

***Special Purpose Revenue Funds:*** The proposed budget is \$6,993,000, a decrease of \$1,542,000, or -18.1 percent, from the fiscal year 2013 approved budget of \$8,535,000. This funding supports 0.7 FTEs, a decrease of 1.1 FTEs, or -59.6 percent, from the fiscal year 2013 approved level.

***Federal Resources:*** The proposed budget is \$2,858,000, an increase of \$128,000, 4.7 percent, from the fiscal year 2013 approved budget of \$2,730,000. This funding supports 18.6 FTEs, an increase of 1.2 FTEs, or 6.6 percent, from the fiscal year 2013 approved level.

***Private Grant Funds:*** The proposed budget is \$0, representing no change from the fiscal year 2013 approved budget of \$0.

***Intra-District Funds:*** The proposed budget is \$22,627,000, an increase of \$76,000, or 0.3 percent, from the fiscal year 2013 approved budget of \$22,551,000. This funding supports 8.5 FTEs, a decrease of 3.5 FTEs, or 29.4 percent, from the fiscal year 2013 approved level.

### **Committee Analysis and Comments**

***Staffing:*** The District is thriving -- and growing. More than 600,000 people call the District home and that number is growing by approximately 1,100 people each month. Another 500,000 people come into the District to work each day and more than 15,000,000 tourists visit each year. This type of activity and growth demands a strong police department. Accordingly, a primary area of concern for the Committee is the number of sworn officers.

During the April 29, 2013 budget hearing, Chief Lanier testified that the Department currently has 3,936 sworn members, 150 of which were hired in fiscal year 2013. There are 199 recruits currently in training at the Metropolitan Police Academy. In January, the Council approved a reprogramming to allow funding for 50 additional officers; another reprogramming was submitted to Council to hire 43 additional officers. This will allow MPD to hire up to 4,000 by the end of FY13; MPD will then use the FY 2014 budget to maintain this staffing level by hiring to meet attrition. Currently, the attrition rate has slowed; if this rate continues, MPD will hire approximately 25 officers every other month for the rest of the year. The FY 2014 proposed funding will ensure MPD can keep pace with the current level of attrition, but it does not account for the increased demand that continued population growth and development will require. Also, the Committee notes that MPD continues to face an approaching retirement challenge, as more officers become eligible for retirement each year. Chief Lanier stated that 306 officers are eligible for retirement this year, though not all will opt to exercise that eligibility. Should the number of retirements increase, the Department will need a more aggressive hiring and retention plan and appropriate funding.

The FY 2014 budget also expands the cadet program by 10 additional cadets. Cadets are recent District high school graduates employed by the department in civilian positions; they work approximately 20 hours per week, rotating through various assignments to give them exposure and experience throughout the Department. The cadet program also covers tuition at UDC; upon completion of their Associate Degree program, cadets can enter recruit training.

**Central Cell Block Transfer:** The Central Cell Block (CCB) is managed by MPD and located at MPD headquarters. CCB is used to temporarily house arrestees as they await a court appearance. Depending on the outcome of that appearance, the arrestee is released or transferred to a Department of Corrections (DOC) or federal prison facility. The FY 2014 Budget Support Act (BSA) includes a subtitle that places DOC in charge of managing the CCB. In doing so, it requires the transfer of all property, records, appropriations, allocations, and funds related to CCB management from MPD to DOC. Under this plan, MPD will transfer 38 full time equivalent civilian positions and the associated \$2.56 million to DOC, along with \$38,000 in NPS.

Both MPD and DOC testified at the budget hearings that this change in authority provides a better alignment of agency duties and mission and will provide long-term improvement of CCB. According to MPD Chief Cathy Lanier, this transfer will place responsibility for housing arrestees with the agency with the greatest expertise in this function, while allowing MPD to focus on its more specific mission of ensuring public safety in the District.<sup>13</sup> A primary benefit of the transfer to DOC is that more police officers will be freed up for operational functions; currently, when arrestees are transferred to court or need medical attention, police officers must accompany them and stay with the arrestee until the appearance or the medical care is concluded.<sup>14</sup> Under the transfer, DOC will assume responsibility for transport as well as hospital duty. Chief Lanier testified that she has had as many as 18-40

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<sup>13</sup> *Metropolitan Police Department: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety* (Apr. 29, 2013) (written testimony of Cathy Lanier, Chief of Police, Metropolitan Police Department)

<sup>14</sup> *Id.*

number of officers tied up on hospital duty on any given weekend, rather than on the streets ensuring public safety. DOC will also implement a triage process at the CCB, which will likely reduce the hospital visits for minor issues. This too is something with which DOC is familiar, as it currently manages medical care at the DC Jail.

The Committee recognizes that the benefits to the operation of the CCB and the corresponding agencies' core functions are significant. These positive changes are not without impact, as 38 civilian employees will have to transition to become correctional officers in order to have a chance to return to their jobs at the CCB. DOC Director Faust testified that the existing CCB employees would have priority in the hiring process and the Committee expects DOC to honor this statement – the existing CCB employees have considerable experience in processing arrestees and that experience should have meaningful value to DOC as it assumes operation of the CCB. MPD has also assured the Committee that the Department will be working aggressively to assist the civilian employees as they transition out of the Department. According to MPD, the Department has scheduled 10 sessions over the next 8 weeks with the Human Resources division to assist the civilian employees with job readiness, including one-on-one review of personnel folders, specifics related to individual personnel issues, and help with résumés and applications. The Committee urges MPD to follow through with this assistance to help limit lapse in employment for these District employees.

***Streamlining of Security Licensing Amendment Act of 2013:*** MPD is currently charged with licensing all professional private security personnel, which includes security agencies, private detectives, and licensed security personnel, such as special police officers. MPD issues new licenses as needed, renews licenses annually, and conducts a one-time FBI background check – DC currently has approximately 350 security agencies, 300 private detectives, and 14,000 licensed security personnel. The BSA includes a subtitle that would transfer the administrative work of licensing security agencies and professionals to the Department of Consumer and Regulatory Affairs (DCRA), while MPD retains the ultimate authority to approve individuals and agencies to be licensed in the security industry and to enforce security and use of force laws and regulations. The Committee supports this transfer as it will be more efficient process for both those seeking licenses and the MPD.

***Technology Improvements.*** Recent events, such as the bombing at the finish line of the Boston Marathon and riots in Vancouver, have shown how critical the role of current technology is to solving modern day crimes. While MPD has made significant strides with technology – laptops and handheld devices have enabled officers and detectives to do more work from the field – MPD's crime solving technology has not kept pace with the industry. Technology improves every day and public safety can improve with it, but only if the resources are available to our public safety agencies. To that end, the Committee is redirecting \$750,000 to be used to upgrade video technology and software for law enforcement purposes, and improve computers to accept such improved technology, including tablets that can accept video images from ShotSpotter and other feeds so that patrol officers can view a dangerous scene as they approach.

***Labor and Management Relations:*** MPD has a very active union, the Fraternal Order of Police (FOP). However, it has been years since a new collective bargaining agreement (CBA) has been negotiated between agency management and labor. The current contract expired on

October 1, 2007, but has since remained in operation as a holdover. The Committee will not recount the entire process here, but is concerned that ongoing troubles in this area exacerbate the hiring and retirement issues stated above. The Committee strongly urges the Executive to act on a new CBA, and for MPD to find common ground with the police union so that the parties can negotiate a new and revised collective bargaining agreement that is mutually acceptable to all parties.

**c. Mayor's Proposed FY 2014-2019 Capital Budget**

**Proposed Capital Budget Summary**

The Mayor's proposed capital budget for MPD is \$35,161,000 over six years: \$18,211,000 in FY 2014, \$9,950,000 in FY 2015, and \$7,000,000 in FY 2016. The budget does not include any funds in the remaining out years (FY 2017 – FY 2019). This plan includes funding to:

1. Renovate former Merritt Middle School in W7 to convert it to MPD 6th District facility and Youth Investigative Division (to replace existing location MPD has outgrown). Existing project; FY 2014 funding of \$4,000,000 completes the total \$14,000,000 cost.
2. Complete scheduled capital improvements at MPD facilities. FY 2014 allotment is \$2,500,000; projected FY 2015 is \$3,000,000; this makes a total over last 4 years \$18,387,000.
3. Modernize and automate, maintain replacement schedule for computers, consolidating criminal databases, refreshing CCTV network.
4. Replace aging vehicles. Two projects (PEQ20 and PEQ 22), together include \$7,200,000 in FY 2014, \$6,900,000 in FY 2015, and \$7,000,000 in FY 2016.

**Committee Analysis and Comments**

***Fleet Replacement:*** MPD's goal is to maintain the existing fleet of police vehicles according to an established replacement cycle, typically every 5 years. Due to previous budget cuts, MPD was well behind this standard replacement schedule for its patrol vehicles, which receive substantial wear and tear as they are in constant use. At the start of FY 2013, 41% of marked patrol cars exceed the preferred replacement cycle. With the funding available in the capital improvement plan, this number should drop to 19% at the end of FY 2014; and 14% at the end of FY 2015. By the end of FY 2016, the fleet should be back on track with the preferred replacement schedule, but the Committee is concerned about the lack of funding in the out years. According to MPD, the Department needs approximately \$7,000,000 each year to maintain the preferred maintenance schedule. The Committee recommends the Council identify funding to add \$7,000,000 to FY 2017, FY 2018, and FY 2019, in order to ensure patrol vehicles stay on a regular replacement schedule.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the Metropolitan Police Department as proposed by the Mayor, with the following modifications:

1. Reduce CSG 50 (Subsidies and Transfers) in Program 2800 (Forensic Science Division) by \$1,650,000 in local funds (reflecting the ongoing shift of forensic functions from MPD to DFS; this is a technical change to move funds from an intra-District transfer line to the DFS baseline budget).
2. Increase CSG 70 (Equipment and Equipment Rental) in Program AMP1 (Activity 1040, Information Technology) by \$750,000 in local funds to fund technology improvements to cameras, software, computers, and handheld tablets. (These funds come from the proposed BSA subtitle "MPD Capital Project Recession Act of 2013").
3. Increase CSG 40 (Other Services and Charges) in Program 6001 (Professional Development Bureau) by \$25,000 in one-time local funds for MPD to conduct training related to traffic enforcement, particularly those violations that involve illegal U-Turns across bicycle lanes and other bicycle-safety issues.

### **b. FY 2014 Capital Budget Recommendations**

1. The Committee recommends the Council identify funding to add \$7,000,000 to FY 2017, FY 2018, and FY 2019 in order to ensure patrol vehicles stay on a regular replacement schedule.

### **c. Policy Recommendations**

1. The Committee urges MPD to follow through with assistance to help limit lapse in employment for the Central Cell Block civilian employees.
2. The Committee urges DFS and MPD to continue to work diligently on the transition plan to transfer responsibilities for crime scene response from MPD.
3. The Committee recommends MPD increase enforcement of traffic violations that impact the safety of bicyclists, particularly those that involve illegal U-turns across bike lanes.

**D. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT**

<b>Fire and Emergency Medical Services Department (FB0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	1,825,495	-	1,608,459	-	1,608,459
INTRA-DISTRICT FUNDS	2,243,962	-	-	-	-
LOCAL FUND	188,903,103	197,853,728	199,468,849	(215,000)	199,253,849
SPECIAL PURPOSE REVENUE FUNDS	1,465,032	1,520,000	1,520,000	-	1,520,000
<b>Grand Total</b>	<b>194,437,592</b>	<b>199,373,728</b>	<b>202,597,307</b>	<b>(215,000)</b>	<b>202,382,307</b>

<b>Fire and Emergency Medical Services Department (FB0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	-	30.0	-	30.0
LOCAL FUND	2,130.0	2,070.0	-	2,070.0
SPECIAL PURPOSE REVENUE FUNDS	-	-	-	-
<b>Grand Total</b>	<b>2,130.0</b>	<b>2,100.0</b>	<b>-</b>	<b>2,100.0</b>



<b>Fire and Emergency Medical Services Department (FB0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	134,071,467	144,443,096	143,218,404	(557,663)	142,660,741
12-REGULAR PAY - OTHER	738,942	287,748	584,225	(489)	583,736
13-ADDITIONAL GROSS PAY	7,465,804	7,604,133	7,604,133	-	7,604,133
14-FRINGE BENEFITS - CURR PERSONNEL	22,106,854	24,238,791	25,842,548	-	25,842,548
15-OVERTIME PAY	6,545,839	3,325,498	3,094,686	-	3,094,686
20-SUPPLIES AND MATERIALS	5,394,806	4,457,555	4,586,230	8,962	4,595,192
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	69,700	-	-	-	-
40-OTHER SERVICES AND CHARGES	3,251,677	2,847,015	2,857,014	335,000	3,192,014
41-CONTRACTUAL SERVICES - OTHER	4,730,665	4,675,624	6,582,133	-	6,582,133
50-SUBSIDIES AND TRANSFERS	6,313,720	6,317,670	7,029,290	-	7,029,290
70-EQUIPMENT & EQUIPMENT RENTAL	3,697,883	1,176,597	1,198,644	-	1,198,644
99-UNKNOWN PAYROLL POSTINGS	50,234	-	-	-	-
<b>Grand Total</b>	<b>194,437,592</b>	<b>199,373,728</b>	<b>202,597,307</b>	<b>(214,190)</b>	<b>202,383,117</b>

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>Fire and Emergency Medical Services Department (FB0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-ADMINISTRATIVE SUPPORT	17,556,770	15,647,974	15,998,661	118,799	16,117,460
100F-AGENCY FINANCIAL OPERATIONS	1,166,039	1,222,416	1,257,327	-	1,257,327
2000-FIRE PREVENTION AND EDUCATION	5,703,000	6,633,160	6,075,451	(103,755)	5,971,696
3000-FIELD OPERATIONS	150,530,946	157,940,770	160,275,757	(341,951)	159,933,806
4000-EMPLOYEE PREPAREDNESS	9,281,686	8,505,735	9,755,619	-	9,755,619
5000-OPERATIONS SUPPORT	7,737,578	6,697,300	6,714,759	-	6,714,759
6000-POLICY AND PLANNING	2,469,700	2,528,898	2,481,078	-	2,481,078
7000-STATE SAFETY OVERSIGHT PROGRAM	-	197,475	38,656	112,717	151,373
9960-YR END CLOSE	(8,128)	-	-	-	-
<b>Grand Total</b>	<b>194,437,592</b>	<b>199,373,728</b>	<b>202,597,307</b>	<b>(214,190)</b>	<b>202,383,117</b>

<b>Mayor's Proposed Fiscal Year 2014-2019 Capital Budget, FEMS, by Project</b>								
Project Name	Number	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	6-Year
E-22 Firehouse Replacement	LC437C	8,000	4,000	0	0	0	0	12,000
Engine Company 23 Renovation	LC537C	3,000	0	0	0	0	0	3,000
FEMS Scheduled Capital Improvements	LF239C	5,498	3,500	3,500	0	0	0	12,498
Fire Apparatus	20630C	4,000	4,000	4,000	0	0	0	12,000
Fire Apparatus	20600C	4,000	4,000	4,000	0	0	0	12,000
Fire Training Simulators	LG337C	1,650	0	0	0	0	0	1,650
<b>Agency Total</b>		<b>26,148</b>	<b>15,500</b>	<b>11,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>53,148</b>
<b>Committee's Approved Fiscal Year 2014-2019 Capital Budget, FEMS, by Project</b>								
Project Name	Number	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	6-Year
E-22 Firehouse Replacement	LC437C	8,000	4,000	0	0	0	0	12,000
Engine Company 23 Renovation	LC537C	3,000	0	0	0	0	0	3,000
FEMS Scheduled Capital Improvements	LF239C	5,498	3,500	3,500	0	0	0	12,498
Fire Apparatus	20630C	4,000	4,000	4,000	0	0	0	12,000
Fire Apparatus	20600C	4,000	4,000	4,000	0	0	0	12,000
Fire Training Simulators	LG337C	1,650	0	0	0	0	0	1,650
<b>Agency Total</b>		<b>26,148</b>	<b>15,500</b>	<b>11,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>53,148</b>

(Dollars in Thousands)

## **1. COMMITTEE ANALYSIS AND COMMENTS**

### **a. Agency Mission and Overview**

The mission of the Fire and Emergency Medical Services Department (F&EMS) is to promote safety and health through excellent pre-hospital medical care, fire suppression, hazardous materials response, technical rescue, homeland security preparedness, and fire prevention and education in the District of Columbia.

The F&EMS Department provides fire suppression, emergency medical services (EMS), homeland security and special operations response—collectively known as all-hazards protection—for residents and visitors to the District of Columbia. This mission is performed by 33 neighborhood fire stations that deploy 39 EMS transport units (ambulances), 33 engine companies, 16 ladder trucks, three heavy-rescue squads, one hazardous materials unit, and one fire boat company. Fourteen of these transport units and 21 of these engine companies are

staffed by paramedics providing advanced life support (ALS) care. The department responds to more than 160,000 emergency 911 calls each year and transports more than 90,000 patients to local hospitals. F&EMS also provides services for special events unique to the nation's capital, such as demonstrations, public gatherings, and presidential inaugurations. Additionally, the department provides fire suppression and emergency medical protection for presidential motorcades and helicopter landings.

Supporting all-hazards District-wide protection is a business model emphasizing timely, resourceful, efficient, and effective combinations of programs, people, equipment, and mobile technology delivered at an individual, neighborhood, and community level. F&EMS is responsible for the internal training and development, along with human resources administration, of more than 2,000 employees. Fire and safety inspection, education, and intervention programs touch more than 10,000 District residents each year through community presentations, smoke alarm installations, health status/disease prevention screenings, car seat installations, and CPR instruction. The Departments' cost recovery programs for ambulance transport, along with fire prevention fees and permits, create \$23,000,000 in annual revenue.

**b. Mayor's Proposed FY 2014 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Fire and Emergency Medical Services Department is \$202,597,307, an increase of \$3,223,579, or 1.6 percent, over the current fiscal year. The proposed budget supports 2,100.0 FTEs, a decrease of 30.0 FTEs, or a -1.4 percent decrease from current fiscal year.

**Local Funds:** The Mayor's proposed budget is \$199,469,000, an increase of \$1,615,000, or 1.6 percent, over the FY 2013 approved budget of \$197,854,000. This funding supports 2,070 FTEs, a decrease of 60.0 FTEs, or 2.8 percent less than the FY 2013 approved level. Of these 60.0 FTEs, 30.0 FTEs were shifted from Local funds to Federal Grant funds to absorb the cost and FTEs in support of a new Federal Emergency Management Administration (FEMA) grant. 44 FTEs were eliminated, resulting in a \$2,558,000 vacancy savings, which were transferred to the Workforce Investments account.

**Special Purpose Revenue Funds:** The Mayor's proposed budget is \$1,520,000 representing no change from the FY 2013 approved budget. The funding supports 0.0 FTEs, representing no change from the FY 2013 approved level.

**Federal Funds:** The Mayor's proposed budget includes \$1,608,000 in federal funds; no federal funds were provided in the FY 2013 approved budget. The funding supports 30.0 FTEs, representing an increase from 0 FTEs supported in FY 2013 approved level.

**Committee Analysis and Comments**

**Emergency Medical Services Bureau:** The District houses more than 600,000 residents; sees more than 500,000 commuters each day; welcomes 15 million tourists a year; and increases

its population by approximately 1,100 new residents each month. According to answers submitted from the Office of Unified Communications to the Committee on March 21, 2013, the District had received 178,703 911 calls in all of FY 2012.<sup>15</sup> The OUC submission stated the city 911 command center has received 80,076 currently in FY 2013, which is on pace to meet the number of calls received in FY 2012. On March 20, 2013, F&EMS stated it received only 168,456 total calls in FY 2012.<sup>16</sup> In spite of this discrepancy of about 10,000 calls, there has been a clear increase of demand on the Department services each of the past three years. In the public roundtable held on March 28, 2013, the F&EMS Chief testified that approximately 80% of the total calls of the agency are related to emergency medical services.

The Department has long been operating as a dual-force department, which means that the Department has the duty of serving as firefighters while also serving as the emergency medical services provider for the District. To fully commit to this mission, the Department must invest sufficient resources into proper equipment, training for its members to perform both functions, and support from management to move the department to a force capable of responding to all hazards. The Committee is concerned that the Department, as presently operated, has not taken sufficient steps to accomplish the role of dual service provider.

***EMS Roundtable on F&EMS Emergency Response Capacity:*** On March 28, 2013, the Committee held a public oversight roundtable regarding the “Capacity of the Fire and EMS Department to Provide Timely Ambulance Response to Emergency Calls.” During the hearing, the Committee received testimony from the Department, union representatives, and members of the public. The roundtable addressed three examples of failures of the F&EMS Department to have medical transports available for patients who were in critical medical condition. The roundtable, along with a report by Office of the Inspector General, revealed that F&EMS had major issues with lack of available reserves of emergency vehicles, poor quality of apparatus division repairs, and failure to adequately replenish an aging frontline fleet.<sup>17</sup> The roundtable raised concerns that the Department is struggling to fulfill its obligations as emergency medical services provider by failing to actively replenish and maintain the fleet apparatus and failing to maintain sufficient levels of staffing at mission critical positions like paramedics.

The roundtable also presented the first time the Department admitted to presenting incorrect information to the Council, with regard to its fleet inventory levels. On March 28<sup>th</sup>, 2013, the F&EMS Chief testified:

[U]nfortunately, the information provided in response to the Performance Hearing questions was not accurate. The inaccurate information was created from a vehicle status report that had not been updated and did not show the most recent status of many vehicles. To be clear, our Department had already submitted our response to Council, prior to reading the recent OIG report.

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<sup>15</sup> Office of Unified Communications, Response to Questions Asked by Committee for Public Oversight Roundtable , 4, (March 21, 2013)

<sup>16</sup> Fire and EMS, Response to Questions Asked by Committee for Public Oversight Roundtable , 4, (March 20, 2013)

<sup>17</sup> Office of Inspector General, “Deficiencies observed in the repair and readiness of reserve vehicles” at 3 (Feb. 19, 2013)

While the Committee assumes no deliberate deception by the Department, this was not an isolated incident of incorrect information being submitted to the Council in the past several months; rather it appears to be emblematic of a department that has poorly managed its resources. In the roundtable, the F&EMS Chief testified that the Department had been operating with inaccurate information about the fleet for about a year. Such failures put the Department at risk of being unprepared to perform its duties effectively and efficiently.

***Paramedic Shortages:*** F&EMS provided inconsistent information to the Committee with regard to paramedic staffing as well. On February 4, 2013, the Department submitted answers for the performance oversight hearing; these answers stated a reduction of 18 paramedics during FY 2011 and FY 2012. As of March 20, 2013, the Department indicated it had lost a total of thirty-six (36) certified paramedics during FY 2011 and FY 2012.<sup>18</sup> The Committee had concerns that, once again, inconsistent information had been submitted to Council and finds the inconsistencies alarming, particularly when the Department relies on incorrect information in its decision making. The Committee also has serious concerns that at the aforementioned March roundtable, it was revealed that the paramedic attrition rate of the department had exceeded the hiring/internal training/recruit rate of paramedics for the same time frame.

According to the submitted answers for the March 28<sup>th</sup> roundtable, the Department had only hired 2 paramedic recruits, was actively training 3 firefighters to become paramedics in December 2013, and the last time a certified paramedic had been hired was October 12, 2010. The Department indicated that 15 firefighter members had completed paramedic training, but the Department failed to include the date the training was completed. This data states that only 5 paramedics have knowingly been added to the Department since FY 2011, while anywhere from 18 to 36 paramedics have left the Department through resignation or termination.

The F&EMS Chief testified on April 17, 2013, that a new cadet class will be joining the force in May 2014, and the Department is currently processing the applications of 26 new dual role firefighters, including 4 applicants who have previously been certified as an EMT intermediate or an EMT Paramedic. However, the Committee will emphasize that without increasing the current levels of firefighter paramedics on staff, the Department's numbers indicate the force is losing more paramedics than it is gaining. The paramedic shortages increase the stress and pressure on current staff to carry the large workload, and the shortages take away the Department flexibility to have reserve staff on hand in case scheduled workers are unavailable to work.

On April 17, 2013 during the FY 2014 budget hearing, the F&EMS Chief testified that the Department is looking to revive an old partnership with Prince George's County Community College to provide paramedic training to current firefighter/EMTs. The Department stated it takes a firefighter/EMT approximately 1 year to become a firefighter/paramedic. The Committee expects regular updates on the Department's progress to provide accessible, in-house training to firefighters/EMTs who wish to become paramedics. The Committee urges the Department to continue efforts to encourage and incentivize current members to undertake paramedic

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<sup>18</sup> See *id.*

certification. Without sufficient staffing at this mission critical position, the Committee is concerned the ability of the Department to deliver effective critical medical care may be compromised. While in-house training is a good long term goal for the Department, there currently exists an immediate need for paramedics can only be met through the hiring of currently certified paramedics firefighters to fill vital vacant positions.

**Vacancies:** In a February 4, 2013 response to preliminary performance questions, F&EMS stated the Department had 115 vacancies. During the April 17, 2013 FY 2014 budget hearing, the F&EMS Chief testified the Department had 150 vacancies – indicating an increase of 35 vacancies in that time frame. The F&EMS Chief also testified that the Department would be eliminating 44 Firefighter/EMT recruit positions for FY 2014 and transferring the corresponding funds out of the Department to the Workforce Investment fund. However, after a follow up request by the Committee for a Schedule A roster (updated as of May 1, 2013) from the Department, it was discovered that some of the eliminated positions were for paramedic firefighters. In fact, of the 44 positions eliminated, 15 positions were for paramedic firefighters. The Committee cannot understand why so many paramedic firefighter positions were eliminated when there is such need for trained personnel.

In the same Schedule A roster, within the remaining 106 vacancies is the position of assistant fire chief of operations. The position was created to serve as the head of the EMS arm of the Department and to demonstrate the emphasis the department placed on emergency medical services. Other critical vacancies include 2 firefighter/paramedics, and 4 Battalion EMS captain positions, who are responsible for oversight of the EMS operations. The Committee recommends the Department work aggressively to fill the vacant EMS leadership positions to show the city the Department remains dedicated to maximizing its ability to provide effective emergency medical care.

In a dual role department, sufficient number of paramedics are critical to the delivery of critical medical care during transport of patients to the hospital. The Committee is gravely concerned that management has failed to address the depleting number of paramedics on staff. Also of concerns is management's inconsistent actions in supporting a dual role department. The F&EMS Chief testified at the April 17 FY 2014 budget hearing that he had reached out to human resources to see the viability of hiring single role paramedics to address the immediate need for more paramedics. During the budget hearing for the Deputy Mayor office on Public Safety and Justice on April 29, 2013, Deputy Mayor Quander testified:

[T]he reality is the city has a need for an influx of paramedics, and we have a group of individuals who want to be paramedics, but do not want to be firefighters. . . We are exploring all the options that are available . . . however the Department is not moving away from a dual role agency.

The Committee is concerned the Department may not be able to meet its personnel needs to operate dual role agency. The District needs more paramedic firefighters and the Department needs to come up with a plan to add this mission critical position through new hires and additional training. The combination of paramedic attrition, paramedic firefighter vacancies and position elimination, the failure to fill vacancies of key emergency medical leadership positions,

a decreased emphasis on paramedic hiring, and no currently operating in-house training programs causes significant concern that the Department is insufficiently staffed to adequately serve the District. F&EMS must take immediate action to recruit additional paramedic firefighters. Accordingly, the Committee is recommending a realignment of Personal Services funds to reclassify several vacant single-role positions as paramedic firefighters.

***Future “Breakout” of EMS Bureau budget:*** In the FY 2013 budget report, the Committee requested a breakout of the EMS Bureau to be delineated with specificity in the agency’s budget,” in order to continue F&EMS’ structured commitment to EMS within the agency.<sup>19</sup> The Committee is disappointed the FY 2014 budget does not include this breakdown. EMS must remain a priority of the Department.

***Arson Investigation:*** Information submitted by the Department to the Committee about the percentage of arson cases closed due to arrest marked another incident of F&EMS failing to report information accurately to the Committee. During the April 17, 2013 budget hearing, when asked how the Department’s percentage of arson closure cases in FY 2012 had risen to 72.7%, the F&EMS Chief testified that the percentage was a result of increased experience of the department investigators and the rate of arson cases going down. When asked if the Department had changed the way that arsons had been measured, the F&EMS Chief replied that there had not been much change.

The Office of the Chief Financial Officer (CFO), released a report called “FY 2014 Proposed Budget and Financial Plan - Benchmarking Study” which contained a series of benchmark studies of the various agencies of the District.<sup>20</sup> General practice for fire departments across the country is that arson is classified as a fire that has been deliberately set. The CFO report contains one study submitted by Fire Marshall Faust that states the arson arrest closure rate, when tallied by the national standard of arson, revealed to be 9.6% in FY 2012. On April 28, 2013, *The Washington Post* published an article titled “Doubts raised about the changes in DC arson data.”<sup>21</sup> The article details how the District calculates arson fires differently than national practice by narrowing the definition of arson to only cases where “those in which there was evidence of willful or malicious intent sufficient to support an arrest.”<sup>22</sup> This narrowing classification of arson resulted in the higher arson closure rates reported by the F&EMS Chief at the April 17<sup>th</sup> budget hearing. Since the April 17<sup>th</sup> hearing, the F&EMS Chief has apologized for his unintentional misstating of the facts and reiterated that no there is no intent to deceive. One Committee concern with the classification system’s lack of uniformity with the national standard is that it becomes more difficult to track the progress of the District and to compare the District’s performance in arson investigation with other similar jurisdictions.

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<sup>19</sup> Council of the District of Columbia, Comm. on the Judiciary, Report and Recommendations of the Committee on the Judiciary on Fiscal Year 2013 Budget and Corresponding Budget Support Act 20 (2012).

<sup>20</sup> Office of the Chief Financial Officer (CFO), *FY 2014 Proposed Budget and Financial Plan - Benchmarking Study*, [http://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/FY2014\\_Benchmarking\\_Study.pdf](http://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/FY2014_Benchmarking_Study.pdf).

<sup>21</sup> See Amy Brittain and Mike Debonis, *Doubts raised about changes in D.C. arson data*, *The Washington Post*, April 28, 2013, <http://thewashingtonpost.newspaperdirect.com/epaper/viewer.aspx>.

<sup>22</sup> See *id.*



Once again, the Committee received incorrect or misleading information from the Department. The Committee is concerned that the budget allocation in FY 2014 for the Department's Fire Prevention was made with misleading information about the arson closure rate. The Fire Prevention division is currently operating with decreased staffing, decreased supervision, and decreased funding, yet the relative amount of arson cases and incendiary fires in the city do not appear to be decreasing. At the April 17<sup>th</sup> budget hearing, Fire Marshall Faust testified that the Department needs to fill vacancies to have adequate staffing. The Committee is concerned about the impact of staffing decreases within the fire prevention division, and will closely monitor how the division is funded, staffed, and performance levels with the current decreased amount of investigators.

The Committee urges the Department to address the vacancies in the Fire Prevention division before job performance is potentially impacted by decreased staffing. Additionally, the Committee would like to follow up on the rationale behind the Department classification of fires, determine why the District does not classify a vehicle that is intentionally set on fire as arson, and research legislative options to realign the District with national practices.

The incorrect information about arson data indicates another instance that F&EMS has provided incorrect information about a department division to the Committee. The Committee is troubled that the Department may be running current operations, as well as preparing for future operations, with inaccurate information. It is the responsibility of the F&EMS Chief to gather the correct information and base Department decisions on accurate and information. Anything else puts District residents and the Department at risk.

***Freedom of Information Act Requests:*** During the April 17<sup>th</sup> FY 2014 budget hearing, the F&EMS Chief testified that the position of the Department's Freedom of Information Act (FOIA) Officer had been vacant for more than one year, but that a full-time FOIA officer will begin on April 22, 2013. During the hearing, the Committee shared two examples of FOIA requests of reporters going unanswered longer than 15 days, as mandated by law.<sup>23</sup> The Committee will monitor the Department's FOIA performance and expects improved compliance in FY 2014.

***Rail Safety:*** The Rail Safety Program was established during the FY 2013 budget as part of a federal requirement for the District's streetcar program. F&EMS has been designated as the State Safety and Security Oversight Agency, a requirement of the U.S. Department of Transportation, for the District. In the FY 2013 budget, the Committee allocated \$197,000 and 2.0 FTEs to support the District's Rail Safety program. This funding was provided to training to two (2) rail safety officers who would be responsible for the safety oversight of the rail car program. The rail car program cannot operate without a trained rail safety officer.

In the FY 2014 proposed budget, the funding for the Rail Safety program has been decreased by \$159,000, and the two (2) FTEs eliminated. Unless corrected, beginning on

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<sup>23</sup> See D.C. Code §2-532(c) - D.C. law provides that "a public body, upon request reasonably describing any public record, shall within 15 business days . . . either make the requested public record accessible or notify the person making such request of its determination not to make the requested public record or any part thereof accessible and the reasons therefor. "

October 1, 2013, the FY 2014 proposed budget currently indicates that District's streetcar program will not be operating in accordance with federal regulations. The Committee does not understand why the FY 2014 proposed budget reflects a decreased budget and staffing for a program that is mandatory for the Streetcar Program to operate, or why the Department has shifted away from the emphasis placed funding for the Rail Safety Program in FY 2013.

The Committee directs F&EMS to provide a report on the operations and expenditures of the Rail Safety Program by July 1, 2013. As the streetcar program is anticipated to launch this fall, the Committee seeks a report from the Rail Safety Program explaining the activities since its inception, copies of the agency's submittals to the U.S. Department of Transportation, and outlining any hurdles for the program. The Committee also seeks an explanation of expenditures in FY 2013. According to responses from F&EMS, the agency has made an number of expenditures for travel and classes related to rail safety training -- which also brings into question the Executive's position to eliminate these positions -- as well as an expenditure of \$142,000 on "Streetcar/Rail Safety consultants." The agency should provide detailed descriptions on these issues so the Committee is ensured that the District is prepared for the launch of the streetcar.

***Labor Management Relationship:*** The Committee does not have a direct role in labor management disputes, yet it is important to highlight that the current relationship between the two local unions and the management is strained. Current collective bargaining negotiations have not been resolved, nor does a resolution appear to be near. The Committee understands that many issues may exist between management and the labor unions; however the District is relying on all parties to work together, so the Department can be unified in its operations of protecting the District during emergencies. The Committee urges all parties to seek resolution as soon as possible.

### **c. Mayor's Proposed FY 2014-2019 Capital Budget**

#### **Proposed Capital Budget Summary**

The policy initiatives in the Mayor's proposed Capital Improvement Plan (CIP) for the Fire and Emergency Medical Services Department include an emphasis on modernizing fire stations, as well as replenishing an aging fleet that has been long been neglected. The District is currently planning the replacement of Engine 22 Firehouse (\$8,000,000 in FY 14), the renovation of Engine Company 22 (\$3,000,000 in FY 14), ongoing capital improvements in the various 35 Fire and EMS facilities (\$5,498,000 in FY 14), and the final construction of a fire training simulator (\$1,650,000 in FY 14). Additionally, the CIP authorizes \$8,000,000 for new fire apparatus.<sup>24</sup>

#### **Committee Analysis and Comments**

***Agency Apparatus:*** Over the past two fiscal years, the Committee has raised concerns about the apparatus department, due to the lack of transparency in the fleet maintenance division

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<sup>24</sup> Volume 6: FY 2014 to FY 2019, Capital Improvements Plan (Budget Books)

and conflicting reports of vehicle availability. In the roundtable hearing on March 28, 2013, the F&EMS Chief conceded that the apparatus information supplied to the Committee was outdated and incorrect, and testified that the department had been operating with bad information about the fleet for about a year. The Committee directed the Department to perform a comprehensive analysis of the division. On April 26, 2013, the Department submitted its updated fleet assessment to the Committee. As of April 26, 2013, the Department has:

Ambulances	56 of 96	57
Pumpers	37 of 53	70
Ladder Trucks	18 of 26	70
Specialty Response Vehicles	38 of 42	90
Command Vehicles	19 of 26	73
Support Vehicles	100 of 111	90

The Committee has concerns about the levels of active ambulance transports, as well as the number of ladder trucks in the fleet. Currently the city is operating with only 57% of its ambulances active for duty. According to the F&EMS Special Order 2007-66 "Reserve Apparatus", F&EMS requires that 10 reserve EMS units are used specifically for Emergency Mobilization Plan, and 20 reserve ambulances be maintained at F&EMS changeover facility. Since the Department currently fields 39 transport units per shift, this means a minimum of 69 ambulances would be required to meet the Special Order. It is common for ambulances to go out of service due to maintenance or accidents. The Special Order reflects the Department's acknowledgement that an adequate reserve fleet is essential for the Department to be able to provide continuous emergency service to the city in the face of anticipated vehicle breakdowns.

Additionally, the Committee is concerned about the number of Ladder trucks in the Department fleet. The fleet has 18 active ladder trucks filling 16 ladder truck positions. Only 3 ladder trucks have received a stress test for the ladder since March 4, 2010, with 2 of the ladders failing the test. The other 23 ladder trucks have not received any stress tests in more than 3 years. In order to test ladder trucks for stress tests, there must be an adequate number in reserve to serve as replacements for the fleet, to prevent the city from being vulnerable to fire during the scheduled ladder stress test. The Committee will continue to investigate the information about the F&EMS fleet inventory, and demand of the Department a continuing standard of transparency and preparedness when reporting to the Committee on the active levels of the Department fleet.

In the April 17<sup>th</sup> FY 2014 Budget hearing, the F&EMS Chief stated the department was in the process of hiring an outside specialist to determine an adequate fleet replacement and maintenance schedule. The Committee believes a detailed apparatus replacement and maintenance schedule is absolutely essential to the success of the Department. F&EMS employees and residents must be able to rely on safe, available fleet apparatus.

The Committee is concerned that the Mayor's FY 2014 proposed capital budget does not provide sufficient resources to ensure a reliable and available fleet. The 6-year capital improvement program allocates just \$8,000,000 for new fleet apparatus purchases in each of the

next 3 fiscal years. These numbers suggest a clear need for significant investment to restore the fleet to adequate levels. The Committee does not believe that \$8,000,000 per year for 3 years is sufficient to overcome minimal attention the fleet has received in past years. In testimony given at the FY 2014 budget hearing, members of the Local 36 firefighter union suggested that “\$13,000,000 is needed to purchase the minimum numbers of pumpers, aerial devices, and ambulances outlined in the department’s plans per year.”<sup>25</sup> The Committee recommends the Council find additional capital funding to increase the budget for fleet replacement in FY14.

The Committee would like the Department to approach the apparatus purchasing schedule with a preventative, rather than prescriptive mindset. As stated above, the Department has 354 vehicles that service one of the most demanding fire and emergency medical services jurisdictions in the country. To properly manage and maintain a fleet requires yearly investments in each type of apparatus the Department requires to perform its duties. It is time to replenish an aging FEMS fleet that the city relies on to transport its citizens to the hospital in the time of an emergency, and to fight building and residential fires. By increasing the capital budget for new department vehicles, the Council can help the Agency to replenish its fleet faster, which will decrease the vulnerability of the District to fire and emergency medical emergencies.

The Committee notes that F&EMS recently submitted an invitation to bid for auditing services for fleet management, and appreciates the recognition by the Department of the need for an outside assessment. The Committee is pleased the invitation to bid includes an evaluation of maintenance services and recommends this evaluation also include an examination of opportunities for contracting for maintenance services.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

1. Transfer 1.0 FTE (position 75470, Captain) and CSG 11- \$95,929 and CSG 14- \$16,788 in local funds from Program 2000 (Fire Prevention and Education) to Program 7000 (Rail Safety Oversight Program). As the Administration noted a year ago, the establishment of a State Safety Oversight Agency for the District’s streetcar program is a federal requirement. The Committee has not received a sufficient explanation for why – given this federal requirement – the proposed fiscal year 2014 budget defunds this program. This increase restores that funding.
2. Reduce CSG 11 (Regular Pay – Cont Full Time) in agency-wide programs by \$550,000 in local funds to recognize salary lapse/vacancy savings (equal to less than a .04 percent of CSG 11). This modest savings is well below the historical vacancy rate for F&EMS and below the vacancy savings that was incorporated into the agency’s budget by the Council for FY13. It is being reallocated within F&EMS (\$335,000 - see following recommendations), to the Office of Unified

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<sup>25</sup> *Fire and Emergency Medical Services Department: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety* (Apr. 17, 2013) (written testimony of written testimony of Dabney S. Hudson, Second Vice President, Local 36 D.C. Firefighters Association).

Communications for training (\$125,000), to MPD for training (\$25,000) and to the Judicial Nomination Commission for one-time information technology costs (\$65,000). (For the purposes of the budget report charts, the Committee reduced Program 3000, but recognizes that the salary lapse applies agency wide.)

3. Increase CSG 40 (Other Services and Charges) by \$100,000 in one-time local funds in Program 1000 (Administration and Support) to be used to advertise and otherwise aggressively recruit paramedic firefighters.
4. Increase CSG 40 (Other Services and Charges) by \$235,000 in one-time local funds in Program 1000 (Administration and Support) in Activity 1015 (Training and Employee Development) to support training and professional development opportunities that will assist single-role providers to transition to dual-role positions, and EMT-firefighters to transition to paramedic-firefighters, with an emphasis on increasing the overall number of paramedic-firefighters.

*As part of the FY14 budget formulation, 44 positions were eliminated to fund the Workforce Investments account. Among these 44 positions were 15 paramedic firefighter positions. The following operating budget recommendations restore 10 of these positions. F&EMS' hiring of these positions for fiscal year 2014, along with the agency filling the existing paramedic vacancies as directed below, will have a positive impact on emergency medical services delivery and the agency budget, specifically in overtime.*

5. Reduce FTEs by 3.0, and reduce CSG 11 by \$184,866 and CSG 14 by \$31,334.79 (total PS is \$216,200.79) in local funds in Program 1000 (Administrative Support) from the following vacant positions:
  - a. 00077800 (Program Analyst)
  - b. 00077801 (Program Analyst)
  - c. 00077804 (Program Analyst)
6. Increase FTEs by 3.0 and restore the following positions in Program 3000 (Field Operations) with local funds:
  - a. 00001290 (Paramedic Firefighter) and increase CSG 11 by \$48,731 and CSG 14 by \$8,259.90 (total PS increase = \$56,990.90)
  - b. 00003756 (Paramedic Firefighter) and increase CSG 11 by \$48,731 and CSG 14 by \$8,259.90 (total PS increase = \$56,990.90)
  - c. 00003898 (Paramedic Firefighter) and increase CSG 11 by \$48,731 and CSG 14 by \$8,259.90 (total PS increase = \$56,990.90)
7. Reclassify the following positions in Program 3000 (Field Operations) as Firefighter Paramedics and increase CSG 11 and CSG 14 as noted: (\$31,010 + \$5,256.16 = \$36,266.16)
  - a. 00010947 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)

- b. 00018489 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - c. 00019489 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - d. 00021791 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - e. 00023299 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - f. 00025852 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
  - g. 00026071 (Firefighter) increase position's existing CSG 11 by \$4,430 (total now \$48,731) and CSG 14 by \$750.88 (total now \$8,259.90)
8. Increase CSG 20 (Supplies and Materials) by \$8961.93 in local funds in Program 2000 (Fire Prevention and Education).

**b. FY 2014 Capital Budget Recommendations**

- 1. The Committee recommends the Council identify funding to add \$5,000,000 to capital project ELC-20630-Fire Apparatus in FY14 in order to allow for the purchase of additional apparatus to replace the aging fleet.

**c. Policy Recommendations**

- 1. The Committee directs F&EMS to act immediately to fill the paramedic vacancies that currently exist in the Department. Shortages of dual role paramedics negatively impact Department performance by increasing the workload of current staff without providing more recovery time, as well as leave the city with decreased access to advanced life support during emergency transportation to the hospital.
- 2. The Committee recommends F&EMS continue to reduce overtime. The Committee continues Budget Support Act restriction on overtime pay that have been in effect over several of the previous fiscal years, but makes some modifications to improve agency operations.
- 3. The Committee directs F&EMS to provide a report on the operations and expenditures of the Rail Safety Program by July 1, 2013. The Rail Safety Program was established during the FY 2013 budget as part of a federal requirement for the

District's streetcar program. As the streetcar program is anticipated to launch this fall, the Committee seeks a report from the Rail Safety Program explaining the activities since its inception, copies of the agency's submittals to the U.S. Department of Transportation, and outlining any hurdles for the program. The Committee also seeks an explanation of expenditures in FY 2013. According to responses from F&EMS, the agency has made a number of expenditures for travel and classes related to rail safety training -- which also brings into question the Executive's position to eliminate these positions -- as well as an expenditure of \$142,000 on "Streetcar/Rail Safety consultants." The agency should provide detailed descriptions on these issues so the Committee is ensured that the District is prepared for the launch of the streetcar.

4. The Committee urges the F&EMS to continue efforts to encourage and incentivize current members to undertake paramedic certification.

**E. DEPARTMENT OF CORRECTIONS**

Department of Corrections (FLO) - Operating Budget by Fund Type					
Fund Type	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL GRANTS	426,360	-	-	-	-
INTRA-DISTRICT FUNDS	187,554	315,251	300,585	-	300,585
LOCAL FUND	108,219,277	117,148,138	120,825,533	-	120,825,533
SPECIAL PURPOSE REVENUE FUNDS	17,469,238	22,140,851	21,150,000	-	21,150,000
<b>Grand Total</b>	<b>126,302,428</b>	<b>139,604,240</b>	<b>142,276,119</b>	<b>-</b>	<b>142,276,119</b>

Department of Corrections (FLO) - FTEs by Fund Type				
Fund Type	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
INTRA-DISTRICT FUNDS	1.2	-	-	-
LOCAL FUND	872.8	914.0	-	914.0
SPECIAL PURPOSE REVENUE FUNDS	20.0	20.0	-	20.0
<b>Grand Total</b>	<b>894.0</b>	<b>934.0</b>	<b>-</b>	<b>934.0</b>



Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>Department of Corrections (FL0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	43,114,285	47,904,651	51,520,861	-	51,520,861
12-REGULAR PAY - OTHER	2,773,023	1,505,857	1,286,484	-	1,286,484
13-ADDITIONAL GROSS PAY	3,759,543	4,000,000	3,780,000	-	3,780,000
14-FRINGE BENEFITS - CURR PERSONNEL	12,209,770	15,162,739	16,976,630	-	16,976,630
15-OVERTIME PAY	2,428,976	2,500,000	2,500,000	-	2,500,000
20-SUPPLIES AND MATERIALS	5,892,757	7,250,000	6,326,227	-	6,326,227
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	33,000	-	60,134	-	60,134
32-RENTALS - LAND AND STRUCTURES	2,770,039	2,926,500	2,926,500	-	2,926,500
40-OTHER SERVICES AND CHARGES	3,170,510	3,571,225	4,366,384	-	4,366,384
41-CONTRACTUAL SERVICES - OTHER	48,815,990	53,433,692	51,163,350	-	51,163,350
50-SUBSIDIES AND TRANSFERS	7,778	-	-	-	-
70-EQUIPMENT & EQUIPMENT RENTAL	660,602	1,349,576	1,369,548	-	1,369,548
91-EXPENSE NOT BUDGETED OTHERS	364,583	-	-	-	-
99-UNKNOWN PAYROLL POSTINGS	301,574	-	-	-	-
<b>Grand Total</b>	<b>126,302,428</b>	<b>139,604,240</b>	<b>142,276,119</b>	<b>-</b>	<b>142,276,119</b>

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

Department of Corrections (FLO) - Operating Budget by Program (Gross Funds)					
Program	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
100F-AGENCY FINANCIAL OPERATIONS	826,534	935,038	906,631	-	906,631
1100-AGENCY MANAGEMENT PROGRAMS	11,358,640	11,629,671	13,526,331	-	13,526,331
2100-OFFICE OF COMMUNITY AFFAIRS	-	-	268,390	-	268,390
2500-INMATE SERVICES	41,492,580	43,681,689	42,249,466	-	42,249,466
3600-INMATE CUSTODY	63,744,463	72,258,126	73,767,203	-	73,767,203
4800-INSTITUTIONAL SUPPORT SERVICES	8,880,210	11,099,716	11,558,099	-	11,558,099
<b>Grand Total</b>	<b>126,302,428</b>	<b>139,604,240</b>	<b>142,276,119</b>	<b>-</b>	<b>142,276,119</b>

Mayor's Proposed Fiscal Year 2014-2019 Capital Budget, DOC, by Project								
Project Name	Number	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	6-Year
DOC Elevator Refurbishment	CEV01C	1,600	0	0	0	0	0	1,600
General Renovations at DOC Facilities	CGN01C	0	2,000	1,250	0	0	0	3,250
HVAC Replacement - DOC	CR104C	5,600	0	0	0	0	0	5,600
Roof Refurbishment at DOC Facilities	CRF01C	2,500	0	0	0	0	0	2,500
Upgrade Central Security Cameras	CR008C	1,500	0	0	0	0	0	1,500
<b>Agency Total</b>		<b>11,200</b>	<b>2,000</b>	<b>1,250</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,450</b>

Committee's Approved Fiscal Year 2014-2019 Capital Budget, DOC, by Project								
Project Name	Number	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	6-Year
DOC Elevator Refurbishment	CEV01C	1,600	0	0	0	0	0	1,600
General Renovations at DOC Facilities	CGN01C	0	2,000	1,250	0	0	0	3,250
HVAC Replacement - DOC	CR104C	5,600	0	0	0	0	0	5,600
Roof Refurbishment at DOC Facilities	CRF01C	2,500	0	0	0	0	0	2,500
Upgrade Central Security Cameras	CR008C	1,500	0	0	0	0	0	1,500
<b>Agency Total</b>		<b>11,200</b>	<b>2,000</b>	<b>1,250</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,450</b>

(Dollars in Thousands)

## 1. **COMMITTEE ANALYSIS AND COMMENTS**

### a. **Agency Mission and Overview**

The mission of the Department of Corrections (DOC) is to provide a safe, secure, orderly, and humane environment for the confinement of pretrial detainees and sentenced inmates, while affording those in custody meaningful rehabilitative opportunities that will assist them to constructively re-integrate into the community. The 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 four private and independently operated halfway houses: Efforts for Ex-Convicts; Extended House, Inc.; Fairview; and Hope Village. These houses are often used as alternatives to incarceration. Like other municipal jails, 75 to 85 percent of inmates in DOC's custody have one or more outstanding legal matters that require detention, and the median length of stay for inmates is 31 days or less. Ninety percent of DOC's inmates are male. DOC also houses female inmates and a small number of juveniles charged as adults at the CTF.

Each facility offers inmates a number of programs and services that 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 Unity Health Care (contractual) and the D.C. Department of Mental Health. 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. DOC facilities operate 24 hours a day, 365 days a year.

***Office of Returning Citizens Affairs (ORCA):*** ORCA previously was part of the Mayor's Office of Community Affairs; in the FY 2014 budget proposal, ORCA has become an activity within the DOC's Community Affairs Division. ORCA provides constituent services and information to the returning citizen community through programmatic activities and outreach materials; serves as a liaison between the Mayor, the returning citizen community, and District government agencies; and briefs the Mayor and District government agencies about the needs and interests of returning citizens of the District of Columbia.

### b. **Mayor's Proposed FY 2014 Operating Budget**

#### **Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Department of Corrections is \$142,276,119 an increase of \$2,671,879, or 1.9 percent, from the current fiscal year. The proposed budget supports 943.0 FTEs, representing an increase of 40 FTEs, a 4.3 percent increase over the current fiscal year.

**Local Funds:** The Mayor's proposed budget is \$120,826,000, an increase of \$3,677,000, or 3.1 percent, over the FY 2013 approved budget of \$117,148,000. This funding supports 914 FTEs, an increase of 41.2 FTEs, or 4.7 percent, over the FY 2013 approved level.

***Special Purpose Revenue Funds:***

The Mayor's proposed budget is \$21,150,000, a decrease of \$991,000, or -4.5 percent, from the FY 2013 approved budget of \$22,141,000. This funding supports 20 FTEs, which is the same as the FY 2013 approved level.

**Intra-District Funds:** The Mayor's proposed budget is \$301,000, a decrease of \$14,000, or -4.7 percent, from the FY 2013 approved budget of \$315,000. The funding supports 0 FTEs, a decrease of -1.2 FTEs, or 100 percent, from the FY 2013 approved level.

**Committee Analysis and Comments**

**Central Cellblock Transfer:** Under the Mayor's FY 2014 proposed budget, the Department of Corrections will have charge of the management and operation of the Central Cell Block (CCB), located at 300 Indiana Avenue, NW; such management and operation includes the safekeeping, care, and protection of all persons detained at the CCB by the Metropolitan Police Department (MPD), prior to their initial court appearance. DOC's budget increased by \$2,562,977 and 38 FTEs, consisting of 35 Cell Block Technicians and 3 Supervisory Cell Block Technicians that were transferred from MPD. There was also an increase of \$82,785 to cover operational costs.

During DOC's budget oversight hearing, Director Faust indicated that the CCB transfer will have a positive impact on corrections and public safety because it is a better system.<sup>26</sup> Unity Health Care will be providing triage medical services for non-critical care issues at the Central Cellblock.<sup>27</sup> Previously, MPD would have to transport arrestees to the hospital and wait at the hospital while the arrestee received medical care, thereby preventing the officer from being able to get back on the street. At the hearing, Chairperson Wells inquired about the details of the employee transfer. Director Faust stated that the specifics of the process are currently in the planning stage, but that current civilian MPD employees will have the first right to be hired. As part of this process, the CCB techs will have to apply to be DOC Correctional Officers. Director Faust could not give the date or time when this transfer would occur; however, he stated that he hoped it would be operational by the fiscal year. The Committee continues to have concerns about the elimination of these positions at MPD, but has received assurances from MPD that the

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<sup>26</sup> *Department of Corrections: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety* (Apr. 10, 2013) (oral conversation between Thomas N. Faust, Director, Department of Corrections and Councilmember Wells, Chairperson, Committee on the Judiciary and Public Safety).

<sup>27</sup> *Id.*

Department will be doing everything they can to assist the civilian employees as they transition out of the Department.

**ORCA Transfer:** As mentioned above, ORCA is being transferred from the Office of the Mayor to DOC's Office of Community Affairs. The transfer consists of \$268,390 and 3 FTEs. During DOC's budget oversight hearing, Director Faust indicated that the transfer was only in from a budgetary standpoint, that it is not an operational transfer, as ORCA will continue to have control over its own programming and mission.<sup>28</sup> During ORCA's budget oversight hearing, Director Thornton indicated that ORCA will continue to operate independently, but will now have the same fiscal agent as DOC.<sup>29</sup> The Committee supports the goals of ORCA, as they are fundamental in providing services and support to our citizens returning home from jail and prison. Without such an important body, re-entrants would be left to navigate their way back into society on their own. The District is fortunate to have an agency such as ORCA.

**Video Visitation:** All social visits at the DC Jail are now conducted at the Department's new Video Visitation Center, located at the DC General Hospital complex, adjacent to the jail.<sup>30</sup> DOC is working with the Executive to expand video visitation to libraries and community centers in targeted wards. According to reports by DOC, in its first four months, 37.5% of inmates were served by the video visitation program. DOC has projected that 85% of inmates will be served in FY 2013 and 87% in FY 2014. The Committee is pleased to hear how many inmates have been served thus far and look forward to seeing its continued success. However, the Committee has asked Director Faust to explore ways DOC could offer some limited version of in-person visitation. Specifically, it was requested that DOC review the visitation policy again and consider if any modification may be made to allow the option for in-person visits.<sup>31</sup>

**Re-entry Program:** DOC's performance measures included a goal to serve 500 inmates in the re-entry program during FY 2012, but only 167 inmates were served. The target has dropped to 225 inmates for FY 2014. In last year's budget report, the Committee recommended placing a stronger emphasis on comprehensive reentry planning for its entire inmate population. Director Faust indicated during the budget oversight hearing that the program is still in its infancy, but DOC now has a full-time re-entry coordinator to target the female population. It has received grant funding under the Justice Grants Administration.<sup>32</sup> DOC plans on having program manuals with report cards by July 2013. DOC has also signed a Memorandum of Understanding with ORCA for a joint re-entry planning. The Committee encourages this collaboration and expects to be kept apprised of its progress.

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<sup>28</sup> *Id.*

<sup>29</sup> *Department of Corrections: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety* (Apr. 10, 2013) (oral conversation between Charles Thornton, Director, Office of Returning Citizens Affairs and Councilmember Wells, Chairperson, Committee on the Judiciary and Public Safety).

<sup>30</sup> *Online Scheduling for Video Visitation*, Department of Corrections, <http://doc.dc.gov/service/online-scheduling-video-visitation> (last visited: May 2, 2013).

<sup>31</sup> Letter from Councilmember Wells, Chairperson, Committee on the Judiciary and Public Safety, to Thomas N. Faust, Director, Department of Corrections, (February 25, 2013) (on file with the Committee).

<sup>32</sup> *Department of Corrections: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety* (Apr. 10, 2013) (oral conversation between Thomas N. Faust, Director, Department of Corrections and Councilmember Wells, Chairperson, Committee on the Judiciary and Public Safety).

**Juvenile Population:** There have been several issues raised regarding the juvenile population at CTF. Many advocacy groups, including DC Lawyers for Youth and Campaign for Youth Justice, have sought to ensure that there are policies and procedures in place to that provide for the adequate care and development of incarcerated youth, specifically, in areas pertaining to educational services, vocational training, mental or behavioral health, positive youth development, and staff training. Another area of concern is the use of isolation in the juvenile unit. Currently, the Department's juvenile program is being audited by an outside organization. The audit covers all policies and procedures concerning the juvenile population, including the disciplinary and administrative segregation of juveniles. The Committee expects to review the audit's findings when complete.

During the budget oversight hearing, Chairperson Wells suggested that DOC meet with advocates so that the isolation procedure may be observed. The Committee believes that such a meeting would be beneficial to both the advocates and DOC, as the advocates would have the opportunity to observe DOC's practices with youth isolation, and thereafter make the appropriate recommendations.

**c. Mayor's Proposed FY 2014-2019 Capital Budget**

**Proposed Capital Budget Summary**

**Elevator Refurbishment:** Includes complete refurbishment, including replacement of controllers and governors, and upgrades for ADA compliance. The proposed funding is \$1,600,000 (design is \$156,000 and construction is \$1,444,000). This project is fully funded in FY 2014.

**General Renovations:** Involves the renovation and retrofitting of the various systems that support DOC facilities. This includes security, HVAC, windows, roof, mechanical, electrical, elevator/escalator, and energy. The proposed funding is \$3,250,000. The budget authority through FY 2013 is \$2,000,000. The budget authority request for FY 2014 is \$3,250,000.

**HVAC Replacement:** All work that was part of the original contract has been completed. Additional fine tuning is necessary in order for the system to perform in accordance with the design parameters. Four large rooftop duct fittings need to be replaced, transitions from the large rooftop units need to be modified, and final air and water balancing needs to be done. Chiller, steam station, and associated piping overhaul is also included. The budget authority request for FY 2014 is \$17,306,000 (prior funding of \$11,706,000). The proposed funding for FY 2014 is \$5,600,000.

**Roof Refurbishment:** Includes replacement of shingled, built-up, membrane, and metal roofs, flashing, drainage, and ventilation systems. The proposed funding is \$2,500,000 fully funded in FY 2014.

**Upgrades to Central Security Cameras:** Involves the addition of security cameras to cover all areas of the facility. The proposed funding is \$2,900,000 (prior funding of \$1,400,000). The proposed funding for FY 2014 is \$1,500,000.

### **Committee Analysis and Comments**

The DOC facilities operate 24 hours a day, 365 days a year. It is imperative that this building is maintained. The safety and well-being of the staff and the inmates must be the number one priority.

**Environmental Inspection Reports:** The Department of Health conducted environmental inspections of DOC facilities during November 2012, as mandated by the Jail Improvement Act. The report identified areas of non-compliance with environmental requirements. Several problems were observed, including: 1) leaking roof; 2) water penetration through the walls; 3) mold growth on the walls; 4) leaking/inoperable plumbing fixtures; 5) damaged shower stalls; 6) malfunctioning electrical lighting; 7) improper drainage of condensate pipes; 8) peeling paint on metal desks, tables, and bed frames; and 9) damaged concrete walkway around the exterior premises, among others.<sup>33</sup> When asked about this report in the budget oversight hearing, Director Faust stated that a report action plan has been issued, every housing unit has been repainted, and they are continuing to upgrade the facility. While the Committee recognizes the age and condition of the jail, the District has an obligation to maintain this facility in an acceptable manner. Accordingly, the Committee is concerned that the capital budget for DOC does not include any funds in FY 2014 for General Renovations at DOC Facilities (capital project CGN01).

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 operating budget for the DOC as proposed by the Mayor.

### **b. FY 2014 Capital Budget Recommendations**

The Committee recommends adoption of the FY 2014 capital budget for the DOC as proposed by the Mayor, but recommends the Council identify funding to provide at least a modest budget for maintenance and continuing repairs.

### **c. Policy Recommendations**

1. The Committee recommends that the DOC continue strengthening its re-entry programs. With the inclusion of ORCA as an activity within DOC, opportunities exist

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<sup>33</sup> Jail Inspection Report, *Department of Health*, (January 28, 2013).

for thoughtful planning and attention to these needs while inmates are still within DOC custody.

2. The Committee recommends that the DOC continue to work with advocates to improve the juvenile unit at CTF.
3. The Committee recommends that the DOC review whether any modification may be made to its visitation policy to provide the option for in-person visits.



**F. DISTRICT OF COLUMBIA NATIONAL GUARD**

<b>District of Columbia National Guard (FK0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	2,946,932	5,518,971	5,943,858	-	5,943,858
FEDERAL PAYMENTS	348,936	500,000	500,000	-	500,000
LOCAL FUND	2,286,430	2,796,346	2,941,151	-	2,941,151
<b>Grand Total</b>	<b>5,582,299</b>	<b>8,815,317</b>	<b>9,385,008</b>	<b>-</b>	<b>9,385,008</b>

<b>District of Columbia National Guard (FK0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	74.3	71.5	-	71.5
LOCAL FUND	37.8	37.5	-	37.5
<b>Grand Total</b>	<b>112.0</b>	<b>109.0</b>	<b>-</b>	<b>109.0</b>

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>District of Columbia National Guard (FK0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	2,233,351	4,747,969	5,156,773	-	5,156,773
12-REGULAR PAY - OTHER	300,732	492,924	231,021	-	231,021
13-ADDITIONAL GROSS PAY	21,149	69,434	29,640	-	29,640
14-FRINGE BENEFITS - CURR PERSONNEL	485,762	1,333,981	1,416,986	-	1,416,986
15-OVERTIME PAY	14,587	17,101	14,000	-	14,000
20-SUPPLIES AND MATERIALS	82,488	44,203	240,000	-	240,000
30-ENERGY, COMM. AND BLDG RENTALS	475,435	371,747	506,383	-	506,383
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	4,601	11,500	11,500	-	11,500
40-OTHER SERVICES AND CHARGES	832,984	111,130	737,322	-	737,322
41-CONTRACTUAL SERVICES - OTHER	-	-	396,000	-	396,000
50-SUBSIDIES AND TRANSFERS	1,111,735	1,575,432	426,136	-	426,136
70-EQUIPMENT & EQUIPMENT RENTAL	19,474	39,897	219,247	-	219,247
<b>Grand Total</b>	<b>5,582,299</b>	<b>8,815,317</b>	<b>9,385,008</b>	<b>-</b>	<b>9,385,008</b>

<b>District of Columbia National Guard (FK0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-AGENCY MANAGEMENT	1,236,090	755,325	1,931,649	-	1,931,649
4000-YOUTH PROGRAMS	1,521,074	3,510,893	3,771,772	-	3,771,772
6000-JOINT FORCE HEADQUARTERS, DC	2,825,135	4,549,099	3,681,587	-	3,681,587
<b>Grand Total</b>	<b>5,582,299</b>	<b>8,815,317</b>	<b>9,385,008</b>	<b>-</b>	<b>9,385,008</b>

## 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 to achieve the federal war-fighting mission, to support the District of Columbia Emergency Response Plan, and to add value to the community through local 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:* Support the readiness of DCNG units to perform federally assigned missions, both at home and abroad. District of Columbia personnel provide direct support to key functional areas, including operations, training, and readiness, to ensure DCNG units can defend the nation and the capital.

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

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

### b. **Mayor's Proposed FY 2014 Operating Budget**

#### **Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the District of Columbia National Guard is \$9,385,008 an increase of \$569,691 or 6.5 percent, over the current fiscal year. The proposed budget supports 109 FTEs, a decrease of 3.0 FTEs from the current fiscal year.

*Local Funds:* The Mayor's proposed budget is \$2,941,000 an increase of \$145,763 or 5.2 percent, over the FY 2013 approved budget of \$2,796,000. This funding supports 37.5 FTEs, representing -0.7 percent decrease from the FY 2013 approved level.

*Federal Resources:* The Mayor's proposed budget is \$6,444,000 an increase of \$425,000 or 7.1 percent, over the FY 2013 approved budget of \$6,019,000. This funding supports 71.5 FTEs, a decrease of 2.8 or -3.7 percent, from the FY 2013 approved level.

#### **Committee Analysis and Comments**

*Youth ChalleNGe:* Award-winning and nationally recognized as one of the most effective programs targeting at-risk youth, the National Guard Youth ChalleNGe program trains and mentors youth ages 16 to 19 at the greatest risk of substance abuse, teen pregnancy,

delinquency, and criminal activity.<sup>34</sup> The DCNG serves an important role protecting the city from external threats as well as providing an internal support system for the underprivileged youth inside the District. As the District struggles to find resources and programs to aid at-risk youth and combat juvenile violence, the Committee commends the efforts of the DCNG with regard to this program and applauds its strong commitment to youth programs in general. The program teaches teenagers skills and self-confidence to make the right choices to stay on the path to being a productive citizen of the District. The program is voluntary, and consists of a five-and-a-half month residential phase followed by a one-year residential phase.

The Mayor's FY 2014 proposed budget continues to adequately fund this program. The \$900,000 provided to the program in local dollars leverages an additional \$2.7 million in matching federal dollars (25 percent local funds, 75 percent federal funds). Due to the support of the previous Committee and the Executive, the Oak Hill property in Laurel, Maryland has been undergoing renovation to become a dedicated site for the District-specific program. With the Oak Hill facility, DCNG will be able to house 200 cadets annually – significantly more cadets than ever before. Commanding General Errol Schwartz testified at the April 29<sup>th</sup>, 2013, budget hearing that the Oak Hill Facility will be operational and accepting classes in the first week of July, 2013, with the first class graduating in December 2013. The Committee will continue to work with DCNG and the Executive to ensure the completion of this project.

***Armory Fixed Costs:*** While the DCNG is housed in the Armory, other tenants, such as the Metropolitan Police Department and the District of Columbia Sports and Entertainment Commission, use the facility and frequently host sporting and community events. Previously, the Committee raised concerns about the lack of collateral support from other entities that utilize the Armory. However, in the FY 2014 budget hearing, the DCNG has provided information about the collaborative efforts taken by other parties to upgrade the building facilities. For example, in FY 2013, Events DC provided \$1,200,000 to renovate the drill floor latrines. One renovation priority remaining, according to DCNG, is replacing the air conditioning system on the drill floor, which could enhance the use of the drill floor as a shelter, as well as for Events DC functions.

At more than 70 years old, the DC Armory is showing its age, and is in need of maintenance and upgrades. The Committee believes the District should continue to assist in the upkeep of this facility, and provide a safe and modernized home to the National Guard.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the District of Columbia National Guard as proposed by the Mayor.

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<sup>34</sup> National Guard Youth ChalleNge Program, *The Program*, <http://www.ngycp.org/site/node/21> (last visited May 4, 2013).

**G. HOMELAND SECURITY AND EMERGENCY MANAGEMENT  
 AGENCY**

<b>Homeland Security and Emergency Management Agency (BN0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	112,775,345	100,032,252	91,866,134	-	91,866,134
INTRA-DISTRICT FUNDS	10,000	-	-	-	-
LOCAL FUND	1,845,901	2,006,892	2,026,818	-	2,026,818
<b>Grand Total</b>	<b>114,631,247</b>	<b>102,039,144</b>	<b>93,892,951</b>	<b>-</b>	<b>93,892,951</b>

<b>Homeland Security and Emergency Management Agency (BN0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	48.5	52.5	-	52.5
LOCAL FUND	16.5	16.5	-	16.5
<b>Grand Total</b>	<b>65.0</b>	<b>69.0</b>	<b>-</b>	<b>69.0</b>

<b>Homeland Security and Emergency Management Agency (BN0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	2,904,801	2,997,251	2,836,272	-	2,836,272
12-REGULAR PAY - OTHER	1,160,065	1,881,072	2,801,417	-	2,801,417
13-ADDITIONAL GROSS PAY	77,632	352,701	189,911	-	189,911
14-FRINGE BENEFITS - CURR PERSONNEL	814,664	1,188,713	1,437,588	-	1,437,588
15-OVERTIME PAY	92,384	326,122	175,000	-	175,000
20-SUPPLIES AND MATERIALS	102,298	99,754	31,800	-	31,800
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	152,212	100,000	100,000	-	100,000
40-OTHER SERVICES AND CHARGES	3,941,073	4,736,681	1,383,604	-	1,383,604
41-CONTRACTUAL SERVICES - OTHER	5,818,736	10,960,541	6,192,114	-	6,192,114
50-SUBSIDIES AND TRANSFERS	98,841,779	75,040,000	77,085,165	-	77,085,165
70-EQUIPMENT & EQUIPMENT RENTAL	725,603	4,356,310	1,660,080	-	1,660,080
<b>Grand Total</b>	<b>114,631,247</b>	<b>102,039,144</b>	<b>93,892,951</b>	<b>-</b>	<b>93,892,951</b>

<b>Homeland Security and Emergency Management Agency (BN0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-AGENCY MANAGEMENT	2,545,744	1,874,275	2,263,935	-	2,263,935
2000-PLANS AND PREPAREDNESS	452,805	277,959	1,815,844	-	1,815,844
3000-OPERATIONS	1,546,665	2,308,716	2,055,500	-	2,055,500
4000-HOMELAND SECURITY GRANTS	109,875,247	97,015,979	87,757,672	-	87,757,672
5000-TRAINING & EXERCISE	210,786	562,215	-	-	-
<b>Grand Total</b>	<b>114,631,247</b>	<b>102,039,144</b>	<b>93,892,951</b>	<b>-</b>	<b>93,892,951</b>

## **1. COMMITTEE ANALYSIS AND COMMENTS**

### **a. Agency Mission and Overview**

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

HSEMA coordinates all planning and preparedness efforts, training and exercises, and homeland security grants, and facilitates a common operating picture during events to facilitate good decision-making and response. This common operating picture will achieve situational awareness and, where possible, eliminate or minimize conflicting information received from numerous sources. The agency is comprised of four major divisions: (1) Plans and Preparedness Division facilitates the comprehensive planning that promotes resiliency in government agencies, our communities and critical infrastructure; (2) Operations Division 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) Homeland Security Grants Division is the State Administrative Agency (SAA) for the federal homeland security grant programs that are awarded to the District of Columbia and to the National Capital Region (NCR); and (4) Agency Management/Office of the Director 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 provide leadership to the Washington region as a member of the NCR homeland security policy advisory group. In FY 2014, the Training and Exercise Division, which ensures that all relevant individuals, agencies, and responders are able to operate in their respective roles through effective training courses, hazard and capabilities-based exercises and plan validations, has been shifted to the Plans and Preparedness Division.

### **b. Mayor's Proposed FY 2014 Operating Budget**

#### **Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Homeland Security and Emergency Management Agency is \$93,893,951 a decrease of \$8,146,193, or -8.0 percent, from the current fiscal year. The proposed budget supports 69.0 FTEs, an increase of 4.0 FTEs, or 6.2 percent, over the current fiscal year.

**Local Funds:** The Mayor has proposed a budget of \$2,027,000 representing an increase of \$20,000 or 1.0 percent, from the FY 2013 approved budget. This funding supports 16.5 FTEs, representing no change from the FY 2013 budget.

**Federal Resources:** The Mayor has proposed a budget of \$91,866,000 representing a decrease of \$8,166,000 or -8.2 percent, from the FY 2013 approved budget. This funding supports 52.5 FTEs, an increase of 4.0 FTEs, or 8.2 percent, over the FY 2013 approved level.

### **Committee Analysis and Comments**

**Anticipated Federal Sequestration:** On April 10, 2013, the Director testified the \$8,000,000 reduction in federal grants is due to an anticipation of sequestration of federal funds. The Director clarified that the reduction will not immediately result in a decrease in services and performance, and would not result in any staff layoffs. The Director did testify the anticipated decrease in federal funding for FY 2014 could negatively impact future projects and planning efforts that would have been supported with the \$8,000,000 in federal funding.

**Homeland Security Grants (FTO):** On April 10, 2013, the Director testified that the period of performance for federal government grants has been decreased from 3 years to 2 years. This has resulted in a decrease time for HSEMA to redistribute federal funding to district agencies and not for profit agencies. Starting in FY 2014, available unspent, unobligated multi-year Intra-District budget authority will be provided during the budget formulation under the paper agency of Homeland Security Grants (FTO). HSEMA has streamlined the sub granting process to other agencies so that as soon as funding and paperwork from the federal government are received, funding can be distributed to the sub groups in a quicker time, allowing for a more effective period of performance. The Committee hopes the regrouping of the sub grants into a paper agency will expedite the distribution of money to other agencies.

**Emergency Planning:** The Committee is pleased with the follow-up efforts of HSEMA to organize and properly prepare the District for large-scale emergencies. Moving forward, the Committee encourages HSEMA to continue to improve its communication with the public and coordination with HSEMA's various partners. The oversight of Washington Regional Threat and Analysis Center, working with the Homeland Security Commission to strategize the best preparedness plans for the city, and the continuing revitalization of the Emergency Preparedness Council show that HSEMA is working to alleviate the previous issues that resulted from a lack of communication among the District, the federal government, and neighboring jurisdictions during emergency events.

The Committee recognizes the importance of each of these initiatives in improving HSEMA's ability to respond to emergencies and threats to the District of Columbia. Hence, the Committee strongly encourages HSEMA to continue to build, sustain, and improve the capability of the District to prepare for, respond to, and recover from threatened or actual natural disasters, acts of terrorism, or other man-made disasters, and that if the agency fails to make a conscientious effort to do so, the Committee will perform consistent oversight hearings on emergency preparedness in the District to ensure the city is planning and prepared for the worst.



**2. COMMITTEE RECOMMENDATIONS**

**a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 operating budget for Homeland Security and Emergency Management Agency as proposed by the Mayor.

**b. Policy Recommendations**

1. The Committee recommends that HSEMA continue to work on increasing communication with the public and raising public awareness about DC Alerts.
2. The Committee encourages HSEMA to begin work on a long-term plan to decrease its heavy reliance on federal funding.

**H. COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

<b>Commission on Judicial Disabilities and Tenure (DQ0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL PAYMENTS	303,417	295,000	295,000	-	295,000
<b>Grand Total</b>	<b>303,417</b>	<b>295,000</b>	<b>295,000</b>	<b>-</b>	<b>295,000</b>

<b>Commission on Judicial Disabilities and Tenure (DQ0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL PAYMENTS	2.0	2.0	-	2.0
<b>Grand Total</b>	<b>2.0</b>	<b>2.0</b>	<b>-</b>	<b>2.0</b>

<b>Commission on Judicial Disabilities and Tenure (DQ0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	189,149	192,746	203,233	-	203,233
13-ADDITIONAL GROSS PAY	5,000	-	-	-	-
14-FRINGE BENEFITS - CURR PERSONNEL	22,433	25,057	26,626	-	26,626
20-SUPPLIES AND MATERIALS	3,406	4,000	3,000	-	3,000
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	17,061	8,809	9,250	-	9,250
40-OTHER SERVICES AND CHARGES	23,823	30,842	23,922	-	23,922
41-CONTRACTUAL SERVICES - OTHER	13,996	28,000	26,000	-	26,000
70-EQUIPMENT & EQUIPMENT RENTAL	28,550	5,547	2,970	-	2,970
<b>Grand Total</b>	<b>303,417</b>	<b>295,000</b>	<b>295,000</b>	<b>-</b>	<b>295,000</b>

<b>Commission on Judicial Disabilities and Tenure (DQ0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-AGENCY MANAGEMENT		1,041			
2000-JUDICIAL DISABILITIES TENURE	303,417	293,959	295,000		295,000
<b>Grand Total</b>	<b>303,417</b>	<b>295,000</b>	<b>295,000</b>		<b>295,000</b>

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

The mission of the Commission on Judicial Disabilities and Tenure (CJDT) is to preserve an independent and fair judiciary by making determinations concerning discipline, involuntary retirement, reappointment, and fitness of judges of the District of Columbia courts. The CJDT was created by the District of Columbia Court Reorganization Act of 1970. The agency's role was later expanded by the Home Rule Act of 1973 and the Retired Judge Service Act of 1984. In performing its prescribed duties, the CJDT has jurisdiction over the following areas: (1) removal of a judge from a District of Columbia court for conduct warranting disciplinary action; (2) involuntary retirement of a judge for reasons of health; (3) evaluation of a judge who seeks reappointment at the end of his or her term; and (4) review of a retiring judge who wishes to continue performing judicial duties as a senior judge.

CJDT consists of seven members: one is appointed by the President of the United States; two are appointed by the Board of Governors of the District of Columbia Bar; two are appointed by the Mayor of the District of Columbia; one is appointed by the Council of the District of Columbia; and one is appointed by the Chief Judge of the United States District Court for the District of Columbia. The term of office for the President's appointee is five years; all others serve six-year terms.

**b. Mayor's Proposed FY 2014 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Commission on Judicial Disabilities and Tenure is \$295,000 representing no change from the current fiscal year. The proposed budget supports 2.0 FTEs, representing no change from the current fiscal year.

**Federal Resources:** The Mayor has proposed a budget of \$295,000 representing no change from the FY 2013 approved budget. This funding supports 2.0 FTEs, representing no change from the FY 2013 approved budget.

### **Committee Analysis and Comments**

**Federalization:** The Committee reiterates its previously stated concern with the federalization of the CJDT budget. This is the fifth consecutive year that the Administration has relied solely on federal funding. The reliance on federal assistance in the Mayor's budget proposal is not only antithetical to Home Rule, but it continues to add financial problems for the agencies. This small agency is only one of two vestiges of Home Rule after the 1997 Revitalization Act removed the judicial branch from local control. With the fight for implementation of Home Rule with regard to the District's budget, the Committee is disappointed that the agency is, once again, funded with only federal dollars.

**Public Awareness:** During the April 17, 2013 budget hearing for CJDT, Judge Kessler noted that thus far in FY 2013, the Commission has received 37 complaints and conducted 13 misconduct investigations. The Commission dismissed 25 complaints for lack of jurisdiction, ten complaints were dismissed for lack of merit, and two matters are pending at this time. The Commission disposed of 22 complaints in 30 days, ten complaints in 60 days, and three complaints in 90 days. The Committee is pleased with the Agency's efforts so far and requests their continued efforts to educate the community about its mission.

**Movement to virtually paperless office:** Director Cathae Hudgins testified that she intends to visit the New York Commission on Judicial Disabilities and Tenure office in order to observe IT system; the New York Commission stores case files electronically and has eliminated their need for paper documents. The Committee looks forward to her review of these possible options for the Commission.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 operating budget for Commission on Judicial Disabilities and Tenure as proposed by the Mayor.

### **b. Policy Recommendations**

The Committee makes the following policy recommendations with regard to the Commission on Judicial Disabilities & Tenure:

1. As it did for FY 2013, the Committee views unfavorably on the District's failure to commit local funding for the CJDT, instead choosing to consistently rely on federal funding. The Committee recommends reverting to local funds for this agency in future budget cycles.

## I. JUDICIAL NOMINATION COMMISSION

Judicial Nomination Commission (DV0) - Operating Budget by Fund Type					
Fund Type	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL PAYMENTS	231,888	205,000	205,000	-	205,000
LOCAL FUND	-	-	-	-	-
<b>Grand Total</b>	<b>231,888</b>	<b>205,000</b>	<b>205,000</b>	<b>-</b>	<b>205,000</b>

Judicial Nomination Commission (DV0) - FTEs by Fund Type				
Fund Type	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
FEDERAL PAYMENTS	2.0	2.0	-	2.0
<b>Grand Total</b>	<b>2.0</b>	<b>2.0</b>	<b>-</b>	<b>2.0</b>

Judicial Nomination Commission (DV0) - Operating Budget by CSG (Gross Funds)					
CSG	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
11-REGULAR PAY - CONT FULL TIME	156,060	155,208	159,934	-	159,934
14-FRINGE BENEFITS - CURR PERSONNEL	12,012	15,009	15,009	-	15,009
20-SUPPLIES AND MATERIALS	-	7,000	4,000	-	4,000
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	6,193	6,722	7,058	-	7,058
40-OTHER SERVICES AND CHARGES	13,655	13,923	15,499	65,000	80,499
41-CONTRACTUAL SERVICES - OTHER	3,500	3,138	-	-	-
70-EQUIPMENT & EQUIPMENT RENTAL	40,467	4,000	3,500	-	3,500
<b>Grand Total</b>	<b>231,888</b>	<b>205,000</b>	<b>205,000</b>	<b>65,000</b>	<b>270,000</b>

<b>Judicial Nomination Commission (DV0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-AGENCY MANAGEMENT	-	1,030	-	-	-
2000-JUDICIAL NOMINATION	231,888	203,970	205,000	65,000	270,000
<b>Grand Total</b>	<b>231,888</b>	<b>205,000</b>	<b>205,000</b>	<b>65,000</b>	<b>270,000</b>

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

The mission of the District of Columbia Judicial Nomination Commission (JNC) is to promote justice by screening, selecting, and recommending candidates to the President of the United States for nomination to judicial vacancies on the District of Columbia Superior Court and the Court of Appeals, and to appoint the chief judges to those courts. The JNC was established by Section 434 of the Home Rule Act of 1973. The JNC selects and recommends to the President of the United States three candidates qualified to fill any judicial vacancy on the D.C. Court of Appeals or the D.C. Superior Court. The President selects his nominee from these three candidates and submits that individual's name to the United States Senate for confirmation. The JNC consists of seven members: one is appointed by the President of the United States; two are appointed by the Board of Governors of the D.C. Bar; two are appointed by the Mayor of the District of Columbia; one is appointed by the Council of the District of Columbia; and one is appointed by the Chief Judge of the U.S. District Court for the District of Columbia. The term of office for the President's appointee is five years; all others serve six-year terms.

**b. Mayor's Proposed FY 2014 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Judicial Nomination Commission is \$205,000 representing no change from the current fiscal year. The proposed budget supports 2.0 FTEs, representing no change from the current fiscal year.

**Federal Resources:** The Mayor has proposed a budget of \$205,000 representing no change from the FY 2013 approved budget. This funding supports 2.0 FTEs, representing no change from the FY 2013 approved budget.

**Committee Analysis and Comments**

**Federalization:** The Committee has repeatedly stated its concern with the federalization of the JNC budget. This is the fifth year in a row that an Administration has discontinued local funding for this agency, instead relying on federal funding. The reliance on federal assistance in the Mayor's budget proposal is not only against the intent of Home Rule, but it continues to add financial problems for the agencies. This small agency is only one of two vestiges of Home Rule after the 1997 Revitalization Act removed the judicial branch from local control. With the fight for implementation of Home Rule with regard to the District's budget, the Committee hopes that the Commission will move away from being funded with only federal dollars.

**Online Application System – Intuit:** The Commission uses an online application system called Intuit to manage the judicial applications received by the office. However, Intuit is unable to store completed questionnaires, which means applicants cannot update their questionnaires when applying for successive vacancies, and instead must submit a new questionnaire with each application. The Commission has found a technical update to the system which would be a one-time cost of approximately \$65,000. The Committee recommends an increase to the JNC budget to fund this improvement.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the Judicial Nomination Commission as proposed by the Mayor with the following modification:

1. Increase CSG 40 (Other Services and Charges) in Judicial Nomination Program (2000) Commission Administration and Support (2500) by \$65,000 in one-time local funds..

### **b. Policy Recommendations**

1. The Committee applauds the Commission for sponsoring a public forum to meet and hear from the judicial candidates for Chief Judge. The forum will be held on June 5, 2013, from 5:00 to 7:00 pm, at the District of Columbia Court of Appeals, Historic Courthouse. The Committee urges the Commission to continue this type of community outreach program as a means to promote community education and participation in the judicial nomination process.

**J. OFFICE OF POLICE COMPLAINTS**

Office of Police Complaints (FH0) - Operating Budget by Fund Type					
Fund Type	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
LOCAL FUND	1,908,685	2,091,473	2,110,487	-	2,110,487
<b>Grand Total</b>	<b>1,908,685</b>	<b>2,091,473</b>	<b>2,110,487</b>	<b>-</b>	<b>2,110,487</b>

Office of Police Complaints (FH0) - FTEs by Fund Type				
Fund Type	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
LOCAL FUND	23.2	23.2	-	23.2
<b>Grand Total</b>	<b>23.2</b>	<b>23.2</b>	<b>-</b>	<b>23.2</b>

Office of Police Complaints (FH0) - Operating Budget by CSG (Gross Funds)					
CSG	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
11-REGULAR PAY - CONT FULL TIME	993,734	1,257,944	1,300,614	-	1,300,614
12-REGULAR PAY - OTHER	447,574	271,730	286,801	-	286,801
13-ADDITIONAL GROSS PAY	4,194	17,000	5,000	-	5,000
14-FRINGE BENEFITS - CURR PERSONNEL	259,269	333,937	349,719	-	349,719
15-OVERTIME PAY	19,758	-	-	-	-
20-SUPPLIES AND MATERIALS	-	10,000	10,000	-	10,000
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	1,500	3,000	3,000	-	3,000
40-OTHER SERVICES AND CHARGES	116,121	70,735	41,568	-	41,568
41-CONTRACTUAL SERVICES - OTHER	51,502	112,513	103,240	-	103,240
70-EQUIPMENT & EQUIPMENT RENTAL	15,022	14,613	10,546	-	10,546
<b>Grand Total</b>	<b>1,908,675</b>	<b>2,091,473</b>	<b>2,110,487</b>	<b>-</b>	<b>2,110,487</b>



<b>Office of Police Complaints (FH0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-AGENCY MANAGEMENT PROGRAM	717,070	657,865	637,350	-	637,350
2000-COMPLAINT RESOLUTION	975,940	1,193,146	1,235,217	-	1,235,217
3000-PUBLIC RELATIONS	72,112	84,198	82,420	-	82,420
4000-POLICY RECOMMENDATION	143,553	156,264	155,500	-	155,500
<b>Grand Total</b>	<b>1,908,675</b>	<b>2,091,473</b>	<b>2,110,487</b>	<b>-</b>	<b>2,110,487</b>

**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 FY 2014 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Office of Police Complaints is \$2,110,487, an increase of \$19,014, or 0.9 percent, over the current fiscal year. The proposed budget supports 23.2 FTEs, representing no change from the current fiscal year.

**Local Funds:** The Mayor has proposed a budget of \$2,110,487, representing an increase of \$19,014, or 0.9 percent, from the FY 2013 approved budget. This funding supports 23.2 FTEs, representing no change from the FY 2013 approved level.

**Committee Analysis and Comments**

**Delays in Completing Investigations:** The number of complaints filed with OPC continues to rise and this continuing high volume of complaints has caused investigator

caseloads to swell. The average investigator caseload is currently almost 28 cases per investigator, and has been at this level nearly every month for the past two years. Such a caseload is significantly higher than OPC's counterparts in other metropolitan areas.<sup>35</sup> High caseloads inevitably lead to delays in completing investigations, which in turn impacts the public's confidence in a city's independent police review mechanism, as well as sap the morale of officers who have to contend with unresolved complaints pending against them. The Committee recognizes the need for additional investigators, but is without the recurring budget dollars necessary to fund ongoing positions.

***Enforcement of OPC determinations:*** During the recent performance hearings, OPC raised concerns that the Police Chief of the MPD has rejected, either in whole or in part, three determinations of police misconduct made by OPC. The Police Chief has asked the Office of the Attorney General to look at the existing statutes and issue an advisory opinion regarding her requirements under the law. The statute appears quite clear about the Chief's role in this process and the Committee expects to have a separate public oversight roundtable hearing on this issue.<sup>36</sup>

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 operating budget for Office of Police Complaints as proposed by the Mayor.

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<sup>35</sup>*Office of Police Complaints: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 1 (Apr. 29, 2013) (testimony of Director Philip K. Eure).

<sup>36</sup> D.C. Code § 5-1114(e) (2013) (*A merits determination by a complaint examiner, on the basis of an evidentiary hearing, or a later decision of a final review panel, if any, shall be binding on the subject police officer or officers and on the Police Chief in all subsequent proceedings as to all essential facts determined and all violations found.*)

## K. DISTRICT OF COLUMBIA SENTENCING AND CRIMINAL CODE REVISION COMMISSION

Sentencing and Criminal Code Revision Commission (FZO) - Operating Budget by Fund Type					
Fund Type	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
LOCAL FUND	887,569	1,388,813	1,406,556	-	1,406,556
<b>Grand Total</b>	<b>887,569</b>	<b>1,388,813</b>	<b>1,406,556</b>	<b>-</b>	<b>1,406,556</b>

Sentencing and Criminal Code Revision Commission (FZO) - FTEs by Fund Type				
Fund Type	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
LOCAL FUND	10.0	10.0	-	10.0
<b>Grand Total</b>	<b>10.0</b>	<b>10.0</b>	<b>-</b>	<b>10.0</b>

Sentencing and Criminal Code Revision Commission (FZO) - Operating Budget by CSG (Gross Funds)					
CSG	FY 2012 Actual	FY 2013 Approved	FY 2014 Mayor's Proposed	FY 2014 Committee Variance	FY 2014 Committee Proposed
11-REGULAR PAY - CONT FULL TIME	333,917	806,725	811,244	-	811,244
12-REGULAR PAY - OTHER	67,628	-	-	-	-
13-ADDITIONAL GROSS PAY	4,225	16,159	16,159	-	16,159
14-FRINGE BENEFITS - CURR PERSONNEL	92,004	231,177	242,562	-	242,562
20-SUPPLIES AND MATERIALS	9,349	13,246	19,919	-	19,919
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	4,256	-	-	-	-
40-OTHER SERVICES AND CHARGES	239,627	109,963	85,739	-	85,739
41-CONTRACTUAL SERVICES - OTHER	126,661	201,344	214,827	-	214,827
70-EQUIPMENT & EQUIPMENT RENTAL	9,900	10,200	16,106	-	16,106
<b>Grand Total</b>	<b>887,569</b>	<b>1,388,813</b>	<b>1,406,556</b>	<b>-</b>	<b>1,406,556</b>

<b>Sentencing and Criminal Code Revision Commission (FZO) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-MANAGEMENT	471,205	854,748	737,554	-	737,554
2000-DATA COLLECTION (AIP)	416,364	534,065	669,002	-	669,002
<b>Grand Total</b>	<b>887,569</b>	<b>1,388,813</b>	<b>1,406,556</b>	<b>-</b>	<b>1,406,556</b>

**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 commission 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 of Columbia on matters related to criminal law, sentencing, and corrections policy.

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

**b. Mayor's Proposed FY 2014 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the District of Columbia Sentencing & Criminal Code Revision Commission is \$1,406,556, an increase of \$17,743 or 1.3 percent, over the current fiscal year. The proposed budget supports 10 FTEs, which represents no change.

**Local Funds:** The Mayor's proposed budget is \$1,406,556, an increase of \$18,000, or 1.3 percent, over the FY 2013 approved budget of \$1,389,000. This funding supports 10 FTEs, which is the same level as the current fiscal year.

**Committee Analysis and Comments**

After the Council's substantial support in the FY 2013 budget, the Criminal Code Revision Project is now underway. In March, the Commission approved its Project Plan, which includes: (1) scope of the project; (2) methodology; (3) timeline; (4) milestones; and (5) deliverables.<sup>37</sup> The Commission is pursuing three priorities in developing recommendations on criminal code revision: (1) the drafting of new, general provisions to improve the clarity and consistency of language in all criminal offenses; (2) the reorganization of criminal offenses listed in Title 22; and (3) the revision of the most frequently convicted and serious criminal offenses in the D.C. Code.<sup>38</sup> The Project will create two major external deliverables, containing its recommendations to the Council and the Mayor; these two documents will include: (1) a "Revised Basic Criminal Code"; and (2) an accompanying "Commentary."<sup>39</sup>

The DC Code's criminal provisions have never undergone comprehensive reform. Five members of SCCRC staff serve on the Criminal Code Revision Committee that has been given primary responsibility for development of the project. Its scheduled completion date is September 30, 2016. The Committee looks forward to its completion.

**2. COMMITTEE RECOMMENDATIONS**

**a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the Sentencing and Criminal Code Revision Commission as proposed by the Mayor.

**b. Policy Recommendation**

1. The Committee recommends inclusion of a subtitle in the Budget Support Act that increases the number of designated Excepted Service appointments currently in the

<sup>37</sup> *Sentencing and Criminal Code Revision Commission: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety*, 2 (Apr. 17, 2013) (written testimony of Barbara Tombs-Souvey, Executive Director, Sentencing and Criminal Code Revision Commission).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

statute from six to ten to reflect the additional four FTE positions the agency was appropriated in FY 2013.

**L. OFFICE OF THE CHIEF MEDICAL EXAMINER**

<b>Office of the Chief Medical Examiner (FX0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
INTRA-DISTRICT FUNDS	239,130	90,000	-	-	-
LOCAL FUND	7,347,894	7,834,365	8,724,575	-	8,724,575
<b>Grand Total</b>	<b>7,587,024</b>	<b>7,924,365</b>	<b>8,724,575</b>	<b>-</b>	<b>8,724,575</b>

<b>Office of the Chief Medical Examiner (FX0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
LOCAL FUND	69.0	70.0	-	70.0
<b>Grand Total</b>	<b>69.0</b>	<b>70.0</b>	<b>-</b>	<b>70.0</b>

<b>Office of the Chief Medical Examiner (FX0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	4,555,593	5,372,788	5,611,484	-	5,611,484
12-REGULAR PAY - OTHER	289,940	185,000	185,000	-	185,000
13-ADDITIONAL GROSS PAY	365,518	314,000	314,000	-	314,000
14-FRINGE BENEFITS - CURR PERSONNEL	943,433	1,403,284	1,524,305	-	1,524,305
15-OVERTIME PAY	73,897	52,000	70,000	-	70,000
20-SUPPLIES AND MATERIALS	338,922	136,529	345,700	-	345,700
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	15,005		30,000	-	30,000
40-OTHER SERVICES AND CHARGES	736,582	392,227	618,194	-	618,194
41-CONTRACTUAL SERVICES - OTHER	124,257	68,538	10,892	-	10,892
70-EQUIPMENT & EQUIPMENT RENTAL	143,878		15,000	-	15,000
<b>Grand Total</b>	<b>7,587,024</b>	<b>7,924,365</b>	<b>8,724,575</b>	<b>-</b>	<b>8,724,575</b>

<b>Office of the Chief Medical Examiner (FX0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-ADMINISTRATIVE MANAGEMENT PROGRAM	1,645,193	1,758,058	1,848,060	-	1,848,060
100F-AGENCY FINANCIAL OPERATION	85,631	126,388	111,788	-	111,788
2000-DEATH INVESTIGATIONS/ CERTIFICATIONS	4,525,265	4,597,498	5,273,841	-	5,273,841
3000-FATALITY REVIEW COMMITTEES	302,019	316,297	318,327	-	318,327
4000-FORENSIC TOXICOLOGY	1,028,916	1,126,124	1,172,559	-	1,172,559
<b>Grand Total</b>	<b>7,587,024</b>	<b>7,924,365</b>	<b>8,724,575</b>	<b>-</b>	<b>8,724,575</b>

## 1. COMMITTEE ANALYSIS AND COMMENTS

### a. Agency Mission and Overview

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

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

### b. Mayor's Proposed FY 2014 Operating Budget

#### Proposed Operating Budget Summary

The Mayor's FY 2014 budget proposal for the Office of the Chief Medical Examiner is \$8,724,575, an increase of \$800,210, or 10.1 percent, over the current fiscal year. The proposed budget supports 70.0 FTEs, an increase of 1.0 FTE, or 1.4 percent, over the current fiscal year.

**Local Funds:** The Mayor has proposed a budget of \$8,725,000 representing an increase of \$890,000, or 11.4 percent, from the FY 2013 approved budget of \$7,834,000. This funding supports 70.0 FTEs, representing an increase of 1 FTE, or 1.4 percent, from the FY 2013 approved level.

**Intra-District Funds:** The Mayor has proposed a budget of \$0, a \$90,000 decrease from the FY 2013 approved budget. This funding supports 0.0 FTEs, representing no change from the FY 2013 approved funding.

#### Committee Analysis and Comments

**DNA testing:** The OCME budget includes a \$25,000 enhancement in NPS spending in Death Investigations for contractual services to identify decedents through DNA. In her budget hearing testimony, Chief Medical Examiner Dr. Pierre-Louis stated that DNA analysis is lengthy and costly – costing as much as \$7,000 - \$8,000 per case. The Committee is concerned that OCME is contracting with outside parties to do this work, when the agency is housed in the state-of-the-art new Consolidated Forensic Lab (CFL), home to the Department of Forensic Sciences (DFS). When asked why OCME sends DNA testing out, Dr. Pierre-Louis stated that doing such testing on badly decomposed bodies requires specialty equipment and training. The Committee has identified one-time funding to allow DFS to purchase this specialty equipment



and directs OCME and DFS to use FY 2014 to develop a process and protocol for doing these types of DNA tests in house at the CFL.

**Staffing:** The Committee notes that OCME has filled three vacancies between the performance hearing on March 4, 2013 and the budget hearing on April 29, 2013; this is encouraging, as OCME's vacancy rate was above 10 percent of its workforce. Dr. Pierre-Louis testified that she is continuing to work to fill vacancies. The FY 2014 budget proposal also adds another position – an additional medical examiner – which should assist with the heavy caseload currently carried by the members of the forensic pathology unit. The Committee notes that hiring this position and another recently vacated medical examiner should also reduce overtime costs.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the Office of the Chief Medical Examiner as proposed by the Mayor.

### **b. Policy Recommendations**

1. The Committee directs the OCME to work collaboratively with DFS and during FY 2014 to develop a process and protocol for using DFS to perform all necessary DNA testing for OCME.

**M. OFFICE OF ADMINISTRATIVE HEARINGS**

<b>Office of Administrative Hearings (FS0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL MEDICAID PAYMENTS	77,853	-	60,000	-	60,000
INTRA-DISTRICT FUNDS	1,202,793	1,272,637	1,224,288	-	1,224,288
LOCAL FUND	7,147,711	7,962,089	8,457,367	-	8,457,367
<b>Grand Total</b>	<b>8,428,357</b>	<b>9,234,726</b>	<b>9,741,654</b>	<b>-</b>	<b>9,741,654</b>

<b>Office of the Administrative Hearings (FS0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
INTRA-DISTRICT FUNDS	8.0	8.0	-	8.0
LOCAL FUND	67.6	72.6	(3.0)	69.6
<b>Grand Total</b>	<b>75.6</b>	<b>80.6</b>	<b>(3.0)</b>	<b>77.6</b>

<b>Office of Administrative Hearings (FS0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	5,911,883	6,356,084	7,161,844	(9,178)	7,152,666
12-REGULAR PAY - OTHER	546,565	490,385	16,738	-	16,738
13-ADDITIONAL GROSS PAY	18,971	54,038	54,038	-	54,038
14-FRINGE BENEFITS - CURR PERSONNEL	1,101,027	1,508,175	1,573,969	(6,170)	1,567,799
15-OVERTIME PAY	166	-	-	-	-
20-SUPPLIES AND MATERIALS	100,915	169,494	169,459	15,348	184,807
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	32,923	-	-	-	-
40-OTHER SERVICES AND CHARGES	334,148	223,400	341,105	-	341,105
41-CONTRACTUAL SERVICES - OTHER	295,484	396,874	287,599	-	287,599
70-EQUIPMENT & EQUIPMENT RENTAL	86,275	36,275	136,903	-	136,903
<b>Grand Total</b>	<b>8,428,357</b>	<b>9,234,726</b>	<b>9,741,654</b>	<b>(0)</b>	<b>9,741,654</b>

<b>Office of Administrative Hearings (FS0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-OFFICE OF ADMINISTRATIVE HEARINGS	(32)	-	-	-	-
100A-AGENCY MANAGEMENT PROGRAM	481,543	390,896	434,061	-	434,061
100F-AGENCY FINANCIAL OPERATION	-	122,071	123,686	-	123,686
200A-JUDICIAL	5,194,329	5,377,513	5,434,749	332,343	5,767,092
300A-COURT COUNSEL	1,269,076	1,676,675	1,910,039	(332,343)	1,577,696
400A-CLERK OF COURT	1,048,760	1,114,998	1,294,492	-	1,294,492
500A-EXECUTIVE	434,681	552,574	544,628	-	544,628
<b>Grand Total</b>	<b>8,428,357</b>	<b>9,234,726</b>	<b>9,741,654</b>	<b>-</b>	<b>9,741,654</b>

## 1. **COMMITTEE ANALYSIS AND COMMENTS**

### a. **Agency Mission and Overview**

The mission of the Office of Administrative Hearings (OAH) is to provide the District of Columbia's citizens and government agencies with a fair, efficient, and effective forum to manage and resolve administrative disputes. OAH holds hearings, conducts mediations, and provides other adjudication services to resolve disputes arising under the District's laws and regulations.

OAH is an impartial, independent agency that adjudicates cases for more than 40 District agencies, boards, and commissions, including: Department of Health, Department of Human Services, Board of Appeals and Review, Department of Motor Vehicles (public space), Department of Public Works, Department of Employment Services, D.C. Taxicab Commission, Department of Consumer and Regulatory Affairs, and 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 the Environment. On October 1, 2006, OAH assumed jurisdiction over rental housing administrative cases.

### b. **Mayor's Proposed FY 2014 Operating Budget**

#### **Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the OAH is \$9,741,654, an increase of \$506,928, or 5.5 percent, over the current fiscal year. The proposed budget supports 80.6 FTEs, an increase of 5 FTEs, or 6.6 percent, from the current fiscal year.

**Local Funds:** The Mayor's proposed budget is \$8,457,000, an increase of \$495,000, or 6.2 percent, over the FY 2013 approved budget of \$7,962,000. This funding supports 7.26 FTEs, an increase of 5 FTEs, or 7.4 percent, over the FY 2013 approved level.

**Federal Resources:** The Mayor's proposed budget is \$60,000, an increase of \$60,000, over the FY 2013 approved budget.

**Intra-District Funds:** The Mayor's proposed budget is \$1,224,000, a decrease of \$49,000, or 3.8 percent, from the FY 2013 approved budget of \$1,273,000. The funding supports 8 FTEs, which is the same as the FY 2013 approved level.

#### **Committee Analysis and Comments**

**DC Taxicab Transfer/Hearing Officers:** As of October 1, 2004, the OAH Establishment Act (Establishment Act) gave OAH the authority to adjudicate all DC Taxicab cases; however,

only 181 cases have been filed at OAH since FY 2005.<sup>40</sup> The majority of the cases continued to be heard by the Department of Motor Vehicles (DMV) pursuant to a Memorandum of Understanding between DMV and DCTC. Under the Mayor's proposed FY 2014 budget, funding has been allocated for: 1) three attorney Hearing Officer FTEs; 2) two Legal Assistant FTEs; and 3) Supplies, including computers, telephones, and additional equipment to support the transfer of DC Taxicab Commission (DCTC) cases to OAH.

The Committee has serious concerns about the proposal to bifurcate OAH's adjudicative role between ALJs and hearing officers. The Establishment Act does not contemplate hearing officers as part of the agency structure. When OAH was created, the legislation did not transfer hearing officers from the agencies to OAH with the transferred authority to hear cases; instead, the legislation provided only that hearing officers would be eligible to *apply* for appointment as an ALJ in OAH. This shows a clear intention to move from the hearing officer model to the independent ALJ structure. Additionally, the enabling legislation provides for a Commission on Selection and Tenure of ALJs, which ensures the recruitment and retention of a well-qualified, efficient, and effective corps of ALJs. The enabling legislation also sets out the ALJs' powers, duties and liability, appointment terms, and compensation requirements, among other items concerning ALJ employment. Nowhere in the enabling legislation is the recruitment and retention of hearing officers discussed. Furthermore, the executive has acknowledged this issue: In the fall of 2012, the Office of the City Administrator (OCA) met with representatives from DCTC, DMV, and OAH, and thereafter directed that all DCTC cases be heard by OAH consistent with the Establishment. The City Administrator recommended at that time that the Establishment Act be amended to permit the hiring of Attorney Hearing Examiners (in addition to Administrative Law Judges) to adjudicate these types of high-volume cases – thereby recognizing that OAH does not currently have authority to hire hearing officers. The BSA does not include such an amendment.

According to OAH's budget responses, approximately 10,000 DCTC cases are filed with DMV annually and at least one-third of those cases require a full evidentiary hearing. This information, coupled with the fact that DCTC was included in OAH's purview in the establishment act – which contemplated only an ALJ structure – persuades the Committee that these cases would more appropriately be heard by an ALJ. Based on OAH's Schedule A, there are 2 ALJ vacancies in FY 2013; these positions were reclassified to lower-paying positions as part of the FY 2014 budget formulation in order to meet the agency MARC. Restoration of these two ALJ positions requires \$157,076. Given the lack of authority for hearing officers, the Committee recommends removing the funding for the three hearing examiners and two legal assistants, and using those funds instead to restore both ALJ positions, add a third ALJ, and create a single legal assistant position. Should the Executive wish to move to a bifurcated approach, he can introduce such legislation, whereby a public hearing can be held on such a substantial change to OAH's structure.

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<sup>40</sup> Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-076; D.C. Official Code § 2-1831.03(b)(3)).

**Potential Additional Caseload Transfer:** In a letter dated March 7, 2013, the Mayor asked the Advisory Committee to the OAH to examine the issues related to the possible transfer of hearings and appeals authority from certain professional and occupational licensing boards to OAH.<sup>41</sup> The proposed transfer includes several entities. During OAH's hearing, Chairperson Wells stated that this proposed transfer would likely have a significant impact on OAH's operations. He reiterated the position that such a significant change is most appropriately brought forward in legislation, subject to the public hearing process.

**Proposed Unionization:** The ALJs are seeking to unionize for the first time; a Recognition Petition was filed by the International Federation of Professional and Technical Engineers, AFLO-CIO in July 2012, on behalf of ALJs with the Public Employees Relations Board (PERB).<sup>42</sup> PERB has scheduled a hearing on the recognition petition on June 19, 2013. Although the Committee does not take a position on the unionization effort, it notes that employees typically seek to unionize when they have been unsuccessful at repeated attempts to address significant workplace matters, such as working conditions, administrative support, performance evaluations, transparency, and workload.<sup>43</sup> Whatever the outcome of this effort, the Committee expects the Chief Judge to improve communication with the ALJs to resolve existing workplace issues.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the Office of Administrative Hearings as proposed by the Mayor with the following modifications:

1. Reclassify the following positions in Program 200A (Judicial) as indicated:
  - a. Position 00029157 as Administrative Law Judge from Attorney Advisor
  - b. Position 00038309 as Administrative Law Judge from Attorney Advisor
2. Increase by 1.0 FTE in Program 200A (Judicial) and add a new position as Administrative Law Judge.
3. Eliminate 4.0 FTEs in Program 300A (Court Counsel) and reduce CSG 11 by \$269,978 and CSG 14 by \$62,364.92 in local funds from:
  - a. Position 10005345 (Attorney Hearing officer)
  - b. Position 10005347 (Attorney Hearing officer)
  - c. Position 10005348 (Attorney Hearing officer)
  - d. Position 10005357 (Legal Assistant)

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<sup>41</sup> Letter from Vincent C. Gray, Mayor, District of Columbia, to Brian Flowers, Chairman, Advisory Committee to the Office of Administrative Hearings, (March 7, 2013) (on file with the Committee).

<sup>42</sup> Letter from Irvin B. Nathan, Attorney General, Office of the Attorney General, to Mary Oates Walker, Chief Administrative Law Judge, Office of Administrative Hearings (March 7, 2013) (on file with the Committee).

<sup>43</sup> Mike DeBonis, *Group of D.C. government judges seeks to organize for first time*, *The Washington Post* (March 31, 2013), [http://articles.washingtonpost.com/2013-03-31/local/38170893\\_1\\_district-judges-gray-organizing-effort](http://articles.washingtonpost.com/2013-03-31/local/38170893_1_district-judges-gray-organizing-effort).

4. Reallocate the \$332,342.92 in local funds (recommendation above) from Program 300A (Court Counsel) to Program 200A (Judicial) as follows:
  - a. \$76,079.90 total (CSG 11 - \$62,900; CSG14 - \$13,179.90) to be added to the existing funding for reclassified Position 00029157 (*now Administrative Law Judge, with a new total of \$164,835.00 from \$ 135,000 CSG 11 and \$29,835.00 CSG 14*);
  - b. \$76,079.90 total (CSG 11 - \$62,900; CSG14 - \$13,179.90) to be added to the existing funding for reclassified Position 00038309 (*now Administrative Law Judge, with a new total of \$164,835.00 from \$ 135,000 CSG 11 and \$29,835.00 CSG 14*);
  - c. \$164,835.00 total (CSG 11 - \$ 135,000; CSG 14 - \$29,835.00) to the new Administrative Law Judge position;
  - d. Increase CSG 20 (Supplies and Materials) in Program 200A (judicial) by \$15,348 in local funds.

**N. CRIMINAL JUSTICE COORDINATING COUNCIL**

<b>Criminal Justice Coordinating Council (FJ0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	60,360	-	-	-	-
FEDERAL PAYMENTS	1,518,089	1,800,000	1,800,000	-	1,800,000
INTRA-DISTRICT FUNDS	645,910	109,192	90,697	-	90,697
LOCAL FUND	186,963	448,969	515,568	-	515,568
<b>Grand Total</b>	<b>2,411,322</b>	<b>2,358,161</b>	<b>2,406,265</b>	<b>-</b>	<b>2,406,265</b>

<b>Criminal Justice Coordinating Council (FJ0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL PAYMENTS	13.7	13.7	-	13.7
INTRA-DISTRICT FUNDS	1.0	0.4	-	0.4
LOCAL FUND	1.3	1.9	-	1.9
<b>Grand Total</b>	<b>16.0</b>	<b>16.0</b>	<b>-</b>	<b>16.0</b>



<b>Criminal Justice Coordinating Council (FJ0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	1,048,992	1,350,168	1,451,801	-	1,451,801
12-REGULAR PAY - OTHER	77,573	85,705	-	-	-
13-ADDITIONAL GROSS PAY	(153)	20,331	-	-	-
14-FRINGE BENEFITS - CURR PERSONNEL	194,764	266,359	280,192	-	280,192
20-SUPPLIES AND MATERIALS	21,937	26,500	34,500	(14,000)	20,500
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	604	-	-	-	-
40-OTHER SERVICES AND CHARGES	62,334	226,800	222,694	(28,222)	194,472
41-CONTRACTUAL SERVICES - OTHER	981,891	381,799	416,078	42,222	458,300
70-EQUIPMENT & EQUIPMENT RENTAL	23,380	500	1,000	-	1,000
<b>Grand Total</b>	<b>2,411,322</b>	<b>2,358,161</b>	<b>2,406,265</b>	<b>-</b>	<b>2,406,265</b>

<b>Criminal Justice Coordinating Council (FJ0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-RESEARCH ANALYSIS AND EVALUATION	314,218	373,849	396,010	-	396,010
2000-COLLABORATION & PLANNING ACROSS AGENCIES	646,608	859,493	951,784	(42,222)	909,562
3000-INTEGRATED INFORMATION SYSTEM	1,436,987	1,109,120	1,048,810	42,222	1,091,032
4000-ASMP	13,509	15,699	9,662	-	9,662
<b>Grand Total</b>	<b>2,411,322</b>	<b>2,358,161</b>	<b>2,406,265</b>	<b>-</b>	<b>2,406,265</b>

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

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

**b. Mayor's Proposed FY 2014 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Criminal Justice Coordinating Council (CJCC) is \$2,406,265, an increase of \$48,104, or 2 percent, from the FY 2013 approved budget. This funding supports 16.0 FTEs, which is the same as the FY 2013 approved level.

***Local Funds:*** The Mayor's proposed budget is \$516,000, an increase of \$67,000, over the FY 2013 approved budget. This funding supports 1.8 FTEs, representing a change of 0.6, or 45.7 percent, from the current fiscal year.

***Federal Resources:*** The Mayor's proposed budget is \$1,800,000, representing no change from the current fiscal year. This funding supports 13.7 FTEs, the same as the FY 2013 approved level.

***Intra-District Funds:*** The Mayor's proposed budget is \$91,000, a decrease of \$18,000, or -16.9 percent, below the FY 2013 approved budget. This funding supports 0.4 FTE, representing a -0.6 change from the current fiscal year.

**Committee Analysis and Comments**

***Statistical Analysis Center (SAC):*** The majority of CJCC's proposed budget increase is for the SAC. A Research and Policy Analyst position has been filled to support the Center. As a unit within the CJCC, the SAC is responsible for carrying out independent statistical analysis and research; data collection; program evaluation; and policy review.<sup>44</sup> The SAC is currently working with the Office of Returning Citizen Affairs to develop a case management database with the support of Bureau of Justice Statistics funding; providing data collection and analysis support to JGA; working with partners to develop logic models, performance measures and/or analyses for CJCC's strategic priorities such as GunStat, Partnership for Success, Truancy and the Juvenile Detention Alternatives Initiative; developing reports; and hosting quarterly brown-bag sessions on topics ranging from evidence-based practices, evaluability assessments, and risk assessments.<sup>45</sup>

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<sup>44</sup> *Criminal Justice Coordinating Council: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety*, 2 (Apr. 25, 2013) (written testimony of Mannone A. Butler, Executive Director, Criminal Justice Coordinating Council).

<sup>45</sup> *Id.*

The Committee notes that the SAC is integral to the analysis and evaluation of criminal justice data. As articulated by CJCC officials, the SAC strives to utilize statistics and empirically-enhanced verifiable research and data to enhance the policy-making process.<sup>46</sup> It also aims to assess the impact of such policies with a view toward addressing possible barriers.<sup>47</sup> This function is critical to the on-going assessment of the District's criminal justice system and its impacts.

**Information Sharing:** CJCC's Executive Director, Mannone A. Butler, stated that improving information sharing is one of the agency's primary objectives.<sup>48</sup> The Justice Information Center (JUSTIS) is a critical vehicle to accomplish this objective.<sup>49</sup> There are several areas of focus. First, the 12.1 Project, involves sending adult criminal data from the D.C. Superior Court to JUSTIS. JUSTIS then makes the data available to authorized recipient agencies. Pretrial Services Agency and the Public Defender Service have had the resources to receive this data beginning last year. This year, the U.S. Attorney's Office, the D.C. Criminal and Sentencing Criminal Code Revision Commission, the Metropolitan Police Department, and the United States Parole Commission are in various stages of development and/or testing with the CJCC to receive 12.1 data.<sup>50</sup> Second, CJCC will focus on operations of JUSTIS, including necessary security standards; the Interagency Technology Advisory Committee, JUSTIS' governance structure, has a security workgroup, comprised of federal, District, and judicial partners all participating to chart a future course which shall meet security needs. Third, CJCC has been working with Maryland, Pennsylvania, and Delaware to identify how cross-jurisdictional cooperation can be enhanced via the electronic exchange of data among these jurisdictions. Certain enhancements or modifications will be required in order to ensure the system is able to exchange information with these states.<sup>51</sup> Lastly, there are JUSTIS enhancements or modifications which must be applied on a continuing basis. Ms. Butler indicated in her testimony that this year, CJCC is continuing to roll out enhancements to the Case Initiation module, installing an internal business reporting tool, and upgrading software code by which information is receiving from contributing agencies and displayed within JUSTIS.<sup>52</sup>

Information sharing is the core of CJCC's operations. It allows the agency to carry out its mission. CJCC's work is important to the thoughtful analysis of the District's criminal justice system. Working with its partners, the CJCC is enabled to stay ahead of current trends and be able to respond to requests for information with sound, accurate, and thorough data.

The Mayor's proposal reduced the Integrated Information Sharing program funding by \$42,222 in order to cover the cost of living adjustments; this is a federally-funded program and with the uncertainty of federal spending due to sequestration and the growing needs of JUSTIS,

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<sup>46</sup> *Criminal Justice Coordinating Council: Response to Advance Question from the Council of the District of Columbia Committee on the Judiciary and Public Safety* (April 10, 2013) (electronic message from Robin Y. Jackson, Special Assistant, Criminal Justice Coordinating Council)

<sup>47</sup> *Id.*

<sup>48</sup> See Butler, *supra* at n. 1.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 3.

<sup>52</sup> *Id.*

the Committee recommends reducing local funds by this amount and restoring the funds in the Integrated Information Sharing line.

**Resource Locator:** In response to the needs of the Substance Abuse Treatment and Mental Health Services Integration Taskforce, CJCC launched the Resource Locator during the week of April 22, 2013. The Resource Locator is an online searchable database of service providers in the metropolitan area, which allows practitioners and the public alike to navigate easily through services available to those in the community who require assistance on a variety of matters.<sup>53</sup> These matters include housing, substance abuse, mental health, social services, medical, and legal needs.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the Criminal Justice Coordinating Council as proposed by the Mayor, with the following modifications:

1. Reduce Program 2000 (Collaboration and Planning Across Agencies Program) by \$14,000 in CSG 20 (Supplies and Materials), and \$28,222 in CSG 40 (Other Services and Charges) in federal funds at the request of the agency.
2. Increase Contractual Services (CSG 41) in Program 3000 (Integrated Information System) by \$42,222 in federal funds at the request of the agency.

### **b. Policy Recommendations**

1. The Committee recommends that CJCC continue to hold its monthly Principals' meetings. Having the heads of each of the District agencies pertaining to criminal justice sitting together in one room on a monthly basis provides an opportunity for meaningful discussion and planning.
2. The Committee recommends that CJCC expand its data collection to include the monitoring of juvenile recidivism rates in the District.<sup>54</sup>

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<sup>53</sup> *Id.* at 4.

<sup>54</sup> During its budget oversight hearing on April 25, 2013, Chairperson Wells asked Ms. Butler whether this was something they had the capacity to do. Ms. Butler responded by stating that they have not looked at the process, but are open to doing so.

**O. OFFICE OF UNIFIED COMMUNICATIONS**

<b>Office of Unified Communications (UC0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
INTRA-DISTRICT FUNDS	628,505	246,532	260,973	-	260,973
LOCAL FUND	26,194,896	26,714,501	27,399,777	125,000	27,524,777
PRIVATE GRANT FUND	-	300,000	-	-	-
SPECIAL PURPOSE REVENUE FUNDS	8,617,386	16,825,757	16,403,080	-	16,403,080
<b>Grand Total</b>	<b>35,440,787</b>	<b>44,086,790</b>	<b>44,063,830</b>	<b>125,000</b>	<b>44,188,830</b>

<b>Office of the Unified Communications - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
INTRA-DISTRICT FUNDS	2.0	6.0	-	6.0
LOCAL FUND	324.8	322.8	-	322.8
<b>Grand Total</b>	<b>326.8</b>	<b>328.8</b>	<b>-</b>	<b>328.8</b>

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>Office of Unified Communications (UC0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	17,072,189	17,655,562	18,219,064	-	18,219,064
12-REGULAR PAY - OTHER	1,384,320	1,341,307	1,085,004	-	1,085,004
13-ADDITIONAL GROSS PAY	1,520,403	1,789,103	2,064,326	-	2,064,326
14-FRINGE BENEFITS - CURR PERSONNEL	4,934,793	5,174,595	5,482,355	-	5,482,355
15-OVERTIME PAY	762,821	832,939	810,000	-	810,000
20-SUPPLIES AND MATERIALS	41,648	176,666	125,000	-	125,000
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	31,251	1,190,863	1,196,041	-	1,196,041
33-JANITORIAL SERVICES	14,616	-	-	-	-
34-SECURITY SERVICES	1,596,781	-	-	-	-
40-OTHER SERVICES AND CHARGES	5,714,809	9,276,878	9,279,040	125,000	9,404,040
41-CONTRACTUAL SERVICES - OTHER	1,637,653	1,974,930	1,453,000	-	1,453,000
70-EQUIPMENT & EQUIPMENT RENTAL	729,503	4,673,948	4,350,000	-	4,350,000
<b>Grand Total</b>	<b>35,440,787</b>	<b>44,086,790</b>	<b>44,063,830</b>	<b>125,000</b>	<b>44,188,830</b>

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>Office of Unified Communications (UC0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-AGENCY MANAGEMENT PROGRAM	3,822,348	5,071,965	4,298,465	-	4,298,465
100F-AGENCY FINANCIAL OPERATIONS	34,098	189,514	195,057	-	195,057
2000-EMERGENCY OPERATIONS (911) DIVISION	18,865,539	18,946,069	19,367,138	125,000	19,492,138
3000-NON-EMERGENCY OPERATIONS (311) DIVISION	5,182,882	4,857,660	4,729,734	-	4,729,734
4000-TECHNOLOGY OPERATIONS DIVISION	7,086,980	14,724,043	15,180,103	-	15,180,103
5000-TRANSCRIPTION & QUALITY DIVISION	294,543	297,539	293,332	-	293,332
9960-YR END CLOSE	154,397	-	-	-	-
<b>Grand Total</b>	<b>35,440,787</b>	<b>44,086,790</b>	<b>44,063,830</b>	<b>125,000</b>	<b>44,188,830</b>

<b>Mayor's Proposed Fiscal Year 2014-2019 Capital Budget, OUC, by Project</b>								
<b>Project Name</b>	<b>Number</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>6-Year</b>
Underground Commercial Power Feed to OUC	PL403C	6,000	1,000	0	0	0	0	7,000
IT and Communications Upgrades	UC2TDC	25,000	2,000	1,000	0	0	0	28,000
<b>Agency Total</b>		<b>31,000</b>	<b>3,000</b>	<b>1,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,000</b>

<b>Committee's Approved Fiscal Year 2014-2019 Capital Budget, OUC, by Project</b>								
<b>Project Name</b>	<b>Number</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>6-Year</b>
Underground Commercial Power Feed to OUC	PL403C	6,000	1,000	0	0	0	0	7,000
IT and Communications Upgrades	UC2TDC	25,000	2,000	1,000	0	0	0	28,000
<b>Agency Total</b>		<b>31,000</b>	<b>3,000</b>	<b>1,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35,000</b>

(Dollars in Thousands)

## 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 serves as the answering point for emergency and non-emergency calls, develops and enforces policy directives and standards regarding public safety and non-public safety communications, handles telephone reporting, provides audio transcribing, processes city service requests, and operates and maintains public safety and non-public safety voice radio technology. OUC also oversees all land and mobile radio systems tied to the response network, in addition to managing building facilities that support call center and public safety voice radio technology.

### b. Mayor's Proposed FY 2014 Operating Budget

#### Proposed Operating Budget Summary

The Mayor's FY 2014 budget proposal for the OUC is \$44,063,830, a decrease of \$22,960 or less than 0.1 percent, below the current fiscal year. The proposed budget supports 328.8 FTEs, an increase of 2.0 FTEs, or 0.6 percent increase, from the FY 2013 approved level.

**Local Funds:** The Mayor's proposed budget is \$27,400,000, an increase of \$685,000, or 2.6 percent, above the current fiscal year. The proposed budget supports 322.8 FTEs, a decrease of 2.0, or -0.6 percent, from the current fiscal year.

**Special Purpose Revenue Funds:** The Mayor's proposed budget is \$16,403,000, a decrease of \$423,000, or -2.5 percent, from the current fiscal year. The proposed budget supports 0.0 FTEs, representing no change from the current fiscal year.

**Private Grant Funds:** The Mayor's proposed budget is \$0, a decrease of \$300,000 or -100 percent, from the current fiscal year. The proposed budget supports 0.0 FTEs, representing no change from the current fiscal year.

**Intra-District Funds:** The Mayor's proposed budget is \$261,000, representing an increase of \$14,000, or 5.9 percent from the current fiscal year. The proposed budget supports 6.0 FTEs, representing a 4.0 increase from the current fiscal year.

#### Committee Analysis and Comments

**12-hour shifts:** At the OUC budget hearing, the Committee received testimony from more than 20 call takers and dispatchers who expressed serious concerns with the content of the



plan to switch to 12-hour shifts, the transparency of the transition process, and the implementation of the plan without employee feedback. Both positions -- call taker and dispatchers -- involved constant interaction with people in distress, resulting in a high-stress work environment. Because of the traumatic nature of emergency call response, worker morale in OUC is an issue the Committee takes very seriously.

During the budget oversight hearing on April 17<sup>th</sup>, Director Green testified that 12-hour shifts will allow the agency to have more consistent staffing levels, minimize overtime, and allow for additional training time for employees' continuing education and certification needs. The Director stated that follow up communication efforts will be made to address the concerns of the employees, such as employee letters and employee round tables, in order to promote a smoother transition to the 12-hour shift schedule. The Committee remains concerned about the potential negative impact on employees' health, morale, and job performance, and urges OUC to commit to work more closely with employees to determine what work schedule will maximize job performance without sacrificing worker morale.

***Adequate Staffing:*** The Director stated that the current Agency staffing level -- 81 call takers, 73 police dispatchers, and 32 fire dispatchers -- is adequate and that it is the operation setup that needs to be improved. Despite Director Green's assurances, the Committee remains concerned about adequate staffing. While the Agency stated there are only 6 current vacancies<sup>55</sup>, one of the reasons a shift change has been proposed is to minimize overtime. The Committee believes that overtime spending is most effectively minimized by ensuring adequate staffing levels. In the case of call takers and dispatchers, there exists a high burnout rate due to the stress level of the job. The Committee directs the Agency to examine staffing levels of call takers and dispatchers to ensure a sufficient number of trained employees are present to provide efficient service for the public safety officers, as well as the citizens of the District.

***Training:*** The FY 2013 Committee Budget Report articulated significant concerns with the lack of quality in-person training at the agency. The Committee expressed similar concerns during the April FY 2014 budget hearing, when Director Green testified that training needs to be addressed, and it is her goal to provide a standardized training for the Agency. The Director stated a concern that a majority of the current staff has only received updated job training (since the original date of hire) related to new technological updates, and there is a need for more training in the form of in-person training and the use of a learning management tool. The Committee has placed an emphasis on increased training for the current staff at OUC, and for this reason, increased the FY 2014 budget by \$125,000 specifically for 911 call training. The Committee urges the Agency to invest in in-person training for call takers and dispatchers to help better prepare staff for the difficult task of being the first response for emergencies 24 hours a day, seven days a week.

**c. Mayor's Proposed FY 2014-2019 Capital Budget**

**Proposed Capital Budget Summary**

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<sup>55</sup> Electronic Message from OUC's Agency Fiscal Officer to Committee Staff (April 15, 2013).

The Mayor's FY 2014 capital budget proposal for OUC is \$35,000,000 over six years. The FY 2014 allotment reflects funding to:

1. Upgrade to Radio Communication & Data Center sites;
2. Integration of citywide security cameras with computer-aided dispatch (CAD) system;
3. Mobile data terminal upgrades and licenses;
4. Implementation of "Next Generation 9-1-1;"
5. Design and coordination of public safety wireless network;
6. Upgrade of power backup system at communication sites;
7. PSCC reconfiguration enhancements;
8. Fire radio fleet replacement; and
9. MPD mobile VPN and mobile router project.

### **Committee Analysis and Comments**

***Equipment upgrades.*** The \$25,000,000 allocation for equipment upgrade contains a series of sub projects that will work in conjunction to support OUC as it modernizes its emergency response system to receive text messages and video, enhance the ability of dispatchers to communicate with public safety officers, as well as updates to the communication system.

***Underground commercial power feed.*** The \$6,000,000 allocation for an underground commercial power feed is an essential update to the infrastructure of Office of United Communications (OUC). Because of the important role OUC plays during emergencies -- assisting safety providers to be able to locate and administer help to victims -- power outages that cut the city off from 9-1-1 support for even a short time can have fatal consequences. The Unified Communications Center is home to both OUC and the Homeland Security and Emergency Management Agency. At the budget oversight hearing, Director Green testified that "It is crucial that this facility be able to operate under extreme weather conditions, attempted terrorist attacks, unintentional and any other unforeseen circumstance.". The Committee supports this critical project and encourages OUC to complete it with all due speed.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 operating budget for the Office of Unified Communications as proposed by the Mayor, with the following modification:

1. Increase CSG 40 (Other Services and Charges) in Program 2000 (Emergency Operations 911 Division) by \$125,000 in one-time local funds for in-person training purposes.

**b. FY 2014 Capital Budget Recommendations**

The Committee recommends adoption of the FY 2014 capital budget for the Office of Unified Communications as proposed by the Mayor.

**c. Policy Recommendations**

1. The Committee directs the Director to work with current employees to determine which work schedule maximizes employee job performance with minimal impact on employee health and morale.
2. The Committee directs the Agency to examine current staffing levels to determine if more universal call takers and dispatchers need to be hired to replenish the numbers in the work force.
3. The Committee recommends the Agency increase in-person training programs to better prepare employees to handle the emotional, physical, and tactical demands of the job.

**P. DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE**

<b>Deputy Mayor for Public Safety and Justice (FQ0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	8,839,074	5,316,841	5,961,382	-	5,961,382
INTRA-DISTRICT FUNDS	346,898	192,143	179,693	-	179,693
LOCAL FUND	7,719,789	11,144,403	16,603,086	5,000	16,608,086
SPECIAL PURPOSE REVENUE FUNDS	2,383,166	1,954,352	1,577,106	-	1,577,106
<b>Grand Total</b>	<b>19,288,928</b>	<b>18,607,739</b>	<b>24,321,267</b>	<b>5,000</b>	<b>24,326,267</b>

<b>Deputy Mayor for Public Safety and Justice (FQ0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANT FUND	7.3	7.3	-	7.3
INTRA-DISTRICT FUNDS	1.8	1.8	-	1.8
LOCAL FUND	9.2	9.2	-	9.2
<b>Grand Total</b>	<b>18.3</b>	<b>18.3</b>	<b>-</b>	<b>18.3</b>

Committee on the Judiciary and Public Safety  
 Fiscal Year 2014 Budget Report

<b>Deputy Mayor for Public Safety and Justice (FQ0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	624,819	832,842	855,462	-	855,462
12-REGULAR PAY - OTHER	796,334	985,630	821,367	-	821,367
13-ADDITIONAL GROSS PAY	929	-	-	-	-
14-FRINGE BENEFITS - CURR PERSONNEL	234,033	291,217	323,633	-	323,633
15-OVERTIME PAY	2,697	-	-	-	-
20-SUPPLIES AND MATERIALS	30,281	57,509	28,315	5,000	33,315
31-TELEPHONE, TELEGRAPH, TELEGRAM, ETC	11,122	7,496	7,871	-	7,871
40-OTHER SERVICES AND CHARGES	47,787	255,845	203,891	-	203,891
41-CONTRACTUAL SERVICES - OTHER	3,219,829	3,149,829	3,225,425	-	3,225,425
50-SUBSIDIES AND TRANSFERS	14,279,596	13,025,841	18,853,736	-	18,853,736
70-EQUIPMENT & EQUIPMENT RENTAL	41,500	1,530	1,567	-	1,567
<b>Grand Total</b>	<b>19,288,928</b>	<b>18,607,739</b>	<b>24,321,267</b>	<b>5,000</b>	<b>24,326,267</b>

<b>Deputy Mayor for Public Safety and Justice (FQ0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-ADMINISTRATIVE MANAGEMENT PROGRAM	542,311	497,032	514,443	-	514,443
100F-AGENCY FINANCIAL OPERATIONS	58,149	-	-	-	-
2000-AGENCY OVERSIGHT	161,302	212,298	179,693	-	179,693
2200-ACCESS TO JUSTICE	3,249,829	3,499,829	3,575,425	-	3,575,425
3000-HOMELAND SECURITY/CONTINUITY OF OPS PLAN	12,062	17,303	17,718	-	17,718
4200-OFFICE OF VICTIM SERVICES	8,052,256	9,955,030	13,830,896	1,000,000	14,830,896
5000-RESEARCH, ANALYSIS, AND EVALUATION	677	-	-	-	-
5300-JUSTICE GRANTS ADMINISTRATION	7,102,472	4,298,311	6,059,196	(1,000,000)	5,059,196
6000-CORRECTIONS INFORMATION COUNCIL	9,868	127,936	143,895	5,000	148,895
7000-MOTOR VEHICLE THEFT PREVENTION COMM	100,000	-	-	-	-
<b>Grand Total</b>	<b>19,288,928</b>	<b>18,607,739</b>	<b>24,321,267</b>	<b>5,000</b>	<b>24,326,267</b>

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

The Deputy Mayor for Public Safety and Justice was created in January 2011 to provide guidance, support, and coordination of public safety and justice agencies of the District. The mission of the Deputy Mayor for Public Safety and Justice is to provide direction, guidance, support, and coordination to the District’s public safety agencies to develop and lead interagency public safety initiatives that improve the quality of life in the District’s neighborhoods.

The Mayor’s proposed FY 2014 budget houses the following agencies as programs under the Deputy Mayor for Public Safety and Justice for budgetary purposes: Access to Justice (ATJ); Office of Victim Services (OVS); Office of Justice Grants Administration (JGA); and Corrections Information Council (CIC).

*Access to Justice:* This program provides financial assistance to organizations and individuals who provide direct civil legal services to low-income and underserved District residents. ATJ is comprised of two activities: Access to Justice; and the Poverty Lawyer Loan

Repayment Assistance Program, which provides educational loan repayment assistance to lawyers who live and work in the District of Columbia and are employed in areas of legal practice that serve low-income residents.

***Homeland Security/Continuity of Operation Plan (COOP):*** The COOP provides direction, planning and coordination to local and regional partners to ensure that the Public Safety and Justice cluster is ready to respond to an emergency of any size, and implements a comprehensive COOP framework that allows Public Safety and Justice cluster agencies to continue essential criminal justice functions during an emergency affecting normal operations.

***Office of Victim Services:*** OVS performs three main functions: provides federal grants; administers the District Crime Victims Assistance Fund; and uses local funds to support victims of domestic violence, sexual assault, homicide, child abuse, assault, and neglect. OVS accomplishes the third function by providing safe temporary transitional housing for victims of domestic violence; coordinating with area hospitals to improve their rape-trauma services and counseling; maintaining outreach programs to area teens and residents regarding dynamics and impact of victimization from violent crime; and providing 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 receives and accounts for United States Department of Justice grants awarded to the District of Columbia and provides resources to governmental and non-governmental organizations that place an emphasis on improving District public safety and justice issues. Additionally, the JGA manages the life-cycle of federal and local grants, sub-grants, and pass-through funds awarded to non-profit and government agencies to ensure 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.

***Corrections Information Council:*** The CIC conducts comprehensive inspections of the DOC facilities and those federal Bureau of Prison facilities that house District inmates. Additionally, the CIC monitors the care and treatment of District prisoners at the respective facilities and advocates for the inmates' interests and well-being. The CIC consists of three members, two appointed by the Mayor and one appointed by the Council of the District of Columbia.

## **b. Mayor's Proposed FY 2014 Operating Budget**

### **Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the Deputy Mayor for Public Safety and Justice is \$24,321,267, an increase of \$5,713,528 or 30.7 percent, from the current fiscal year. The proposed budget supports 18.3 FTEs, representing no change from the current fiscal year.

**Local Funds:** The Mayor has proposed a budget of \$16,603,000 representing an increase of \$5,459,000 or 49 percent, from the fiscal year 2013 approved budget. This funding supports 9.2 FTEs, a decrease of 0.0 FTEs, or -0.3 percent, from the fiscal year 2013 approved budget.

**Special Purpose Revenue Funds:** The Mayor has proposed a budget of \$1,577,000 representing a decrease of \$377,000 or -19.3 percent, from the fiscal year 2013 approved budget. This funding supports 0.0 FTEs, representing no change from the current level.

**Federal Resources:** The Mayor has proposed a budget of \$5,961,000 representing an increase of \$645,000 or 12.1 percent, from the fiscal year 2013 approved budget. This funding supports 7.3 FTEs, an increase of 0.0 FTEs, or 0.0 percent, from the fiscal year 2013 approved budget.

**Intra-District Funds:** The Mayor has proposed a budget of \$180,000 representing a decrease of \$12,000 or -6.5 percent, from the fiscal year 2013 approved budget.

*Mayor's Proposed FY 2014 Operating Budget; Programmatic Level:*

**Access to Justice: Local Funds:** The Mayor has proposed a budget of \$3,575,000 representing an increase of \$76,000 from FY 2013. Access to Justice is comprised of \$3,375,000 which is an increase of \$375,000 from the current fiscal year. The LRAP is comprised of \$200,000 which represents a decrease of nearly \$300,000 from last year, as this funding was shifted to Access to Justice. The funding supports 0.0 FTEs, representing no change from the fiscal year 2013 level.

**Office of Victim Services: Local Funds:** The Mayor has proposed a budget of \$11,159,680 representing an increase of \$5,367,463 from FY 2013. The funding supports 6.3 FTEs, representing 0.7 increase from the fiscal year 2013 level. **Federal Funds:** The Mayor has proposed a budget of \$2,284,267 representing an increase of \$75,806 from FY 2013. The funding supports 0 FTEs, representing no change from the fiscal year 2013 level. **Special Purpose Revenue:** The Mayor has proposed a budget of \$1,577,106 representing a decrease of \$377,246 from FY 2013. The funding supports 0 FTEs, representing no change from the fiscal year 2013 level.

**Justice Grants Administration: Local Funds:** The Mayor has proposed a budget of \$1,191,923 representing a decrease of \$493,000 from FY 2013. The funding supports 6.3 FTEs, representing 0.7 decrease from the fiscal year 2013 level. **Federal Funds:** The Mayor has proposed a budget of \$3,677,113 representing an increase of \$568,733 from FY 2013. The funding supports 0 FTEs, representing no change from the fiscal year 2013 level.

**Corrections Information Council: Local Funds:** The Mayor has proposed a budget of \$144,000, representing an increase of \$16,000 from the fiscal year 2013 approved budget. This funding supports 1.0 FTEs, representing no change from the fiscal year 2013 level.

**Homeland Security/Continuity of Operation Plan (COOP): Local Funds:** The Mayor has proposed a budget of \$18,000, representing an increase of \$1,000 from the fiscal year 2013



approved budget. This funding supports 0 FTEs, representing no change from the fiscal year 2013 level.

### **Committee Analysis and Comments**

The Deputy Mayor's Office was created in January 2011 to provide direction, guidance, support, and coordination to the District's public safety agencies to develop and lead interagency public safety initiatives that improve the quality of life in the District's neighborhoods. Along with the oversight of the programs within the Deputy Mayor's budget, the Deputy Mayor serves an important role in the general oversight of the emergency response agencies -- Fire and Emergency Medical Services, the Metropolitan Police Department, and the Office of Unified Communications. The Deputy Mayor's job includes ensuring each critical part of the city's emergency support structure is operating efficiently and effectively together. The District relies on the Deputy Mayor to provide thorough interagency oversight and leadership. In turn, the Deputy Mayor relies on the Agency Directors to be strong and effective leaders and to operate their agencies with efficacy and transparency. The District relies on the Deputy Mayor to ensure the public safety agencies we lean on to protect the city 24 hours a day, 7 days a week are adequately staffed, trained, and equipped to serve the growing needs of the District.

***Access to Justice Initiative:*** The Committee has long trumpeted the need for increased funding to support civil legal services for low-income residents and underserved communities. Equal access to justice, without regard to income, is fundamental to our system of justice and integral to our democratic society. One of the District's most prominent displays of support for these types of services is in the form of funding for the Access to Justice Initiative (ATJ). The ATJ houses two important programs. The first is direct funding for civil legal services by way of a grant to the D.C. Bar Foundation. The second is the Loan Repayment Assistance Program (LRAP), which helps alleviate burdensome law school debt for attorneys who live in the District and provide direct legal services to the city's low-income population.

The programs under the ATJ are incredibly important, and are widely supported across the District. The Committee recognizes that it is crucial to the well-being of society that every person has access to affordable legal representation, especially in these tough economic times. No one should have to enter a courtroom without adequate legal representation. No matter what their issue may be, it will be more efficiently resolved with the guidance of an advocate. The Honorable Eric Washington, Chief Judge of the Court of Appeals for the District of Columbia, testified on how critical the need is for legal representation, when he testified in support of ATJ at the April 25, 2013 budget oversight hearing. Speaking on behalf of himself and the Honorable Lee Satterfield, Chief Judge of the Superior Court of the District of Columbia, Chief Judge Washington stated:

Chief among these challenges is the vast number of litigants who are forced to navigate our courts alone because they cannot afford counsel. So even though the courts are committed to providing equal access to all who came before us, it is extremely difficult to achieve this mission when so many litigants -- many of whom struggle with mental illness, physical disabilities, histories of trauma, and language access challenges -- appear without the assistance of counsel. The

ATJ program is a fundamental and necessary part of any effort to provide equal justice for District residents facing significant civil legal challenges because it is a critical tool in securing legal representation for thousands of vulnerable District residents who seek redress in our tribunals each year.<sup>56</sup>

The Committee commends the Administration for its commitment to public support of this program. In the Mayor's FY 2014 proposal, ATJ receives \$3,575,000, (\$3,375,000 dedicated to civil legal services funding, and \$200,000 dedicated to the LRAP program). The Committee urges continued support from the Administration, particularly as other funding streams for these services diminish. Current President of the District of Columbia Bar, Thomas S. Williamson, Jr., testified before the Committee that IOLTA (Interest on Lawyers Trust Accounts) income, one of the largest non-public sources of revenue for legal services, has fallen by more than 80 percent since 2008—or more than \$1 million in lost resources.<sup>57</sup> The District must help meet the growing need by continuing to support these programs with public funding. It is the Committee's hope that, through continued funding and strong partnering with non-profit entities administering the program, the District government can meet or exceed that obligation.

**Office of Victim Services:** The Office of Victims Services (OVS) has the mission critical role of providing support services to the most vulnerable members of the city, including victims of domestic violence, sexual assault, homicide, child abuse, assault, providing safe temporary transitional housing for victims of domestic violence, improving rape trauma services and counseling, and maintaining outreach programs to area teens and residents.

At the Performance Oversight hearing in February 2013, victims' advocates testified repeatedly about the need to raise the baseline budget, and to replenish funding for programs that have suffered consistent cuts in funding in the past. The Committee agrees with this need and supports the Mayor's increase of the OVS baseline budget. The Committee notes the \$3,100,000 investment in safe housing programs, which are a critical component of the support continuum. The budget also contains a replacement of \$4,372,000 in federal funds with local funds, which will help ensure OVS is not overly reliant on federal funds.

The Committee supports the establishment of a public Domestic Violence Hotline<sup>58</sup>, which will provide a direct toll-free number that accepts calls and text messages in order to provide assistance for victims and potential victims of domestic violence. The service will be directly available to callers, without an intermediary agency, on a 24-hour basis. The Committee included this proposal as a subtitle in section IV. B of this report.

**Justice Grants Administration:** The Justice Grants Administration (JGA) serves to administer federal grants and other funding streams to government agencies and community-

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<sup>56</sup> *Access to Justice Initiative: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 1 (Apr. 25, 2013) (written joint statement of Chief Judge Eric Washington, Court of Appeals for the District of Columbia, and Chief Judge Lee Satterfield, Superior Court for the District of Columbia).

<sup>57</sup> *Access to Justice Initiative: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 4 (Apr. 25, 2013) (written testimony of Thomas S. Williamson, Jr., President, District of Columbia Bar).

<sup>58</sup> B20-35 DV hotline

based organizations to improve the programs, policies, and coordination of the District of Columbia's juvenile and criminal justice systems. JGA also serves an important role in providing the community support for child truancy and re-entry programs designed to give District residents a second chance to make the right choices in life.

The Committee understands the important role that JGA plays in reducing crime by addressing criminal tendencies before they emerge, as well as teaching youths and adults how to rejoin the path to a productive life. Director Hook testified that JGA will continue prioritize three areas: (1) Prevention and early intervention initiatives that address truancy and delinquency prevention; (2) Programs that reduce recidivism among juveniles who are referred by law enforcement personnel or agencies; (3) Wraparound services that meet the needs of the District's population of adults reentering the community from incarceration to include housing, job development training and potential employment. The Committee supports these priorities and also encourages JGA broaden its emphasis on prevention and early intervention to include an examination of creating alternatives to juvenile arrests and secured detention that are consistent with youth development outcomes, while preserving public safety.

***Corrections Information Council:*** The Corrections Information Council (CIC) was created by Congress in the 1997 National Capital Revitalization and Self-Government Improvement Act ("Revitalization Act") for the purpose of investigating generally the conditions of the District's felon population scattered throughout BOP facilities, following the closing of Lorton Correctional Complex. The CIC's role was expanded by the Council in the Jail Improvement Act of 2003,<sup>59</sup> which requires the CIC to conduct inspections of the local correctional facilities and mandates that the Department of Corrections ("DOC") provide access to members of the CIC, its staff, designees, and agents for this purpose, including unmonitored interviews of inmates.

As the Revitalization Act transferred the District's sentenced felon population to the BOP, a large number of District residents formerly housed at the Lorton Correctional Complex were dispersed to penal institutions throughout the country. Currently there are approximately 8,000 District inmates spread throughout the federal prison system.<sup>60</sup> Thus the District is unlike any other state in that its state-sentenced felons are not incarcerated within (and many are not even near) its borders. Having an effective, well-funded mechanism to monitor the treatment of District prisoners is essential to ensuring that this population receives proper treatment and necessary resources and programs. The Committee understands that the CIC is still in its infancy, with its volunteer members confirmed as of May 1, 2012. The Committee notes that CIC has already completed three inspections thus far, which is the amount of facility inspections required per year by its mandate.<sup>61</sup> CIC has formulated a solid work plan, comprised of its objectives and key performance indicators. Nonetheless, it is key to understand that the CIC does not have the capacity or resources to visit every facility where D.C. inmates are currently located. There must

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<sup>59</sup> D.C. Law 15-62; D.C. Official Code § 24-101 (2004).

<sup>60</sup> *D.C. Prisoners' Project*, WASH. LAWYERS' COMM. FOR CIVIL RIGHTS & URBAN AFFAIRS, <http://www.washlaw.org/projects/dc-prisoners-rights> (last visited Apr. 30, 2013).

<sup>61</sup> *Corrections Information Council: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary*, 2,3 (Apr. 10, 2013) (written testimony of Michelle R. Bonner, Chair, Corrections Information Council).

be a focus on formulating how CIC can best assist DC inmates across the country. The Committee directs CIC to review its scope of work, identify the most critical components of its mission, and make recommendations on any needed changes to its statutory mandate.

CIC received a modest increase of \$16,000 in the Mayor's 2014 proposed budget. This primarily reflects salary increases. The Committee notes that CIC requested a budget enhancement for: 1) a larger support staff; 2) independent office space; and 3) funds to continue agency mission of inspecting and monitoring conditions of confinement. The Committee encourages the Deputy Mayor to provide more support to the CIC by identifying improved workspace for CIC so that they can engage in confidential interviews, accept volunteer law students, and better organize to meet their mission.<sup>62</sup>

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the Deputy Mayor for Public Safety and Justice as proposed by the Mayor, with the following modifications:

1. Increase CSG 20 (Supplies and Materials) by \$5,000 in local funds in Program 6000 (Corrections Information Council).
2. Decrease \$1,000,000 from Federal Grants in Fund 0200 (Fund type CVA13F/13) in Justice Grants Administration (Program 5300) (technical correction requested by OCFO).
3. Increase Office of Victim Services (Program 4200) CSG 50 by \$1,000,000 from Fund 0200 (Fund type CVA13F/13) (technical correction requested by OCFO).

### **b. Policy Recommendations**

1. The Committee directs the Deputy Mayor to conduct a review, to be submitted the Council by Sept. 30, 2013, of other major municipalities -- as well as municipalities of similar size to the District -- in order to determine the number of paramedics or advanced life support operators per capita in those jurisdictions.
2. The Committee directs the Deputy Mayor to examine the number of arrests and the cost to the District of such arrest and subsequent detention on marijuana possession charges and explore the ramifications of moving simple possession to a citation and release mechanism.
3. The Committee encourages the Deputy Mayor to provide additional support to the CIC by identifying improved workspace for CIC so that they can engage in

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<sup>62</sup> *Corrections Information Council, Fiscal Year 2014 Budget Enhancement Request, (February 8, 2013).*

confidential interviews, accept volunteer law students, and better organize to meet their mission.

4. The Committee recommends that the Deputy Mayor for Public Safety and Justice work with Congresswoman Eleanor Holmes Norton to obtain an agreement with Bureau of Prisons to house District federal prisoners closer to the District. The uniqueness of the District's criminal justice system results in many residents housed in BOP facilities all across the country, placing additional hardship on families, as well as complicating the mission of the Corrections Information Council.
5. The Committee directs CIC to review its scope of work, identify the most critical components of its mission, and make recommendations on any needed changes to its statutory mandate.

**Q. DEPARTMENT OF FORENSIC SCIENCES**

<b>Department of Forensic Sciences (FR0) - Operating Budget by Fund Type</b>					
<b>Fund Type</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
FEDERAL GRANTS	-	430,520	430,520	-	430,520
INTRA-DISTRICT FUNDS	-	740,253	2,082,197	(1,635,800)	446,397
LOCAL FUND	-	8,504,835	8,864,316	1,665,000	10,529,316
<b>Grand Total</b>	-	<b>9,675,609</b>	<b>11,377,032</b>	<b>29,200</b>	<b>11,406,232</b>

<b>Department of Forensic Sciences (FR0) - FTEs by Fund Type</b>				
<b>Fund Type</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
INTRA-DISTRICT FUNDS	4.0	28.0	(25.0)	3.0
LOCAL FUND	68.3	72.2	25.0	97.2
<b>Grand Total</b>	<b>72.3</b>	<b>100.2</b>	-	<b>100.2</b>

<b>Department of Forensic Sciences (FR0) - Operating Budget by CSG (Gross Funds)</b>					
<b>CSG</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
11-REGULAR PAY - CONT FULL TIME	-	5,272,919	6,185,528	-	6,185,528
12-REGULAR PAY - OTHER	-	618,937	1,014,225	-	1,014,225
14-FRINGE BENEFITS - CURR PERSONNEL	-	1,328,835	1,691,942	-	1,691,942
15-OVERTIME PAY	-	8,500	8,500	-	8,500
20-SUPPLIES AND MATERIALS	-	789,277	387,536	-	387,536
40-OTHER SERVICES AND CHARGES	-	654,540	1,156,327	14,200	1,170,527
41-CONTRACTUAL SERVICES - OTHER	-	516,000	371,679	-	371,679
50-SUBSIDIES AND TRANSFERS	-	171,578	121,578	-	121,578
70-EQUIPMENT & EQUIPMENT RENTAL	-	315,023	439,717	15,000	454,717
<b>Grand Total</b>	-	<b>9,675,609</b>	<b>11,377,032</b>	<b>29,200</b>	<b>11,406,232</b>

<b>Department of Forensic Sciences (FR0) - Operating Budget by Program (Gross Funds)</b>					
<b>Program</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Approved</b>	<b>FY 2014 Mayor's Proposed</b>	<b>FY 2014 Committee Variance</b>	<b>FY 2014 Committee Proposed</b>
1000-AGENCY MANAGEMENT PROGRAM	-	1,124,737	1,977,364	-	1,977,364
1100-ADVISORY BOARD	-	21,875	11,665	-	11,665
2000- INVESTIGATIVE FORENSIC SERVICES	-	6,436,037	5,332,762	15,000	5,347,762
3000-PUBLIC HEALTH LABORATORY SERVICES	-	2,092,959	2,419,441	-	2,419,441
4000-CRIME SCENE SCIENCES	-	-	1,635,800	14,200	1,650,000
<b>Grand Total</b>	-	<b>9,675,609</b>	<b>11,377,032</b>	<b>29,200</b>	<b>11,406,232</b>

## 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. The department will focus on unbiased science and transparency with the overall goal of enhancing public health and safety.

DFS provides independent analysis of evidence found at crime scenes within the District of Columbia. The independent analysis of biological pathogens, chemical, radiological, firearms, fingerprinting, DNA and trace evidence is provided by DFS to the Metropolitan Police Department, US Capitol Police, US Park Police, and many of the other specialized law enforcement units located in the District of Columbia. DFS also provides expert witness testimony in defense of its analytical reports in the District's courts of law. The public health laboratory operates within DFS, providing diagnostic and analytical testing for biological pathogens and chemical and radiological agents from clinical or environmental sources, as well as emergency response testing. The Advisory Board will provide guidance, through peer review, in the development of the DFS to ensure that strict, scientifically-valid protocols are followed and new technologies are incorporated in a timely manner.

### b. **Mayor's Proposed FY 2014 Operating Budget**

#### **Proposed Operating Budget Summary**

The Mayor's FY 2014 budget proposal for the DFS is \$11,377,032, an increase of \$1,701,423, or 17.6 percent, above the current fiscal year. The proposed budget supports 100.2 FTEs, an increase of 28 FTEs, or 38.8 percent, over the FY 2013 level.

**Local Funds:** The Mayor's proposed budget is \$8,864,000, an increase of \$359,000, or 4.2 percent above the FY 2013 approved budget of \$8,505,000. This funding level supports 72.2 FTEs, an increase of 4 FTEs, or 5.9 percent, from the FY 2013 approved level.

**Federal Grant Funds:** The proposed budget is \$431,000 and it supports 0 FTEs. This funding level is the same as the FY 2013 approved.

**Intra-District Funds:** The proposed budget is \$2,082,000, an increase of \$1,342,000, or 181.3 percent, over the FY 2013 approved budget of \$740,000. This funding supports 28 FTEs, an increase of 24 FTEs, or 600 percent, over the FY 2013 approved level.

#### **Committee Analysis and Comments**

**Transition to new agency:** The Department of Forensic Sciences (DFS) was created on October 1, 2012, with employees, resources, and finances transitioned from both MPD and the



DC Department of Health (DOH).<sup>63</sup> The enabling legislation created DFS with the goal of creating an entity, separate from law enforcement, to handle forensic science activities for the District, with a focus on unbiased science and transparency.<sup>64</sup>

The creation of a new agency, particularly when it involves merging multiple other existing entities, is challenging. Although DFS has made considerable strides toward this independence, the District is still in the process of transitioning responsibilities for crime scene response from MPD. The FY 2014 budget proposal continues this transfer, recognizing an increase of 25 FTEs within the Crime Scene Sciences division and \$1,650,000 in intra-District transfer from MPD for this division. The Committee urges DFS and MPD to continue to work diligently on this transition plan.

The FY 2014 budget proposal also includes some adjustments to positions, in order to create necessary agency management positions, including a Chief Information Officer, Human Resources Manager, and Consolidated Forensic Lab (CFL) Safety Officer.

**Accreditation:** In addition to the challenge of blending several cultures into one new agency, DFS faces another significant hurdle in FY 2013 and FY 2014 – accreditation. The enabling legislation requires the agency to achieve accreditation by January 1, 2014 – a quite brisk timeline, considering accreditation includes the entirety of operations, from administration to policies to protocol and beyond. Director Max Houck indicated DFS is on track to meet this goal: The DNA and Trace Evidence activities are already accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB); for FY 2013, the Public Health Laboratory will be accredited through the Centers for Disease Control and the Association of Public Health Laboratories; and the Forensic Science Laboratory will be accredited under an international standard for forensic laboratories, ISO 17025. According to Director Houck, going forward, accreditation for all services provided by or added to DFS will be to ISO 17025. The Committee commends Director Houck and DFS for its aggressive work to meet this timeline.

**Science Advisory Board:** Among the statutory requirements, another outstanding issue is the appointment of 9 members to the new Science Advisory Board.<sup>65</sup> At the April 29, 2013 budget hearing, Director Houck testified that he is working with Deputy Mayor Paul Quander to establish the Advisory Board; a slate of nationally-recognized applicants is currently in the approval process with Office of Boards and Commissioners, as required by statute.

**Expansion of services:** When the Council created DFS, future growth was anticipated, dependent on future appropriations. Among growth areas expected were Drug Analysis, which is

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<sup>63</sup> This transfer occurred as part of the Mayor's proposed FY 2013 budget and the creation of the new Department of Forensic Sciences.

<sup>64</sup> D.C. Law 19-1 (codified at D.C. OFFICIAL CODE § 5-1501 *et seq.* (2011)).

<sup>65</sup> See D.C. OFFICIAL CODE § 5-1501.12 (2011) (listing the functions of the Board, including reviewing reports of allegations of professional negligence, misconduct, or misidentification or other testing error that occurred in the provision of forensic science services at the Department, periodically reviewing Department program standards and protocols, and periodically reviewing scientific literature and making recommendations to Department manuals and standard operating procedures.).

currently conducted by the federal Drug Enforcement Agency, and Digital Evidence (computer forensics). Director Houck testified that DFS is pursuing Digital Evidence expansion at this time, but that DEA continues to do the District's drug analysis. The Committee surmises that including additional responsibilities prior to accreditation may have been too ambitious for the first half of FY 2014; however, the Committee urges the Executive, the Deputy Mayor of Public Safety and Justice, and Director Houck to determine the costs, equipment, and staffing necessary to make Drug Analysis a core component of DFS and CFL either via reprogramming mid-year FY 2014 or as part of the FY 2015 budget formulation.

During the April 25, 2013 budget hearing with the Office of the Chief Medical Examiner (OCME), the Committee discussed OCME's budget for DNA testing and learned that the agency contracts with an outside agency to perform DNA testing on badly decomposed bodies. The Committee believes this work should be performed by DFS at the full-service, state-of-the-art CFL. Accordingly, the Committee is redirecting funds to DFS to purchase necessary equipment and directs DFS and OCME to use FY 2014 to develop a process and protocol for doing these types of DNA tests in house at the CFL.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. FY 2014 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2014 budget for the Department of Forensic Science as proposed by the Mayor with the following modifications:

1. Increase Investigative Forensic Science (Program 2000), CSG 70 (Equipment & Equipment Rental) by \$15,000 in local funds to purchase equipment to allow for DNA testing on bone fragments.
2. As part of the ongoing shift of forensic functions from MPD to DFS, make the following technical corrections to move local funds from an intra-District transfer line to the DFS local budget:
  - a. Reduce the Crime Scene Sciences Program (4000) intra-District budget to zero dollars and zero FTEs.
  - b. Increase the Crime Scene Sciences Program (4000) by \$1,650,000 as follows:
    1. Increase CSG 11 by \$1,202,568 and 25 FTEs;
    2. Increase CSG 14 by \$282,604;
    3. Increase CSG 20 (Supplies and Materials) by \$18,900;
    4. Increase CSG 40 (Other Services and Charges) by \$20,928;
    5. Increase Contractual Services (CSG 41) by \$15,000; and
    6. Increase CSG 70 (Equipment and Equipment Rental) by \$110,000.

**b. Policy Recommendations**

1. The Committee urges DFS and MPD to continue to work diligently on the transition plan to transfer responsibilities for crime scene response from MPD.
2. The Committee directs the OCME to work collaboratively with DFS and during FY 2014 to develop a process and protocol for using DFS to perform all necessary DNA testing for OCME.
3. The Committee urges the Mayor, the Deputy Mayor of Public Safety and Justice, and Director Houck to determine the costs, equipment, and staffing necessary to make Drug Analysis a core component of DFS and CFL, either via reprogramming mid-year FY 2014 or as part of the FY 2015 budget formulation.

### **III. FY 2014 BUDGET REQUEST ACT APPROPRIATION LANGUAGE RECOMMENDATIONS**

On Tuesday, April 02, 2013, Chairman Mendelson introduced, on behalf of the Mayor, the “FY 2014 Budget Request Act of 2013” (Bill 20-198). The Committee makes the following recommendations:

#### **TITLE III--DISTRICT OF COLUMBIA FUNDS - - DIVISION OF EXPENSES OPERATING EXPENSES**

The Committee recommends “Governmental Direction and Support” and “Public Safety and Justice” be amended to reflect the recommendations within this report for the agencies under the Committee’s purview.

#### **TITLE IV--GENERAL PROVISIONS**

~~SEC. 110. Section 156 of the FY 2001 Appropriations Act, approved November 22, 2000 (Pub. L. 106-522; 114 Stat. 2477), shall be treated as positive law in effect continuously from November 22, 2000 to the present. The section is positive law that shall apply hereafter; provided, however, that consistent with section 1717(n) 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 § 1-617.17(n), the law shall not apply to any collective bargaining agreement reached and approved on or after October 1, 2004. The District of Columbia may not pay overtime inconsistent with Section 156 in connection with any collective bargaining agreement entered into and approved prior to October 1, 2004.~~

The Committee recommends striking this provision for several reasons. (1) This provision circumvents the collective bargaining and grievance process, and seeks to undermine the ongoing litigation regarding overtime between the Fire and Emergency Medical Services Department and the firefighters; at each stage thus far, the Department has lost. (2) The Office of the Chief Financial Officer concluded that removing this provision will have no fiscal impact on the FY 2014 budget. (3) The provision seeks Congressional interference as a means to undermine local litigation, which is antithesis of the District’s efforts to achieve true autonomy.

## **IV. FY 2014 BUDGET SUPPORT ACT RECOMMENDATIONS**

On Tuesday, April 09, 2013, Chairman Mendelson introduced, on behalf of the Mayor, the “FY 2014 Budget Support Act of 2013” (Bill 20-199). The bill contains a number of subtitles for which the Committee has provided comments in addition to new subtitles that the Committee recommends.

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

The Committee provides comments on the following subtitles of the “FY 2014 Budget Support Act of 2013”:

1. Title I. Government Direction and Support. DGS Protective Services.....116
2. Title II. Economic Development and Regulation. Grant Making ..... 118
3. Title III. Public Safety and Justice. Central Cellblock Management. .... 121
4. Title III. Public Safety and Justice. Security License Streamlining ..... 124
5. Title VI. Transportation, Public Works, and the Environment..... 126

**1. TITLE I. Subtitle C. DEPARTMENT OF GENERAL SERVICES  
PROTECTIVE SERVICES DIVISION.**

**a. Purpose, Effect, and Impact on Existing Law**

Under current law, there is a Protective Services Police Department within the Department of General Services (DGS). Protective Services was originally established in 1999 under the Office of Property Management (OPM). In 2010, the name of the Division was changed to the Protective Services Police Department as part of legislation that also changed the name of OPM to the Department of Real Estate Services. This subtitle changes the name back to Protective Services Division and clarifies that the Division provides security services to government facilities through the use of special police officers (SPOs). SPOs are defined as security officers who are either civilian employees or contractors.

**b. Committee Reasoning**

This subtitle is necessary to clarify the authority and role of security officers within the Protective Services Division at DGS, specifically that security officers are not law enforcement officers. This will eliminate any misperception that Protective Services security officers are law enforcement. This subtitle simply clarifies the name and structure of the Protective Services, and does not have an impact on the District's budget and financial plan.

**c. Section-by-Section Analysis**

**Sec. 121.** States the short title of the bill.

**Sec. 122.** Amends Section 1023(6) of the Department of General Services Establishment Act of 2011 to clarify the authority and role of the Protective Services security officers.

**d. Legislative Recommendations for Committee of the Whole**

**Sec. 121.** Short title.

This subtitle may be cited as the "Department of General Services Protective Services Division Amendment Act of 2013".

**Sec. 122.** Section 1023(6) of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.02(6)), is amended to read as follows:

“(6) Protective Services Division, which shall coordinate, manage, and provide security services for District government facilities through the use of special police officers (6-A DCMR § 11), security officers, civilian employees, or contractors.”.

## **2. TITLE II. SUBTITLE A. LIMITED GRANT-MAKING AUTHORITY REALIGNMENT.**

### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle, as proposed, would accomplish two distinct objectives. First, it would transfer the responsibility for administering the Neighborhood Parades and Festivals Fund from DMPED to the Homeland Security and Emergency Management Agency (HSEMA). This fund was established by the Council in the Fiscal Year 2013 BSA, and was intended to defray costs associated with parades, festivals, and other celebrations sponsored by a neighborhood or civic association. DMPED was charged with administering the fund, and managing the initial \$107,000; however, the DMPED failed to produce a program and none of the initial allotment was spent.

Second, this subtitle would extend through FY 2014, DMPED's grant making authority to support sector consultants, regional economic development, and local business promotion, as originally provided for in the "Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012." It would also eliminate the authority and appropriation for making two specific grants.

### **b. Committee Reasoning**

This subtitle was jointly referred to the Committee on Economic Development, which has proposed amending the subtitle to instead transfer the grant-making authority for the Neighborhood Parades and Festivals Fund from DMPED to the Commission on Arts and Humanities. The Committee supports this change, as the DCCAH regularly makes grants to arts or cultural organizations to support their mission and has indicated a willingness to administer this fund.

With regard to the second change included in the subtitle, the Committee takes no position.

### **c. Section-by-Section Analysis**

**Sec. 201.** States the short title.

**Sec. 202.** Amends the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012 to extend DMPED's grant making authority for certain projects through FY 2014; and transfers from DMPED to the Commission on Arts and Humanities (CAH) the responsibility to administer the Neighborhood Parades and Festivals grant.



**d. Legislative Recommendations for Committee of the Whole**

Sec 201. Short Title

This subtitle may be cited as the “Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act of 2013”.

Sec. 202. The Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; codified in scattered cites in the D.C. Official Code), is amended as follows:

(a) Section 2032 (D.C. Official Code § 1-328.04) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “project;” and inserting the phrase “project; and” in its place;

(B) Paragraph (3) is repealed.

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

“(b-1) The Deputy Mayor may make grants for fiscal year 2014 as follows:

“(1) An amount of \$100,000 for sector consultants;

“(2) An amount of \$350,000 for local business promotion;

“(3) An amount of \$75,000 for regional economic development; and

“(4) An amount of \$50,000 for the Bank on DC program.”.

(b) Section 2033 (D.C. Official Code § 1-325.211) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Deputy Mayor for Planning and Economic Development” and inserting the phrase “Commission on Arts and Humanities” in its place.

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

“(a-1) The Commission on Arts and Humanities is authorized to make grants for the purpose of providing funds in accordance with subsection (c) of this section.

### 3. TITLE III. SUBTITLE A. DEPARTMENT OF CORRECTIONS CENTRAL CELLBLOCK MANAGEMENT

#### a. Purpose, Effect, and Impact on Existing Law

The Central Cellblock (CCB) is managed by the Metropolitan Police Department (MPD) and located at MPD headquarters. CCB is used to temporarily house arrestees as they await their initial court appearance. Depending on the outcome of the court appearance, the arrestee will be released or transferred to a Department of Corrections (DOC) or federal prison facility. This subtitle places DOC in charge of managing the CCB. In doing so, it requires the transfer of all property, records, appropriations, allocations, and funds related to CCB management from MPD to DOC; MPD will transfer 38 full-time equivalent positions and their associated \$2.56 million in personnel services budget to DOC, along with \$83,000 in non-personnel services budget. According to the Office of the Chief Financial Officer (OCFO), the transfer will result in additional personnel costs of \$464,000 in FY 2014 and \$1.9 million over the four year financial plan, but the OCFO-issued Financial Impact Statement stated those costs will be absorbed through DOC's existing resources and that the fiscal impact of the subtitle is incorporated into the proposed FY 2014 - FY 2017 budget and financial plan.

#### b. Committee Reasoning

Both MPD and DOC testified at the budget hearings that this change in authority provides a better alignment of agency duties and mission and will provide long-term improvement of CCB. According to MPD Chief Cathy Lanier, this transfer will place responsibility for housing arrestees with the agency with the greatest expertise in this function, while allowing MPD to focus on its more specific mission of ensuring public safety in the District.<sup>66</sup> A primary benefit of the transfer to DOC is that more police officers will be freed up for operational functions; currently, when arrestees are transferred to court or need medical attention, police officers must accompany them and stay with the arrestee until the appearance or the medical care is concluded.<sup>67</sup> Under the transfer, DOC will assume responsibility for transport as well as hospital duty. Chief Lanier testified that she has had as many as 18-40 number of officers tied up on hospital duty on any given weekend, rather than on the streets ensuring public safety. DOC will also implement a triage process at the CCB, which will likely reduce the hospital visits for minor issues; this too is something with which DOC is familiar, as it currently manages medical care at the DC Jail.

The Committee recognizes that the benefits to the operation of the CCB and the corresponding agencies' core functions are significant. These positive changes are not without impact; however, as 38 civilian employees will have to transition to become correctional officers in order to have any chance at returning to their jobs at the CCB. DOC Director Faust testified that the existing CCB employees would have priority in the hiring process and the Committee

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<sup>66</sup> *Metropolitan Police Department: Budget Oversight Hearing before the Council of the District of Columbia Committee on the Judiciary and Public Safety* (Apr. 29, 2013) (written testimony of Cathy Lanier, Chief of Police, Metropolitan Police Department)

<sup>67</sup> *Id.*

expects DOC to honor this statement – the existing CCB employees have considerable experience in processing arrestees and that experience should have meaningful value to DOC as it assumes operation of the CCB. MPD has also assured the Committee that the Department will be working aggressively to assist the civilian employees as they transition out of the Department. According to MPD, the Department has scheduled 10 sessions over the next 8 weeks with the Human Resources division to assist the civilian employees with job readiness, including one-on-one review of personnel folders, specifics related to individual personnel issues, and help with résumés and applications. The Committee urges MPD to follow through with this assistance to help limit lapse in employment for these District employees.

**c. Section-by-Section Analysis**

**Section 301:** States the short title of the bill.

**Section 302:** Provides that DOC will have charge of the management and operation of the Central Cell Block and will be responsible for the safekeeping, care, and protection of all persons detained there by MPD prior to their initial court appearance. Also provides that: 1) no authority will be removed from MPD to determine where to hold in custody any person arrested and awaiting an initial court appearance; 2) no arrest powers will be granted to any employee of the DOC performing any duty at the Central Cell Block; and 3) no powers or authority of either MPD or DOC are limited by this Act.

**Section 303:** Transfers all property, records, unexpended balances of appropriations, allocations, and other funds required for the management and operation of the Central Cell Block to DOC.

**d. Legislative Recommendations for Committee of the Whole**

Sec. 301. Short title.

This subtitle may be cited as the “Department of Corrections Central Cellblock Management Amendment Act of 2013”.

Sec. 302. Section 2 of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) The Department of Corrections shall have charge of the management and operation of the Central Cellblock, located at 300 Indiana Avenue, N.W., Washington, D.C.,

and shall be responsible for the safekeeping, care, and protection of all persons detained at the Central Cellblock, by the Metropolitan Police Department, prior to their initial court appearance.

“(2) Nothing in this subsection shall be construed as:

(A) Removing any authority from the Metropolitan Police Department to determine where to hold in custody any person arrested and awaiting an initial court appearance;

(B) Granting any arrest powers to any employee of the Department of Corrections performing any duty at the Central Cellblock; or

(C) Limiting any powers or authority of the Metropolitan Police Department or the Department of Corrections.

#### Sec. 303. Transfers

All property, records, unexpended balances of appropriations, allocations, and other funds required for the management and operation of the Central Cellblock at 300 Indiana Avenue, N.W., Washington, D.C. are hereby transferred from the Metropolitan Police Department to the Department of Corrections.

#### **4. TITLE III. SUBTITLE B. SECURITY LICENSE STREAMLINING.**

##### **a. Purpose, Effect, and Impact on Existing Law**

Currently MPD is responsible for licensing all professional private security personnel in the District. This includes security agencies, private detectives, and licensed security personnel, such as special police officers. MPD issues new licenses as needed, renews licenses annually, and conducts a one-time FBI background check. The proposed subtitle directs all licensing revenues for security agencies, officers, and detectives into the Occupations and Professions Licensure Special Account Fund, which effectively transfers the licensing responsibility to DCRA's Occupational and Professional Licensing Administration (OPLA), which manages the Fund. OPLA enforces regulations and issues licenses for over 125 occupations and professional licensing categories on behalf of the District's 18 occupational and professional boards.

MPD receives approximately \$407,000 per year in licensing fees which accrue to the District's local fund. These fees will now accrue to the Fund and will be used to pay the licensing vendor who processes all non-health-related occupation and professional licensing. Additionally, DCRA's OPLA licenses over 46,000 individuals and firms and the agency can absorb any costs through the new Fund revenues associated with taking over this responsibility. The fiscal impact of the subtitle is incorporated into the proposed FY 2014 through FY 2017 budget and financial plan.

##### **b. Committee Reasoning**

Under this bill, most licensing functions will be performed online by DCRA's vendor. This is critical to MPD's ability to continue to carry out their function, as they would not have the capacity to do so without the additional funding. Applicants should benefit from the change to the licensing vendor as well, as there will be more online capabilities. It is important to note that under this legislation, only the licensing process will be handled by DCRA. MPD will still be responsible for the final review and approval of the licenses as well as inspections, enforcement, and the like.

##### **c. Section-by-Section Analysis**

**Sec. 311** - - States the short title of the bill.

**Sec. 312.** - - Requires all license fees to be deposited into the Occupations and Professions Licensing Special Account Fund, which DCRA manages.

**d. Legislative Recommendations for Committee of the Whole**

Sec. 311. Short title.

This subtitle may be cited the “Streamlining of Security Licensing Amendment Act of 2013”.

Sec. 312. Deposit of Licensing Fees into Occupations and Professions Licensing Special Account Fund.

(a) D.C. Official Code § 47-2839 is amended by adding a new subsection (g) to read as follows:

“(g) All license fees collected pursuant to this section shall be deposited into the Occupations and Professions Licensing Special Account established pursuant to D.C. Official Code § 47-2853.11.”.

(b) D.C. Official Code § 47-2839.01 is amended by adding a new subsection (f) to read as follows:

“(f) All license fees collected pursuant to this section shall be deposited into the Occupations and Professions Licensing Special Account established pursuant to D.C. Official Code § 47-2853.11.”.

## **5. TITLE VI. SUBTITLE A. Safety-Based Traffic Enforcement Fine Reduction.**

### **a. Purpose, Effect, and Impact on Existing Law**

The measure would adjust the fines associated with several moving violations. Last year, both the Council and the Mayor studied the District's automated traffic enforcement program and the appropriateness of fines for speeding and other moving violations. While the Council was considering legislation last fall, the Mayor administratively lowered fines for a set of violations. Shortly thereafter, the Council passed the Safety-Based Traffic Enforcement Amendment Act of 2012, which reduced fines further but those changes expire on September 30, 2012. This subtitle would return the fines for these violations to their previous levels set by the Mayor's administrative change last fall. This subtitle would also repeal language adopted by the Council last fall that would prohibit the Mayor from changing speed limits on an emergency basis.

The fiscal impact of this subtitle is incorporated into the proposed FY 2014 - FY 2017 budget and financial plan. The Office of Revenue Analysis projects that the changes will result in an additional \$45,982,000 in revenues over four years.

### **b. Committee Reasoning**

The Committee does not recommend any substantive changes. Although the Council might wish for the fines at issue to remain at the lower levels set by the Safety-Based Traffic Enforcement Amendment Act of 2012, the Council has few options to change this subtitle because the additional revenue from the higher fines proposed in this subtitle is already accounted for in the proposed budget.

### **c. Section-by-Section Analysis**

**Sec. 601.** Short title.

**Sec. 602.** This section repeals the section 105 of the Safety-Based Traffic Enforcement Amendment Emergency Act of 2012, which limits the Mayor's ability to change speed limits on an emergency basis.

**Sec. 603.** This section repeals section 105 of the Safety-Based Traffic Enforcement Amendment Act of 2012, which limits the Mayor's ability to change speed limits on an emergency basis.

**Sec. 604.** This section would return fines to their prior level before the Safety-Based Traffic Enforcement Amendment Act of 2012 and accompanying emergency legislation took effect.



**d. Legislative Recommendations for Committee of the Whole**

Sec. 601. Short title.

This subtitle may be cited as the “Safety-Based Traffic Enforcement Fine Reduction Amendment Act of 2013”.

Sec. 602. Section 105 of the Safety-Based Traffic Enforcement Amendment Emergency Act of 2012, effective January 19, 2013 (D.C. Act 19-635; 60 DCR 1731), is repealed.

Sec. 603. Section 105 of the Safety-Based Traffic Enforcement Amendment Act of 2012, returned unsigned by the Mayor on February 11, 2013 (D.C. Act 19-674; 60 DCR 2753), is repealed.

Sec. 604. Section 2600.1 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) The existing text under the subheading “Intersection” is amended by striking the phrase “Failure to clear (including crosswalks) [§ 2201.11] \$100” and inserting the phrase “Failure to clear (including crosswalks) [§ 2201.11] \$50” in its place.

(b) The subheading “Right turn on red” and existing text is amended to read as follows:  
“Right turn on red

“Failure to come to a complete stop before turning [§ 2103.7] \$50

“Failure to yield right-of-way to vehicle or pedestrian [§ 2103.7] \$50

“Violation of “No Turn on Red” sign [§ 4013] \$50”.

(c) The existing text under the subheading “Right-of-way” is amended by striking the phrase “Failure to stop and give right-of-way to pedestrian in roadway [§ 2208] \$250” and inserting the phrase “Failure to stop and give right-of-way to pedestrian in roadway [§ 2208] \$75” in its place.

(d) The existing text under the subheading “Speeding” is amended to read as follows:

“Up to 10 mph in excess of limit [§ 2200]	\$50
“11 to 15 mph in excess of limit [§ 2200]	\$100
“16 to 20 mph in excess of limit [§ 2200]	\$150
“21 to 25 mph in excess of limit [§ 2200]	\$200
“Over 25 mph in excess of limit [§ 2200]	\$300
“Minimum; driving too slowly [§ 2200.10]	\$50
“Unreasonable [§ 2200.3]	\$100”.

**B. RECOMMENDATIONS FOR NEW BUDGET SUPPORT ACT  
SUBTITLES**

The Committee on the Judiciary and Public Safety recommends the following new subtitles to be added to the “FY 2014 Budget Support Act of 2013”:

1.	Title --. Subtitle --. Sentencing and Criminal Code Revision Commission .....	129
2.	Title --. Subtitle --. Domestic Violence Hotline Establishment. ....	131
3.	Title --. Subtitle --. Juvenile Working Group Establishment. ....	134
4.	Title --. Subtitle --. MPD Capital Project Rescission Act of 2013. ....	138
5.	Title --. Subtitle --. Fire and Emergency Medical Services Department Overtime Limitation .....	138

**1. TITLE --. SUBTITLE --. Sentencing and Criminal Code Revision  
Commission Employee Classification.**

**a. Purpose, Effect, and Impact on Existing Law**

The purpose of this subtitle is to amend Section 903(a)(9) of the of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, to allow all 10 agency employees of the Sentencing and Criminal Code Revision Commission to be classified as Excepted Service appointments.

**b. Committee Reasoning**

In the FY 2013 budget, the number of authorized FTE positions for the agency increased from six to ten, with funding appropriated for the new FTE positions. Under D.C. Code § 1-609(a) (9) The Sentencing and Criminal Code Revision Commission is authorized no more than six Excepted Service appointments. Prior to the authorization of the four new FTE positions, all agency employees were Excepted Service appointments. Due to an oversight, the D.C. Code § 1-609(a)(9) was not amended to reflect an increase in the number of agency authorized Excepted Service positions from six to ten positions.

**c. Section-by-Section Analysis**

**Sec. - -** Short title. States the short title of the bill.

**Sec. - -** Amends the number of Excepted Service employees for the Sentencing and Criminal Code Revision Commission from 6 to 10, to reflect the increase in employees authorized in the FY 2013 budget.

**d. Legislative Recommendations for Committee of the Whole**

SUBTITLE - - Sentencing and Criminal Code Revision Commission Employee Classification  
Amendment Act of 2013

Sec. - - Short title.

This subtitle may be cited as the “Sentencing and Criminal Code Revision Commission Employee Classification Amendment Act of 2013”.

Sec. - - Section 903(a)(9) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.03(a)(9)), is amended by striking the number 6 and inserting the number 10 in its place.

## **2. TITLE --. SUBTITLE -- . DOMESTIC VIOLENCE HOTLINE ESTABLISHMENT.**

### **a. Purpose, Effect, and Impact on Existing Law**

The purpose of this subtitle is to require the Office of Victim Services (OVS) to establish a task force plan for the implementation of a public toll-free domestic violence hotline and to support the ongoing operation of the hotline.

### **b. Committee Reasoning**

In 2011, MPD received 31,000 domestic violence related calls. Despite this staggering number, among violent crimes, domestic violence is still one of the most underreported – with approximately only 1 in 4 assaults reported to police.

The District does not have a public number domestic violence victims can call directly for confidential assistance. While a response line exists for crisis intervention referrals, victims are only connected to it through a first responder, such as MPD. This response line, run by DC SAFE: Survivors and Advocates For Empowerment, is a critical component in decreasing domestic violence homicides, but the Committee supports a direct hotline for victims who may not feel safe contacting the police. This subtitle originated as Bill 20-35, the Domestic Violence Hotline Establishment Act of 2013. The Committee convened a public hearing on March 25, 2013 and received testimony from a number of advocates, as well as OVS. The subtitle reflects changes suggested in the hearing, including establishing a task force and incorporating text messaging. The subtitle requires OVS to establish a task force to assess staff and technology needs of a hotline, develop mechanisms for administration, and develop standards that coincide with the standards and procedures for referring victims for crisis intervention used by the existing domestic violence first responder line, operated by DC SAFE. The subtitle also requires the task force to develop a report by January 30, 2014, that includes the results of these assessments and developments.

The subtitle also outlines the basic requirements of the hotline, including that it must be a direct, toll-free number that accepts calls and text messages on a 24-hour basis, and provides live assistance by domestic violence counselors.

The Committee believes there is significant need for this hotline and supports the inclusion of this subtitle in the Budget Support Act.

### **c. Section-by-Section Analysis**

**Sec. - -** States the short title of the bill.

**Sec. - -** Requires OVS to establish a task force and outlines the duties of the task force, including the delivery of a report on the outcome of these duties by Feb. 28, 2014. It also requires the task force to include representatives from various groups.

Sec. -- Provides the Hotline requirements.

Sec. -- Provides that the Chief Financial Officer shall reduce the operating margin of the fiscal years 15 through 17 financial plans by \$600,000 each year in order to fund the fiscal effect of this act.

**d. Legislative Recommendations for Committee of the Whole**

**SUBTITLE -- Domestic Violence Hotline Establishment Act of 2013**

Sec. -- Short title.

This act may be cited as the “Domestic Violence Hotline Establishment Act of 2013”.

Sec. -- Domestic Violence Hotline planning.

(a) Beginning October 1, 2013, the Office of Victim Services shall establish a taskforce to:

(1) Assess staff and technology needs of the Domestic Violence Hotline (“Hotline”), established pursuant to section 3;

(2) Develop mechanisms for administration of the Hotline; and

(3) Develop standards that coincide with the standards and procedures for referring victims for crisis intervention used by the existing domestic violence first responder line, operated by DC SAFE.

(b) The taskforce shall include representatives from the D.C. Coalition Against Domestic Violence, governmental victim services programs, and domestic violence programs.

(c) By January 30, 2014, the taskforce shall develop a report that includes the results of the assessments and developments completed pursuant to subsection 2(a).

Sec. -- . Hotline requirements.

(a) Beginning October 1, 2014, the Office of Victim Services shall provide funding and support for:

(1) Ongoing operation of the Hotline; and

(2) Development and implementation of an outreach campaign to educate

District residents about the Hotline.

(b) The Hotline shall:

(1) Be operated by a domestic violence program as defined in D.C. Official Code § 14-310(a)(3);

(2) Provide a direct toll-free number that accepts calls and text messages in order to provide assistance for victims and potential victims of domestic violence;

(3) Be directly available to callers, without an intermediary agency;

(4) Be available on a 24-hour basis;

(5) Provide live assistance by domestic violence counselors as defined in D.C. Code §14-310(a)(2); and

(6) Offer anonymity and confidentiality to enable a victim or a friend or family member of a victim to seek support without giving their legal name.

(c) The requirements under subsection (b)(6) of this section shall not be construed to limit or supersede any mandatory reporting requirements under District law.

Sec. --. The Chief Financial Officer shall reduce the operating margin of the:

(1) Fiscal Year 2015 financial plan by \$600,000;

(2) Fiscal Year 2016 financial plan by \$600,000; and

(3) Fiscal Year 2017 financial plan by \$600,000,

to fund the fiscal effect of this act.

### **3. TITLE --. SUBTITLE --. JUVENILE CRIME REDUCTION AND ALTERNATIVES TO JUVENILE ARREST AND SECURED DETENTION WORKING GROUP ESTABLISHMENT.**

#### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle will establish the Alternatives to Juvenile Arrest and Secured Detention Working Group of key stakeholders representing public agencies and leading local experts that represent court involved youth in delinquency matters in the District of Columbia and conduct research on local juvenile justice issues with the intent to recommit to multi-system coordination and resources to reducing juvenile crime and to creating alternatives to juvenile arrests and secured detention of juveniles.

According to the Annie E. Casey report “Reducing Youth Incarceration” in February 2013, the District of Columbia ranks second to the state of Wyoming in the number of youth held in confinement per capita. The youth population at the Youth Services Population (YSC) population has well exceeded the capacity of 88 every day since November 19, 2012. During February and March 2013 the population soared to an average of 125 – 130 youth per day, topping out at 141.

The scope of the working group shall review and weigh the social and human impact of arrests and secure detention of juveniles on public safety and youth development and related benefits to creating alternatives to juvenile arrests and secured detention, while preserving public safety and consistent with youth development outcomes. The working group should also explore ways to reduce juvenile crime in half.

#### **b. Committee Reasoning**

The working group’s review of juvenile arrests and use of secured detention of juveniles shall help establish a more robust multi-agency and system commitment to establishing alternatives to juvenile arrests and placement of youth in secured detention. The recommendations of the working group shall create cost-savings throughout the juvenile justice system, and as importantly, increase capacity to establish broader diversion opportunities for youth to remain out of the deep end of the juvenile system, specifically the Department of Youth Rehabilitation Services. Such efforts will reduce recidivism and subsequently, juvenile crime.

#### **c. Section-by-Section Analysis**

- Sec. 1.** Short title “Alternatives of Juvenile Arrest and Secured Detention Working Group Establishment Act of 2013”
- Sec. 2.** Establishes the Working Group Conveners and Members.
- Sec. 3.** Establishes the Responsibilities and Scope of Work of the Working Group.



**Sec. 4.** Establishes requirement for the Working Group to issue recommendations and budget in a Report to the Mayor and Council no later than February 28, 2014.

**Sec. 5.** Establishes end date.

**d. Legislative Recommendations for Committee of the Whole**

Sec. xx1. Short title.

This subtitle may be cited as the “Alternatives to Juvenile Arrest and Secured Detention Working Group Establishment Act of 2013”.

Sec. xx2. Alternatives to Juvenile Arrest and Secured Detention Working Group establishment.

(a) There is established an Alternatives to Juvenile Arrest and Secured Detention Working Group (“Working Group”).

(b) The Working Group shall be convened by the following:

(1) The Attorney General for the District of Columbia; and

(2) The City Administrator.

(c) The Working Group shall include the following members or their designees:

(1) The Chief of Police;

(2) Director, Child and Family Services Agency;

(3) Director, Department of Behavioral Health;

(4) Chancellor of the District of Columbia Public Schools;

(5) Director, Department of Youth Rehabilitation Services;

(6) Executive Director of the District of Columbia Public Charter School Board;

(7) Chief, District of Columbia Public Schools Patrol Services Division;

(8) Executive Director, Criminal Justice Coordinating Council;

(9) Chairperson of the Committee on the Judiciary and Public Safety;

(10) Chairperson of the Committee on Human Services; and

(11) Representatives from public agencies, community based non-profit organizations, and educational institutions that represent court-involved youth in delinquency matters in the District of Columbia or conduct research on local juvenile justice issues.

(d) The Working Group shall invite the Chief Judge, Family Court, Superior Court of the District of Columbia or his designee to participate.

Sec. xx3. Responsibilities of working group.

The working group shall:

(1) Review all data regarding juvenile arrests in the District from at least January 2011 to present as the basis for its review, analysis, and recommendations. The juvenile arrest data review should also include a review of the number and type of arrests made that arise from school-based or school-related incidents;

(2) Review all data regarding the Youth Services Center population from at least January 2011 to present as the basis for its review, analysis, and recommendations;

(3) Develop and propose a differential response policy, program, and budget for juvenile arrests with the goal of diverting more youth from arrest, prosecution, overnight detention, or pre-trial detention. In doing so, the group shall consider the policies and practices of the Annie E. Casey Foundation's Juvenile Detention Alternative Initiatives (JDAI) and other innovative programs, like the Florida Juvenile Civil Citation program, that are consistent with positive public safety and youth development outcomes; and

(4) Review policies guiding the detention of probation violators and assessment of youth posing public safety risk or risk to himself or herself.

Sec. xx4. Report.

No later than February 28, 2014, the working group shall submit a report to the Mayor and the Council that includes recommendations for diversion and detention policy changes, practices, and proposed budget.

Sec. xx5. Expiration.

This act shall expire 30 days after the submission of the report required by section xx4.

#### **4. TITLE --. SUBTITLE --. MPD CAPITAL PROJECT RESCISSION ACT OF 2013.**

##### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle will rescind \$750,000 of PAYGO allotment and budget authority from an MPD capital project “MPD Building Renovations/Construction” in fiscal year 2013 and reallocate it as FY 2014 local funding for the purpose of increasing MPD’s CSG 70 (Equipment and Equipment Rental) by \$750,000 to fund technology improvements to cameras, software, computers, and handheld tablets to be used for law enforcement purposes.

##### **b. Committee Reasoning**

Recent events, such as the bombing at the finish line of the Boston Marathon and the riots in Vancouver, have shown how critical the role of current technology is to solving modern day crimes. While MPD has made significant strides with technology – laptops and handheld devices have enabled officers and detectives to do more work from the field – MPD’s crime solving technology has not kept pace with the industry. Technology improves every day and public safety can improve with it, but only if the resources are available to our public safety agencies. To that end, the Committee is redirecting \$750,000 to be used to upgrade video technology and software for law enforcement purposes, and improve computers to accept such improved technology, including tablets that can accept video images from ShotSpotter and other feeds so that patrol officers can view a dangerous scene as they approach.

##### **c. Section-by-Section Analysis**

**Sec. --.** States the short title.

**Sec. --.** Rescinds \$750,000 of PAYGO allotment and budget authority from a FY13 capital project and directs the CFO to recognize the amount as FY 2014 local funds revenue.

##### **d. Legislative Recommendations for Committee of the Whole**

**Sec. --.** Short title.

This subtitle may be cited as the “MPD Capital Project Rescission Act of 2013”.

**Sec. --. (a)** The Chief Financial Officer shall rescind \$750,000 of PAYGO allotment and budget authority from capital project PL110C “MPD Building Renovations/Construction” under the Metropolitan Police Department, in fiscal year 2013.

(b) The Chief Financial Officer shall recognize the rescinded amount identified in subsection (a) of this section as fiscal year 2014 local funds revenue.

## **5. TITLE -- . SUBTITLE -- . FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT OVERTIME LIMITATION AMENDMENT ACT.**

### **a. Purpose, Effect, and Impact on Existing Law**

The purpose of this subtitle is to place limitations, for fiscal year 2014, on the Fire & Emergency Medical Services (F&EMS) personnel that can earn overtime, and the amount of overtime that F&EMS personnel can earn during the fiscal year. The subtitle continues limitations placed in the law for fiscal years 2011, 2012, and 2013 with some modification. Continuation of this subtitle in fiscal year 2014 will help ensure the agency spends within budget and prevent unforeseen spending pressures.

### **b. Committee Reasoning**

For the fourth consecutive year, the Committee proposes a Budget Support Act subtitle limiting the ability of personnel in F&EMS to earn overtime. While some necessary modifications and exemptions have been made since the subtitle was first placed in the fiscal year 2011 Budget Support Act, the majority of what was originally proposed was replicated in fiscal years 2012 and 2013, and is once again being proposed for fiscal year 2014.

Under previous Committee Chair Phil Mendelson, the Committee held nearly monthly hearings on “*Continuing Overtime and Pay Problems in the Fire & Emergency Medical Services Department*” from November 2009 through the end of Council Period 19 in December 2012. The Committee held these hearings to draw attention to the lack of management of overtime expenditures and to pressure the agency to reign in unbudgeted spending. The Committee also introduced the FEMS Overtime Limitation Amendment Act, to place statutory prohibitions and limitations on the agency’s overtime spending. The subtitle was applicable for fiscal year 2011, but the Council extended the statute (with some modification) during the budget process in both fiscal year 2012 and fiscal year 2013. The subtitle, which has been in effect in some form since October 1, 2010, will expire on September 30, 2013. These efforts, combined with efforts on behalf of the administration, have seen progress in overtime spending; however, because of the poor control over overtime historically, the Committee believes it is necessary to extend this subtitle through the upcoming fiscal year.

The proposed subtitle would continue the existing prohibitions against overtime pay earnings for certain management positions within F&EMS. The Committee believes that as managers, personnel at the rank of Deputy Fire Chief and above should not be earning overtime pay. While this subtitle has, to date, prohibited the ability of those at the rank of Battalion Fire Chief (BFC) to earn overtime, many of the BFCs are in the operations division and occupy “seats” that must be staffed 24 hours a day, seven days a week. In this sense, though they function as managers, they have work schedules similar to members in the operations division. Further, as agency management has maintained a large number of vacancies in the Department, including in management positions, the BFC “seats” are frequently being filled by Captains

serving in an acting role. These Captains can and do earn overtime while in this role. Exempting the BFCs from the overtime limitation will help alleviate some of the staffing pressures that are occurring as a result of staff shortages, and permit the BFC seats to be filled by those individuals that hold that rank rather than individuals serving in an acting role.

The subtitle, as it has done previously, also limits the number of hours personnel can work over two consecutive pay periods.

These limitations will apply for fiscal year 2014 only; the Committee will modify or remove overtime restrictions in future budget cycles as appropriate.

**c. Section-by-Section Analysis**

Sec. --. Short title. This section states the short title of the bill.

Sec. --. Continues the existing prohibitions against overtime pay earnings for F&EMS personnel through fiscal year 2014, but modifies the rank to be Deputy Fire Chief and, instead of Battalion Fire Chief and above.

Sec. --. Continues the existing prohibitions on the number of hours F&EMS employees can work within two pay periods, extending this prohibition through fiscal year 2014..

Sec. --. Continues the prohibition on the number of days F&EMS personnel can be detailed to EMT classes, extending this prohibition through fiscal year 2014.

**d. Legislative Recommendations for Committee of the Whole**

**SUBTITLE - - FIRE AND EMERGENCY MEDICAL SERVICES OVERTIME LIMITATION**

Sec. - -. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Overtime Limitation Amendment Act of 2013”.

Sec. - -. Section 1103(f) 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 § 1-611.03(f)), is amended as follows:

(a) Paragraph (2)(B) is amended as follows:

(1) Strike the phrase “For fiscal years 2011, 2012, and 2013” and insert the phrase “For fiscal years 2011, 2012, 2013, and 2014” in its place; and

(2) Strike the phrase “Battalion Fire Chief and above in the Firefighting Division” and insert the phrase “Deputy Fire Chief and above in the Firefighting Division” in its place.

(b) Paragraph (4) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase “For fiscal years 2011, 2012, and 2013” and inserting the phrase “For fiscal years 2011, 2012, 2013, and 2014” in its place.

Sec. - -. Section 2 of An Act To amend the Act entitled “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, and for other purposes, approved June 19, 1948 (62 Stat. 498; D.C. Official Code § 5-405), is amended as follows:

(a) Subsection (f) is amended as follows:

(1) Designate the existing text as paragraph (1);

(2) Strike the phrase “For fiscal years 2011, 2012, and 2013” and insert the phrase “For fiscal years 2011, 2012, 2013, and 2014” in its place.

(b) Subsection (g) is amended by striking the phrase “For fiscal years 2011, 2012, and 2013” and insert the phrase “For fiscal years 2011, 2012, 2013, and 2014” in its place.

Sec. - -. Section 202(c) of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official



Code § 5-441(c)), is amended by striking the phrase “2011, 2012, and 2013” and inserting the phrase “2011, 2012, 2013, and 2014” in its place.

## V. COMMITTEE ACTION AND VOTE

On Wednesday, May 8, 2013, at 5:20 p.m. the Committee on the Judiciary and Public Safety met to consider and vote on the proposed FY 2014 budget for the agencies and programs under its jurisdiction. Chairperson Tommy Wells called the meeting to order and determined there was a quorum with Councilmembers Bowser, Cheh, and Evans present. Chairperson Wells then presented the Committee Report and summarized the Committee's primary recommendations and comments, including the improvement to crime fighting, emergency medical response, and support of crime victims.

Before moving the report, Chairperson Wells first moved a BSA subtitle amendment (Fire and Emergency Medical Services Department Overtime Limitation Amendmen Act of 2013), which was accepted as friendly without objection. He then moved the draft report as previously circulated, with leave for staff to make technical, conforming, and editorial changes.

Councilmember Cheh raised concerns about the availability of F&EMS ambulances, with particular emphasis on identifying exactly how many transports the District needs and how much it costs to ensure our fleet is the right size. She also raised concerns that the Mayor sent the Council a capital budget for F&EMS (\$8,000,000) that is quite a bit less than the firefighters testified is necessary (\$13,000,000). Without knowing exactly what F&EMS has and what it needs, she said she has no way to evaluate the difference between those two values and found that "extraordinarily problematic."

Chairperson Wells responded with some specific information on what Deputy Mayor Quander and F&EMS Chief Ellerbe have stated is necessary, but stated that he agreed with Councilmember Cheh and that he was not confident in the Mayor's capital allocation for F&EMS apparatus.

Councilmember Evans also raised concerns about apparatus and likened the current situation to one that occurred during the Control Board years, where the Committee on the Judiciary required F&EMS to establish a set replacement schedule. Councilmember Evans stated that this must be fixed.

Chairperson Wells expressed his agreement with Councilmember Evans' concerns. He reiterated his concerns that F&EMS management is operating and budgeting with faulty information, specifically noting that the Department submitted an inventory list that included one fire truck as active that was actually in pieces in Wisconsin. Chairperson Wells also discussed how the Metropolitan Police Department contracts out its fleet management and repair, which has eliminated problems, including overtime issues – a problem, he said, that is persistent at F&EMS.

Councilmember Evans then asked about issues at the Office of Unified Communications. Chairperson Wells recapped the most recent incident, where a crime victim was placed on hold multiple times and had to wait more than a minute for 911 call taker to pick up. Chairperson

Wells shared the preliminary investigation information he received, but stated that no excuse was sufficient for that type of wait. He also reiterated that the Committee report includes additional funding for OUC training.

Councilmember Bowser stated that she joined with other members' comments on concerns with equipment and stated that the Committee is correct to be concerned about equipment and staffing. She also shared her concern about low morale at F&EMS and said firefighters have told her that they are nervous about the possibility of another incident similar to the David E. Rosenbaum tragedy. She also raised concerns about the 311 call center not responding effectively to constituent requests and forwarding the calls instead to the Councilmembers' offices. Councilmember Bowser also mentioned the report's emphasis on the need for increased capital, and mentioned her concerns about the state of MPD substations. Finally, she stated her support for Councilmember Wells' investment in technology for MPD and hopes to see it increased at the full Council.

After opportunity for further discussion, Chairperson Wells moved the report with leave for staff to make technical, conforming, and editorial changes. The report was approved unanimously (4-0-0) and the meeting adjourned at 5:45 p.m.

## **VI. ATTACHMENTS**

- A. Wednesday, April 10, 2013 FY 2014 Budget Oversight Hearing Witness List and Testimony.
- B. Wednesday, April 17, 2013 FY 2014 Budget Oversight Hearing Witness List and Testimony.
- C. Thursday, April 25, 2013 FY 2014 Budget Oversight Hearing Witness List and Testimony.
- D. Monday, April 29, 2013 FY 2014 Budget Oversight Hearing Witness List and Testimony.