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# COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

CHARLES ALLEN, CHAIRPERSON  
FISCAL YEAR 2018  
COMMITTEE BUDGET REPORT

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

**FROM:** Councilmember Charles Allen  
Chairperson, Committee on the Judiciary & Public Safety

**DATE:** May 18, 2017

**SUBJECT:** Report and Recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2018 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 2018 (“FY 2018”) 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 2018 Budget Support Act of 2017, as proposed by the Mayor, and proposes its own subtitles.

## TABLE OF CONTENTS

<b>I.</b>	<b>SUMMARY.....</b>	<b>4</b>
A.	Fiscal Year 2018 Agency Operating Budget Summary Table.....	4
B.	Fiscal Year 2018 Agency Operating Budget Summary Table by CSG .....	9
C.	Fiscal Year 2018 Agency Full-Time Equivalent Summary Table.....	16
D.	Fiscal Year 2018 Agency Capital Budget Summary Table .....	20
E.	Summary of Committee Budget Recommendations .....	23
<b>II.</b>	<b>AGENCY FISCAL YEAR 2018 BUDGET RECOMMENDATIONS.....</b>	<b>38</b>
A.	Introduction .....	38
B.	Board of Elections (DL0) .....	45
C.	Board of Ethics and Government Accountability (AG0).....	51
D.	Commission on Judicial Disabilities and Tenure (DQ0) .....	56

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COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

E.	Corrections Information Council (FI0) .....	60
F.	Criminal Code Reform Commission (MA0) .....	65
G.	Criminal Justice Coordinating Council (FJ0) .....	67
H.	Department of Corrections (FL0) .....	75
I.	Department of Forensic Sciences (FR0) .....	89
J.	Deputy Mayor for Public Safety and Justice (FQ0) .....	96
K.	District of Columbia National Guard (FK0).....	101
L.	Fire and Emergency Medical Services Department (FB0) .....	104
M.	Homeland Security and Emergency Management Agency (BN0).....	121
N.	Judicial Nomination Commission (DV0) .....	126
O.	Metropolitan Police Department (FA0) .....	129
P.	Office of Campaign Finance (CJ0) .....	150
Q.	Office of Human Rights (HM0) .....	154
R.	Office of Police Complaints (FH0).....	160
S.	Office of the Attorney General (CB0) .....	166
T.	Office of the Chief Medical Examiner (FX0) .....	169
U.	Office of Unified Communications (UC0) .....	173
V.	Office of Victim Services and Justice Grants (FO0) .....	178
W.	Sentencing Commission (FZ0) .....	193
<b>III.</b>	<b>FISCAL YEAR 2018 LOCAL BUDGET AND FEDERAL PORTION ACTS RECOMMENDATIONS .....</b>	<b>197</b>
<b>IV.</b>	<b>FISCAL YEAR 2018 BUDGET SUPPORT ACT RECOMMENDATIONS .....</b>	<b>198</b>
A.	Recommendations on Budget Support Act Subtitles Proposed by the Mayor .....	198
1.	Title I, Subtitle A. Use of Official Vehicles During an Emergency Amendment Act of 2017 .....	199
2.	Title I, Subtitle C. Unjust Conviction and Imprisonment Compensation Amendment Act of 2017 .....	201
3.	Title III, Subtitle A. DFS Laboratory Fund Establishment Act of 2017.	202
4.	Title III, Subtitle B. DFS Laboratory Testing and Expert Witness Fees Establishment Act of 2017 .....	206
5.	Title III, Subtitle C. Chief Medical Examiner Amendment Act of 2017.	207
6.	Title III, Subtitle D. Affordable Emergency Transportation and Pre- Hospital Medical Services Amendment Act of 2017 .....	210
7.	Title III, Subtitle E. Emergency and Non-Emergency Telephone Calling Systems Fund Amendment Act of 2017.....	214
8.	Title III, Subtitle F. Retired Police Officer Redeployment Amendment Act of 2017 .....	219

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

*Fiscal Year 2018 Budget Report*

9.	Title III, Subtitle G. Neighborhood Engagement Achieves Results Amendment Act of 2017 .....	220
10.	Title IV, Subtitle B. Child and Youth, Safety and Health Omnibus Amendment Act of 2017 .....	227
B.	Recommendations for New Budget Support Act Subtitles .....	229
1.	Title --. Subtitle --. Access to Justice Amendment Act of 2017 .....	230
2.	Title --. Subtitle --. Office of Open Government Establishment Amendment Act of 2017 .....	243
3.	Title --. Subtitle --. Office of the Attorney General Litigation Support Fund and Consumer Restitution Fund Amendment Act of 2017 .....	245
4.	Title --. Subtitle --. Subject to Appropriations Amendments .....	249
<b>V.</b>	<b>COMMITTEE ACTION AND VOTE .....</b>	<b>251</b>
<b>VI.</b>	<b>ATTACHMENTS .....</b>	<b>253</b>
A.	April 12, 2017, FY 2018 Budget Oversight Hearing Witness List and Testimony	
B.	April 24, 2017, FY 2018 Budget Oversight Hearing Witness List and Testimony	
C.	April 27, 2017, FY 2018 Budget Oversight Hearing Witness List and Testimony	
D.	May 9, 2017, FY 2018 Budget Oversight Hearing Witness List and Testimony	

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
Fiscal Year 2018 Budget Report

**I. SUMMARY**

**A. FY 2018 AGENCY OPERATING BUDGET SUMMARY TABLE**

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<b>Board of Elections</b>					
FEDERAL GRANT FUND	\$2,255,466.26	\$0.00	\$1,000,000.00		\$1,000,000.00
LOCAL FUND	\$7,114,112.60	\$7,623,411.01	\$7,795,363.00	\$113,150.00	\$7,908,513.00
PRIVATE GRANT FUND	\$9,534.44	\$0.00			\$0.00
	\$9,379,113.30	\$7,623,411.01	\$8,795,363.00	\$113,150.00	\$8,908,513.00
<b>Commission on Judicial Disabilities and Tenure</b>					
FEDERAL PAYMENTS	\$290,181.16	\$310,000.00	\$310,000.00		\$310,000.00
	\$290,181.16	\$310,000.00	\$310,000.00		\$310,000.00
<b>Corrections Information Council</b>					
LOCAL FUND	\$441,245.59	\$497,297.00	\$641,270.12	\$107,043.00	\$748,313.12
	\$441,245.59	\$497,297.00	\$641,270.12	\$107,043.00	\$748,313.12
<b>Criminal Code Reform Commission</b>					
LOCAL FUND	\$0.00	\$700,905.00	\$700,904.59		\$700,904.59
	\$0.00	\$700,905.00	\$700,904.59		\$700,904.59
<b>Criminal Justice Coordinating Council</b>					
PRIVATE GRANT FUND	\$13,000.00	\$0.00	\$14,409.32		\$14,409.32
FEDERAL GRANT FUND	\$61,873.00	\$0.00	\$150,000.00		\$150,000.00
FEDERAL PAYMENTS	\$2,137,105.17	\$2,000,000.42	\$2,608,000.00		\$2,608,000.00
LOCAL FUND	\$895,866.61	\$630,068.00	\$687,123.00	\$550,659.00	\$1,237,782.00
OPERATING INTRA-DISTRICT FUNDS	\$178,700.16	\$75,000.00	\$85,000.00		\$85,000.00
	\$3,286,544.94	\$2,705,068.42	\$3,544,532.32	\$550,659.00	\$4,095,191.32
<b>D.C. Board of Ethics and Government Accountability</b>					
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$105,646.61	\$150,000.00	\$150,000.00		\$150,000.00
LOCAL FUND	\$1,683,159.98	\$1,909,619.00	\$1,945,202.00	\$233,517.00	\$2,178,719.00
	\$1,788,806.59	\$2,059,619.00	\$2,095,202.00	\$233,517.00	\$2,328,719.00
<b>D.C. Sentencing Commission</b>					

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
LOCAL FUND	\$1,498,290.32	\$1,086,544.00	\$1,178,838.71		\$1,178,838.71
	\$1,498,290.32	\$1,086,544.00	\$1,178,838.71		\$1,178,838.71
<b><i>Department of Corrections</i></b>					
LOCAL FUND	\$123,167,411.42	\$126,404,139.85	\$125,795,065.00	(\$1,591,000.00)	\$124,554,065.00
OPERATING INTRA-DISTRICT FUNDS	\$391,480.45	\$351,152.94	\$427,558.11		\$427,558.11
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$17,831,433.54	\$20,167,973.21	\$21,111,206.00		\$21,111,206.00
	\$141,390,325.41	\$146,923,266.00	\$147,333,829.11	(\$1,591,000.00)	\$146,092,829.11
<b><i>Department of Forensic Sciences</i></b>					
LOCAL FUND	\$20,865,230.54	\$22,879,233.67	\$26,363,133.19	(\$426,561.00)	\$25,936,572.19
OPERATING INTRA-DISTRICT FUNDS	\$1,188,749.20	\$821,275.18	\$1,791,596.35		\$1,791,596.35
FEDERAL GRANT FUND	\$242,336.76	\$375,890.00	\$522,501.78		\$522,501.78
	\$22,296,316.50	\$24,076,398.85	\$28,677,231.32	(\$426,561.00)	\$28,250,670.32
<b><i>District of Columbia National Guard</i></b>					
FEDERAL PAYMENTS	\$472,155.08	\$450,000.00	\$500,000.00		\$500,000.00
LOCAL FUND	\$4,651,149.90	\$5,139,621.00	\$4,843,673.00	\$344,000.00	\$5,187,673.00
FEDERAL GRANT FUND	\$7,170,567.47	\$7,712,995.33	\$8,285,361.75		\$8,285,361.75
	\$12,293,872.45	\$13,302,616.33	\$13,629,034.75	\$344,000.00	\$13,973,034.75
<b><i>Emergency Planning and Security Fund</i></b>					
FEDERAL PAYMENTS	\$14,280,576.83	\$34,895,000.00	\$35,008,401.00		\$35,008,401.00
	\$14,280,576.83	\$34,895,000.00	\$35,008,401.00		\$35,008,401.00
<b><i>Fire and Emergency Medical Services Department</i></b>					
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$572,420.70	\$1,025,000.00	\$1,835,684.23		\$1,835,684.23
FEDERAL GRANT FUND	\$915,207.85	\$3,022,144.62	\$3,053,770.27		\$3,053,770.27
LOCAL FUND	\$239,096,762.26	\$249,840,363.38	\$249,288,047.01	\$274,456.00	\$249,562,503.01
OPERATING INTRA-	\$4,104,630.92	\$400,000.00	\$0.00		\$0.00

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
DISTRICT FUNDS					
	\$244,689,021.73	\$254,287,508.00	\$254,177,501.51	\$274,456.00	\$254,451,957.51
<b><i>Homeland Security and Emergency Management Agency</i></b>					
LOCAL FUND	\$4,549,629.88	\$4,667,223.00	\$4,827,226.00		\$4,827,226.00
OPERATING INTRA-DISTRICT FUNDS	\$49,404.74	\$0.00			\$0.00
FEDERAL GRANT FUND	\$56,188,843.14	\$131,830,851.69	\$131,743,035.15		\$131,743,035.15
	\$60,787,877.76	\$136,498,074.69	\$136,570,261.15		\$136,570,261.15
<b><i>Homeland Security Grants</i></b>					
OPERATING INTRA-DISTRICT FUNDS	\$5,814,676.41	\$4,076,567.00	\$1,646,077.00		\$1,646,077.00
	\$5,814,676.41	\$4,076,567.00	\$1,646,077.00		\$1,646,077.00
<b><i>Judicial Nomination Commission</i></b>					
FEDERAL PAYMENTS	\$250,962.02	\$275,000.00	\$295,000.00		\$295,000.00
	\$250,962.02	\$275,000.00	\$295,000.00		\$295,000.00
<b><i>Metropolitan Police Department</i></b>					
PRIVATE DONATIONS	\$282,338.10	\$0.00			\$0.00
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$5,142,006.36	\$7,863,978.18	\$8,199,999.76		\$8,199,999.76
OPERATING INTRA-DISTRICT FUNDS	\$36,565,312.35	\$25,378,152.62	\$30,629,337.63		\$30,629,337.63
LOCAL FUND	\$496,864,096.37	\$516,469,990.00	\$502,100,300.71	(\$4,420,194.00)	\$497,680,106.71
FEDERAL GRANT FUND	\$4,580,726.13	\$3,229,459.79	\$6,144,690.00		\$6,144,690.00
	\$543,434,479.31	\$552,941,580.59	\$547,074,328.10	(\$4,420,194.00)	\$542,654,134.10
<b><i>Office of Campaign Finance</i></b>					
LOCAL FUND	\$2,590,225.66	\$2,833,463.00	\$2,908,335.00		\$2,908,335.00
	\$2,590,225.66	\$2,833,463.00	\$2,908,335.00		\$2,908,335.00
<b><i>Office of Human Rights</i></b>					
FEDERAL GRANT FUND	\$381,005.57	\$321,950.01	\$330,100.01		\$330,100.01
LOCAL FUND	\$3,734,031.98	\$4,058,274.92	\$4,000,511.02	\$481,378.00	\$4,481,889.02
OPERATING INTRA-	\$86,600.00	\$40,000.00	\$0.00		\$0.00

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
DISTRICT FUNDS					
	\$4,201,637.55	\$4,420,224.93	\$4,330,611.03	\$481,378.00	\$4,811,989.03
<i>Office of Neighborhood Safety and Engagement</i>					
LOCAL FUND			\$0.00	\$530,000.00	\$530,000.00
			\$0.00	\$530,000.00	\$530,000.00
<i>Office of Police Complaints</i>					
LOCAL FUND	\$2,110,187.26	\$2,449,188.00	\$2,450,802.00	\$150,000.00	\$2,600,802.00
	\$2,110,187.26	\$2,449,188.00	\$2,450,802.00	\$150,000.00	\$2,600,802.00
<i>Office of the Attorney General for the District of Columbia</i>					
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$1,109,436.09	\$4,208,740.98	\$10,503,720.00		\$10,503,720.00
PRIVATE DONATIONS	\$326,404.00	\$456,231.72	\$539,029.56		\$539,029.56
FEDERAL GRANT FUND	\$17,990,873.92	\$22,570,450.85	\$23,039,546.64		\$23,039,546.64
OPERATING INTRA-DISTRICT FUNDS	\$3,092,677.81	\$3,052,193.28	\$3,785,466.65		\$3,785,466.65
LOCAL FUND	\$53,936,947.59	\$61,459,260.00	\$61,913,286.00	\$723,905.00	\$62,637,191.00
	\$76,456,339.41	\$91,746,876.83	\$99,781,048.85	\$723,905.00	\$100,504,953.85
<i>Office of the Chief Medical Examiner</i>					
LOCAL FUND	\$10,849,356.34	\$11,422,664.00	\$11,445,207.99		\$11,445,207.99
OPERATING INTRA-DISTRICT FUNDS	\$437,051.54	\$512,154.50	\$715,000.00		\$715,000.00
	\$11,286,407.88	\$11,934,818.50	\$12,160,207.99		\$12,160,207.99
<i>Office of the Deputy Mayor for Public Safety and Justice</i>					
OPERATING INTRA-DISTRICT FUNDS	\$94,000.00	\$0.00			\$0.00
FEDERAL GRANT FUND	(\$107,605.15)	\$0.00			\$0.00
LOCAL FUND	\$683,307.32	\$1,275,002.00	\$1,868,365.00	(\$255,000.00)	\$1,613,365.00
	\$669,702.17	\$1,275,002.00	\$1,868,365.00	(\$255,000.00)	\$1,613,365.00
<i>Office of Unified Communications</i>					
SPECIAL PURPOSE REVENUE	\$14,826,514.81	\$17,811,139.04	\$15,356,809.00		\$15,356,809.00

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
FUNDS (O'TYPE)					
LOCAL FUND	\$28,749,995.20	\$31,924,556.64	\$32,885,549.84		\$32,885,549.84
OPERATING INTRA- DISTRICT FUNDS	\$994,463.65	\$325,411.11	\$699,015.80		\$699,015.80
	\$44,570,973.66	\$50,061,106.79	\$48,941,374.64		\$48,941,374.64
<i>Office of Victim Services and Justice Grants</i>					
FEDERAL GRANT FUND	\$7,544,773.95	\$13,402,130.13	\$14,070,570.83		\$14,070,570.83
LOCAL FUND	\$20,441,823.20	\$23,431,304.00	\$23,935,300.00	\$4,931,000.00	\$28,866,300.00
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$231,661.47	\$1,797,516.18	\$1,836,675.21		\$1,836,675.21
	\$28,218,258.62	\$38,630,950.31	\$39,842,546.04	\$4,931,000.00	\$44,773,546.04
<i>Settlements and Judgments</i>					
LOCAL FUND	\$32,953,223.80	\$21,292,448.00	\$21,824,759.00		\$21,824,759.00
	\$32,953,223.80	\$21,292,448.00	\$21,824,759.00		\$21,824,759.00
<i>Uniform Law Commission</i>					
LOCAL FUND	\$48,365.01	\$50,000.00	\$51,250.00		\$51,250.00
	\$48,365.01	\$50,000.00	\$51,250.00		\$51,250.00



COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
Fiscal Year 2018 Budget Report

**B. FY 2018 AGENCY OPERATING BUDGET SUMMARY TABLE BY CSG**

<i>Program</i>	<i>Sum of FY 2016 Actuals</i>	<i>FY 17 Approved</i>	<i>FY 18 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<b><i>Board of Elections</i></b>					
11	\$2,580,913.80	\$3,023,960.65	\$2,862,167.60	\$94,370.00	\$2,956,537.60
12	\$1,099,637.44	\$800,072.67	\$634,400.00		\$634,400.00
13	\$25,095.73	\$0.00			\$0.00
14	\$619,261.66	\$760,982.65	\$631,955.06	\$18,780.00	\$650,735.06
15	\$429,788.81	\$500,000.00	\$500,000.00		\$500,000.00
20	\$195,627.02	\$285,000.00	\$285,000.00		\$285,000.00
31	\$11,323.36	\$20,000.00	\$20,000.00		\$20,000.00
40	\$1,735,525.51	\$1,620,915.04	\$2,249,360.34		\$2,249,360.34
41	\$586,043.55	\$570,000.00	\$645,000.00		\$645,000.00
70	\$2,095,896.42	\$42,480.00	\$967,480.00		\$967,480.00
	\$9,379,113.30	\$7,623,411.01	\$8,795,363.00	\$113,150.00	\$8,908,513.00
<b><i>Commission on Judicial Disabilities and Tenure</i></b>					
11	\$210,044.56	\$211,220.44	\$216,249.68		\$216,249.68
13	\$4,482.96	\$0.00			\$0.00
14	\$24,120.45	\$25,623.74	\$26,425.71		\$26,425.71
20	\$2,000.00	\$3,000.00	\$3,000.00		\$3,000.00
31	\$7,288.98	\$8,518.69	\$6,755.91		\$6,755.91
40	\$19,954.21	\$30,837.13	\$29,231.98		\$29,231.98
41	\$20,390.00	\$28,500.00	\$26,036.72		\$26,036.72
70	\$1,900.00	\$2,300.00	\$2,300.00		\$2,300.00
	\$290,181.16	\$310,000.00	\$310,000.00		\$310,000.00
<b><i>Corrections Information Council</i></b>					
11	\$52,962.07	\$245,777.51	\$222,391.91		\$222,391.91
12	\$274,623.77	\$130,081.58	\$225,616.45		\$225,616.45
13	\$4,298.10	\$0.00			\$0.00
14	\$57,553.75	\$75,171.81	\$81,537.53		\$81,537.53
20	\$1,345.61	\$5,000.00	\$5,000.00		\$5,000.00
31	\$28.70	\$0.00	\$13,500.00		\$13,500.00
32	\$0.00	\$0.00	\$54,957.00	\$95,043.00	\$150,000.00
40	\$50,433.59	\$41,266.10	\$38,267.23	\$12,000.00	\$50,267.23
	\$441,245.59	\$497,297.00	\$641,270.12	\$107,043.00	\$748,313.12
<b><i>Criminal Code Reform Commission</i></b>					
11	\$0.00	\$0.00	\$520,559.02		\$520,559.02
12	\$0.00	\$579,728.09	\$0.00		\$0.00
14	\$0.00	\$104,676.91	\$119,728.57		\$119,728.57
20	\$0.00	\$16,500.00	\$3,850.00		\$3,850.00
31	\$0.00	\$0.00	\$500.00		\$500.00

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

40	\$0.00	\$0.00	\$56,267.00		\$56,267.00
41	\$0.00	\$0.00			\$0.00
	\$0.00	\$700,905.00	\$700,904.59		\$700,904.59
<b><i>Criminal Justice Coordinating Council</i></b>					
11	\$1,483,051.16	\$1,814,420.27	\$1,785,624.58	\$120,324.00	\$1,905,948.58
12	\$45,124.53	\$0.00	\$59,249.00		\$59,249.00
13	\$3,681.50	\$0.00			\$0.00
14	\$292,313.92	\$322,966.80	\$311,783.63	\$20,335.00	\$332,118.63
20	\$207.96	\$40,000.00	\$26,500.00		\$26,500.00
31	\$23,252.55	\$0.00			\$0.00
40	\$253,792.02	\$127,532.40	\$175,209.32		\$175,209.32
41	\$1,086,421.14	\$400,148.95	\$528,165.79	\$90,000.00	\$618,165.79
70	\$98,700.16	\$0.00	\$658,000.00	\$320,000.00	\$978,000.00
	\$3,286,544.94	\$2,705,068.42	\$3,544,532.32	\$550,659.00	\$4,095,191.32
<b><i>D.C. Board of Ethics and Government Accountability</i></b>					
11	\$1,207,161.75	\$1,231,628.16	\$1,449,583.59	\$104,907.00	\$1,554,490.59
12	\$112,950.37	\$169,046.36	\$49,854.01		\$49,854.01
13	\$2,422.52	\$0.00			\$0.00
14	\$265,462.31	\$294,141.66	\$301,386.98	\$20,610.00	\$321,996.98
15	\$393.72	\$0.00			\$0.00
20	\$2,496.54	\$2,657.19	\$7,657.19	\$58,000.00	\$65,657.19
31	\$150.00	\$0.00			\$0.00
40	\$194,769.38	\$362,145.63	\$286,720.23		\$286,720.23
41			\$0.00	\$50,000.00	\$50,000.00
70	\$3,000.00	\$0.00			\$0.00
	\$1,788,806.59	\$2,059,619.00	\$2,095,202.00	\$233,517.00	\$2,328,719.00
<b><i>DC Sentencing Commission</i></b>					
11	\$940,202.41	\$527,902.27	\$552,418.81		\$552,418.81
13	\$138.88	\$9,700.00	\$9,700.00		\$9,700.00
14	\$184,528.32	\$121,417.53	\$114,350.69		\$114,350.69
20	\$9,999.67	\$13,175.65	\$9,468.00		\$9,468.00
31	\$280.00	\$0.00	\$4,002.81		\$4,002.81
40	\$66,199.23	\$66,865.55	\$82,538.40		\$82,538.40
41	\$290,441.81	\$336,639.00	\$403,360.00		\$403,360.00
70	\$6,500.00	\$10,844.00	\$3,000.00		\$3,000.00
	\$1,498,290.32	\$1,086,544.00	\$1,178,838.71		\$1,178,838.71
<b><i>Department of Corrections</i></b>					
11	\$52,319,268.65	\$67,333,178.70	\$75,892,727.88	(\$267,744.00)	\$75,624,983.88
12	\$988,247.20	\$942,272.36	\$811,930.20		\$811,930.20
13	\$4,631,695.45	\$4,300,000.00	\$4,300,000.00		\$4,300,000.00
14	\$15,446,480.32	\$18,420,694.28	\$22,627,874.75	(\$82,256.00)	\$22,545,618.75
15	\$9,746,085.99	\$2,515,745.00	\$3,969,472.28	(\$1,241,000.00)	\$3,078,472.28
20	\$6,431,738.98	\$8,686,077.24	\$7,454,072.87		\$7,454,072.87

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

31	\$70,000.00	\$0.00	\$81,200.00		\$81,200.00
32	\$2,792,499.96	\$2,792,500.00	\$0.00		\$0.00
40	\$3,435,390.27	\$4,785,755.82	\$3,783,246.80		\$3,783,246.80
41	\$43,367,514.21	\$34,845,980.38	\$27,314,630.33		\$27,314,630.33
50	\$284,209.00	\$300,000.00	\$483,000.00		\$483,000.00
70	\$2,026,837.19	\$2,001,062.22	\$615,674.00		\$615,674.00
91	(\$149,641.81)	\$0.00			\$0.00
99	\$0.00	\$0.00			\$0.00
	\$141,390,325.41	\$146,923,266.00	\$147,333,829.11	(\$1,591,000.00)	\$146,092,829.11
<b>Department of Forensic Sciences</b>					
11	\$8,549,607.37	\$14,942,095.63	\$15,433,941.04	(\$348,212.00)	\$15,085,729.04
12	\$1,869,993.51	\$1,128,688.27	\$2,218,342.13		\$2,218,342.13
13	\$347,097.22	\$537,840.45	\$541,794.04		\$541,794.04
14	\$2,211,985.21	\$3,551,643.19	\$3,968,237.56	(\$78,349.00)	\$3,889,888.56
15	\$425,387.06	\$113,359.19	\$264,000.00		\$264,000.00
20	\$1,583,514.30	\$1,161,207.55	\$1,656,713.39		\$1,656,713.39
31	\$20,591.65	\$42,537.25	\$42,537.25		\$42,537.25
40	\$1,973,560.54	\$757,670.00	\$1,543,354.71		\$1,543,354.71
41	\$3,136,785.83	\$924,858.32	\$2,167,014.20		\$2,167,014.20
70	\$2,177,793.81	\$916,499.00	\$841,297.00		\$841,297.00
	\$22,296,316.50	\$24,076,398.85	\$28,677,231.32	(\$426,561.00)	\$28,250,670.32
<b>District of Columbia National Guard</b>					
11	\$3,204,789.50	\$3,965,054.57	\$3,935,377.06		\$3,935,377.06
12	\$2,760,931.41	\$3,212,164.02	\$3,296,827.83		\$3,296,827.83
13	\$90,827.13	\$189,621.26	\$47,366.75		\$47,366.75
14	\$1,417,367.23	\$1,578,987.99	\$1,699,568.28		\$1,699,568.28
15	\$230,018.04	\$227,527.90	\$337,990.60		\$337,990.60
20	\$212,228.07	\$271,805.01	\$205,365.01		\$205,365.01
30	\$0.00	\$0.00			\$0.00
31	\$27,263.67	\$29,000.00	\$29,000.00		\$29,000.00
40	\$2,866,812.55	\$2,544,865.42	\$3,374,863.04	\$344,000.00	\$3,718,863.04
41	\$585,818.80	\$616,000.00	\$0.00		\$0.00
50	\$568,372.67	\$589,461.59	\$627,461.59		\$627,461.59
70	\$329,443.38	\$78,128.57	\$75,214.59		\$75,214.59
	\$12,293,872.45	\$13,302,616.33	\$13,629,034.75	\$344,000.00	\$13,973,034.75
<b>Emergency Planning and Security Fund</b>					
50	\$13,674,576.83	\$34,895,000.00	\$35,008,401.00		\$35,008,401.00
52	\$606,000.00	\$0.00			\$0.00
	\$14,280,576.83	\$34,895,000.00	\$35,008,401.00		\$35,008,401.00
<b>Fire and Emergency Medical Services Department</b>					
11	\$149,923,664.13	\$157,353,951.84	\$157,597,041.99	(\$456,516.00)	\$157,140,525.99
12	\$1,152,128.95	\$1,526,099.21	\$959,701.10		\$959,701.10
13	\$7,492,126.00	\$8,030,516.00	\$8,018,990.44		\$8,018,990.44

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

*Fiscal Year 2018 Budget Report*

14	\$26,535,529.03	\$29,324,397.74	\$28,196,273.83	(\$86,680.00)	\$28,109,593.83
15	\$22,163,607.74	\$14,891,237.26	\$16,504,189.15		\$16,504,189.15
20	\$4,304,888.28	\$4,641,655.08	\$5,049,000.00		\$5,049,000.00
30	\$59,026.09	\$0.00			\$0.00
31	\$30,000.00	\$15,862.02	\$61,800.00		\$61,800.00
40	\$7,561,343.36	\$6,266,386.82	\$6,754,151.00		\$6,754,151.00
41	\$13,808,512.16	\$19,782,859.00	\$19,978,354.00	\$817,652.00	\$20,796,006.00
50	\$10,796,000.00	\$10,993,000.00	\$10,796,000.00		\$10,796,000.00
70	\$862,195.99	\$1,461,543.03	\$262,000.00		\$262,000.00
99	\$0.00	\$0.00			\$0.00
	\$244,689,021.73	\$254,287,508.00	\$254,177,501.51	\$274,456.00	\$254,451,957.51
<b><i>Homeland Security and Emergency Management Agency</i></b>					
11	\$5,974,987.52	\$8,233,549.04	\$7,823,989.04		\$7,823,989.04
12	\$1,681,317.51	\$1,428,140.33	\$2,469,669.08		\$2,469,669.08
13	\$203,534.88	\$264,705.54	\$156,617.54		\$156,617.54
14	\$1,580,939.76	\$2,367,113.88	\$2,398,422.33		\$2,398,422.33
15	\$330,172.09	\$235,882.00	\$220,263.00		\$220,263.00
20	\$59,839.62	\$187,040.61	\$166,540.61		\$166,540.61
31	\$11,889.40	\$111,000.00	\$30,000.00		\$30,000.00
40	\$1,714,684.78	\$7,365,892.79	\$3,297,126.75		\$3,297,126.75
41	\$1,206,213.81	\$2,993,046.50	\$2,764,678.80		\$2,764,678.80
50	\$47,634,053.40	\$112,336,954.00	\$116,693,499.00		\$116,693,499.00
70	\$390,244.99	\$974,750.00	\$549,455.00		\$549,455.00
	\$60,787,877.76	\$136,498,074.69	\$136,570,261.15		\$136,570,261.15
<b><i>Homeland Security Grants</i></b>					
20	\$28,794.00	\$4,257.50	\$0.00		\$0.00
31	\$0.00	\$0.00			\$0.00
40	\$768,840.68	\$209,614.50	\$0.00		\$0.00
41	\$2,620,569.22	\$3,320,620.00	\$1,646,077.00		\$1,646,077.00
70	\$2,396,472.51	\$542,075.00	\$0.00		\$0.00
	\$5,814,676.41	\$4,076,567.00	\$1,646,077.00		\$1,646,077.00
<b><i>Judicial Nomination Commission</i></b>					
11	\$189,192.78	\$196,013.16	\$198,203.72		\$198,203.72
13	\$0.00	\$0.00			\$0.00
14	\$38,592.10	\$32,609.14	\$40,691.23		\$40,691.23
15	\$0.00	\$500.00	\$500.00		\$500.00
20	\$6,400.00	\$6,400.00	\$6,400.00		\$6,400.00
31	\$5,543.31	\$6,681.70	\$5,581.29		\$5,581.29
40	\$8,276.61	\$23,917.19	\$34,745.76		\$34,745.76
41	\$0.00	\$5,238.47	\$5,238.00		\$5,238.00
70	\$2,957.22	\$3,640.34	\$3,640.00		\$3,640.00
	\$250,962.02	\$275,000.00	\$295,000.00		\$295,000.00
<b><i>Metropolitan Police Department</i></b>					

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

11	\$331,883,393.18	\$349,542,657.65	\$342,120,726.01	(\$2,114,859.00)	\$340,005,867.01
12	\$3,310,348.99	\$3,954,066.25	\$5,045,607.34		\$5,045,607.34
13	\$33,374,753.86	\$28,148,070.05	\$29,036,382.82		\$29,036,382.82
14	\$56,410,994.24	\$61,366,871.56	\$58,589,414.44	(\$227,471.00)	\$58,361,943.44
15	\$34,845,428.32	\$26,263,099.84	\$30,687,074.75		\$30,687,074.75
20	\$4,251,873.41	\$4,537,800.00	\$4,052,804.16		\$4,052,804.16
30	\$306,471.22	\$3,000.00	\$3,000.00		\$3,000.00
31	\$310,057.17	\$150,000.00	\$80,000.00		\$80,000.00
40	\$23,898,280.59	\$18,714,251.60	\$27,080,008.49	(\$2,002,864.00)	\$25,077,144.49
41	\$49,705,975.60	\$57,037,534.39	\$47,558,728.98	(\$275,000.00)	\$47,283,728.98
50	\$595,342.20	\$55,800.00	\$2,400.00		\$2,400.00
70	\$4,541,560.53	\$3,168,429.25	\$2,818,181.11	\$200,000.00	\$3,018,181.11
	\$543,434,479.31	\$552,941,580.59	\$547,074,328.10	(\$4,420,194.00)	\$542,654,134.10
<b>Office of Campaign Finance</b>					
11	\$2,010,876.57	\$2,209,086.01	\$2,253,652.29		\$2,253,652.29
13	\$7,373.00	\$0.00			\$0.00
14	\$442,167.09	\$516,926.12	\$518,340.02		\$518,340.02
20	\$4,197.42	\$10,000.00	\$10,000.00		\$10,000.00
31	\$626.25	\$0.00			\$0.00
40	\$111,041.60	\$97,450.87	\$126,342.69		\$126,342.69
70	\$13,943.73	\$0.00			\$0.00
	\$2,590,225.66	\$2,833,463.00	\$2,908,335.00		\$2,908,335.00
<b>Office of Human Rights</b>					
11	\$1,880,948.06	\$2,031,570.15	\$2,220,802.17	\$370,591.00	\$2,591,393.17
12	\$1,054,293.32	\$1,266,350.12	\$1,112,140.08		\$1,112,140.08
13	\$33,552.97	\$0.00			\$0.00
14	\$612,284.16	\$768,328.74	\$736,094.96	\$80,787.00	\$816,881.96
20	\$29,474.64	\$10,886.46	\$11,747.58		\$11,747.58
31	\$3,402.00	\$0.00			\$0.00
40	\$265,855.74	\$103,965.76	\$98,625.99	\$30,000.00	\$128,625.99
41	\$287,650.69	\$181,847.13	\$143,923.68		\$143,923.68
70	\$34,175.97	\$57,276.57	\$7,276.57		\$7,276.57
	\$4,201,637.55	\$4,420,224.93	\$4,330,611.03	\$481,378.00	\$4,811,989.03
<b>Office of Neighborhood Safety and Engagement</b>					
11			\$0.00	\$367,408.00	\$367,408.00
13			\$0.00	\$25,000.00	\$25,000.00
14			\$0.00	\$77,156.00	\$77,156.00
15			\$0.00	\$25,000.00	\$25,000.00
20			\$0.00	\$500.00	\$500.00
31			\$0.00	\$15,000.00	\$15,000.00
40			\$0.00	\$19,936.00	\$19,936.00
			\$0.00	\$530,000.00	\$530,000.00
<b>Office of Police Complaints</b>					

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

11	\$1,155,642.42	\$1,670,476.37	\$1,657,636.44		\$1,657,636.44
12	\$402,768.86	\$238,335.55	\$244,045.85		\$244,045.85
13	\$13,906.49	\$3,000.00	\$7,373.71		\$7,373.71
14	\$322,400.45	\$367,572.40	\$356,712.05		\$356,712.05
15	\$7,446.84	\$5,000.00	\$5,000.00		\$5,000.00
20	\$71,000.00	\$20,000.00	\$40,000.00		\$40,000.00
31	\$3,500.00	\$814.45	\$1,000.00		\$1,000.00
40	\$28,473.68	\$43,409.24	\$48,277.94		\$48,277.94
41	\$93,128.65	\$93,480.70	\$83,656.72	\$150,000.00	\$233,656.72
70	\$11,919.87	\$7,099.29	\$7,099.29		\$7,099.29
	\$2,110,187.26	\$2,449,188.00	\$2,450,802.00	\$150,000.00	\$2,600,802.00
<b>Office of the Attorney General for the District of Columbia</b>					
11	\$42,152,601.48	\$48,173,796.93	\$52,151,450.35	\$595,437.00	\$52,746,887.35
12	\$7,676,678.67	\$7,960,727.91	\$7,060,392.05		\$7,060,392.05
13	\$550,793.95	\$2,613,421.83	\$1,018,387.53		\$1,018,387.53
14	\$10,194,410.74	\$11,572,690.05	\$12,081,039.44	\$121,468.00	\$12,202,507.44
15	\$77,001.20	\$0.00			\$0.00
20	\$409,686.98	\$480,420.09	\$713,862.37		\$713,862.37
30	\$640,937.42	\$657,167.00	\$685,071.00		\$685,071.00
31	\$361,633.99	\$365,425.43	\$355,896.61		\$355,896.61
33	\$12,954.16	\$0.00			\$0.00
34	\$355,091.51	\$450,881.00	\$438,931.00		\$438,931.00
35	\$832,103.08	\$810,544.00	\$933,506.00		\$933,506.00
40	\$2,451,189.58	\$4,030,828.16	\$5,293,227.58	\$7,000.00	\$5,300,227.58
41	\$9,366,485.89	\$12,465,246.95	\$16,344,644.12		\$16,344,644.12
50	\$894,149.02	\$1,474,977.31	\$1,474,977.31		\$1,474,977.31
70	\$480,621.74	\$690,750.17	\$1,229,663.49		\$1,229,663.49
	\$76,456,339.41	\$91,746,876.83	\$99,781,048.85	\$723,905.00	\$100,504,953.85
<b>Office of the Chief Medical Examiner</b>					
11	\$6,044,716.03	\$7,332,799.15	\$7,595,310.88		\$7,595,310.88
12	\$674,664.88	\$650,895.99	\$812,217.64		\$812,217.64
13	\$300,750.72	\$304,603.92	\$304,603.92		\$304,603.92
14	\$1,390,525.02	\$1,741,807.51	\$1,765,581.01		\$1,765,581.01
15	\$183,025.32	\$149,350.00	\$149,350.00		\$149,350.00
20	\$636,129.96	\$662,295.88	\$632,984.81		\$632,984.81
31	\$14,473.33	\$9,500.00	\$9,500.00		\$9,500.00
40	\$1,464,846.20	\$646,938.63	\$224,283.03		\$224,283.03
41	\$374,081.69	\$406,627.42	\$666,376.70		\$666,376.70
70	\$203,194.73	\$30,000.00	\$0.00		\$0.00
	\$11,286,407.88	\$11,934,818.50	\$12,160,207.99		\$12,160,207.99
<b>Office of the Deputy Mayor for Public Safety and Justice</b>					
11	\$500,727.80	\$838,923.19	\$1,280,459.09	(\$158,864.00)	\$1,121,595.09
12	(\$7,200.10)	\$114,189.97	\$0.00		\$0.00

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

13	\$67,316.66	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00
14	\$112,806.61	\$218,236.35	\$258,652.72	(\$33,361.00)	\$225,291.72
15	\$6,169.38	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00
20	\$0.00	\$5,744.89	\$6,494.89	\$4,500.00	\$10,994.89
31	\$21,980.48	\$31,747.10	\$42,081.60	(\$15,000.00)	\$27,081.60
40	\$2,000.00	\$57,775.19	\$174,072.36	\$44,725.00	\$218,797.36
50	(\$34,098.66)	\$0.00			\$0.00
70	\$0.00	\$8,385.31	\$6,604.34	\$3,000.00	\$9,604.34
	\$669,702.17	\$1,275,002.00	\$1,868,365.00	(\$255,000.00)	\$1,613,365.00
<b>Office of Unified Communications</b>					
11	\$18,884,516.11	\$22,280,513.52	\$22,523,479.39		\$22,523,479.39
12	\$280,225.17	\$301,551.06	\$413,388.57		\$413,388.57
13	\$1,933,157.80	\$1,878,208.64	\$2,172,120.14		\$2,172,120.14
14	\$5,385,601.57	\$6,910,111.60	\$6,775,103.80		\$6,775,103.80
15	\$2,375,055.85	\$829,582.93	\$1,310,583.21		\$1,310,583.21
20	\$57,976.19	\$216,000.00	\$886,000.00		\$886,000.00
31	\$1,860,492.56	\$1,929,030.00	\$0.00		\$0.00
40	\$11,105,096.50	\$13,854,109.04	\$6,750,967.90		\$6,750,967.90
41	\$868,276.00	\$0.00	\$7,789,731.63		\$7,789,731.63
70	\$1,820,575.91	\$1,862,000.00	\$320,000.00		\$320,000.00
	\$44,570,973.66	\$50,061,106.79	\$48,941,374.64		\$48,941,374.64
<b>Office of Victim Services and Justice Grants</b>					
11	\$1,105,185.11	\$1,097,262.06	\$1,370,732.54		\$1,370,732.54
12	\$236,841.03	\$260,695.34	\$156,717.61		\$156,717.61
13	\$950.77	\$0.00			\$0.00
14	\$270,368.83	\$271,591.48	\$320,764.57		\$320,764.57
20	\$29,563.78	\$4,563.91	\$47,000.00		\$47,000.00
31	\$1,116.50	\$18,814.15	\$0.00		\$0.00
40	\$107,348.16	\$118,147.51	\$225,541.53		\$225,541.53
50	\$26,466,884.44	\$36,859,875.86	\$37,721,789.79	\$4,931,000.00	\$42,652,789.79
	\$28,218,258.62	\$38,630,950.31	\$39,842,546.04	\$4,931,000.00	\$44,773,546.04
<b>Settlements and Judgments</b>					
40	\$32,953,223.80	\$21,292,448.00	\$21,824,759.00		\$21,824,759.00
	\$32,953,223.80	\$21,292,448.00	\$21,824,759.00		\$21,824,759.00
<b>Uniform Law Commission</b>					
40	\$48,365.01	\$50,000.00	\$51,250.00		\$51,250.00
	\$48,365.01	\$50,000.00	\$51,250.00		\$51,250.00

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

**C. FY 2018 AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE**

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<b><i>Board of Elections</i></b>					
LOCAL FUND	60.26	60.00	54.00	2.00	56.00
PRIVATE GRANT FUND	0.00	0.00			0.00
	60.26	60.00	54.00	2.00	56.00
<b><i>Commission on Judicial Disabilities and Tenure</i></b>					
FEDERAL PAYMENTS	2.03	2.00	2.00		2.00
	2.03	2.00	2.00		2.00
<b><i>Corrections Information Council</i></b>					
LOCAL FUND	5.40	6.00	7.00		7.00
	5.40	6.00	7.00		7.00
<b><i>Criminal Code Reform Commission</i></b>					
LOCAL FUND	0.00	5.00	5.00		5.00
		5.00	5.00		5.00
<b><i>Criminal Justice Coordinating Council</i></b>					
FEDERAL PAYMENTS	12.80	14.98	14.87		14.87
LOCAL FUND	2.38	2.27	2.27	1.00	3.27
OPERATING INTRA-DISTRICT FUNDS	0.59	0.75	0.72		0.72
PRIVATE GRANT FUND	0.89	0.00	0.14		0.14
	16.66	18.00	18.00	1.00	19.00
<b><i>D.C. Board of Ethics and Government Accountability</i></b>					
LOCAL FUND	14.87	15.00	15.00	1.50	16.50
	14.87	15.00	15.00	1.50	16.50
<b><i>D.C. Sentencing Commission</i></b>					
LOCAL FUND	10.75	6.00	6.00		6.00
	10.75	6.00	6.00		6.00
<b><i>Department of Corrections</i></b>					
LOCAL FUND	834.36	920.20	1,012.20	-5.00	1,007.20
OPERATING INTRA-DISTRICT FUNDS	2.26	1.80	1.80		1.80
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	7.05	240.00	240.00		240.00
	843.67	1,162.00	1,254.00	-5.00	1,249.00
<b><i>Department of Forensic Sciences</i></b>					
FEDERAL GRANT FUND	2.60	5.00	5.00		5.00



COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
LOCAL FUND	111.75	187.00	212.00	-4.00	208.00
OPERATING INTRA-DISTRICT FUNDS	2.26	3.25	7.15		7.15
	116.61	195.25	224.15	-4.00	220.15
<b><i>District of Columbia National Guard</i></b>					
FEDERAL GRANT FUND	77.79	89.48	93.75		93.75
LOCAL FUND	32.79	39.52	37.25		37.25
	110.58	129.00	131.00		131.00
<b><i>Emergency Planning and Security Fund</i></b>					
FEDERAL PAYMENTS	0.00	0.00	0.00		0.00
	0.00	0.00	0.00		0.00
<b><i>Fire and Emergency Medical Services Department</i></b>					
FEDERAL GRANT FUND	18.76	42.00	42.00		42.00
LOCAL FUND	2,014.17	2,062.00	2,114.00	-4.00	2,110.00
OPERATING INTRA-DISTRICT FUNDS	111.64	0.00	0.00		0.00
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	0.00	0.00	1.00		1.00
	2,144.57	2,104.00	2,157.00	-4.00	2,153.00
<b><i>Homeland Security and Emergency Management Agency</i></b>					
FEDERAL GRANT FUND	61.53	77.05	84.02		84.02
LOCAL FUND	27.00	28.00	28.00		28.00
	88.53	105.05	112.02		112.02
<b><i>Homeland Security Grants</i></b>					
OPERATING INTRA-DISTRICT FUNDS	0.00	0.00	0.00		0.00
	0.00	0.00	0.00		0.00
<b><i>Judicial Nomination Commission</i></b>					
FEDERAL PAYMENTS	1.68	2.00	2.00		2.00
	1.68	2.00	2.00		2.00
<b><i>Metropolitan Police Department</i></b>					
FEDERAL GRANT FUND	30.16	13.00	26.00		26.00
LOCAL FUND	4,247.83	4,622.00	4,714.50	-15.00	4,699.50
OPERATING INTRA-DISTRICT FUNDS	29.70	9.00	0.00		0.00
	4,307.69	4,644.00	4,740.50	-15.00	4,725.50
<b><i>Office of Campaign Finance</i></b>					

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
LOCAL FUND	28.21	30.00	30.00		30.00
	28.21	30.00	30.00		30.00
<b><i>Office of Human Rights</i></b>					
FEDERAL GRANT FUND	0.87	2.35	2.40		2.40
LOCAL FUND	34.95	36.65	36.60	5.00	41.60
	35.82	39.00	39.00	5.00	44.00
<b><i>Office of Neighborhood Safety and Engagement</i></b>					
LOCAL FUND				5.00	5.00
				5.00	5.00
<b><i>Office of Police Complaints</i></b>					
LOCAL FUND	20.52	24.25	24.25		24.25
	20.52	24.25	24.25		24.25
<b><i>Office of the Attorney General for the District of Columbia</i></b>					
FEDERAL GRANT FUND	123.39	151.76	152.42		152.42
LOCAL FUND	370.64	405.59	425.11	5.00	430.11
OPERATING INTRA-DISTRICT FUNDS	25.44	22.48	25.11		25.11
PRIVATE DONATIONS	5.55	7.00	8.00		8.00
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	2.77	6.72	13.72		13.72
	527.79	593.55	624.36	5.00	629.36
<b><i>Office of the Chief Medical Examiner</i></b>					
LOCAL FUND	67.76	82.00	86.00		86.00
OPERATING INTRA-DISTRICT FUNDS	1.84	4.00	6.00		6.00
	69.60	86.00	92.00		92.00
<b><i>Office of the Deputy Mayor for Public Safety and Justice</i></b>					
LOCAL FUND	4.48	8.00	14.00	-3.00	11.00
	4.48	8.00	14.00	-3.00	11.00
<b><i>Office of Unified Communications</i></b>					
LOCAL FUND	301.42	336.30	361.30		361.30
OPERATING INTRA-DISTRICT FUNDS	5.76	6.00	6.00		6.00
	307.18	342.30	367.30		367.30
<b><i>Office of Victim Services and Justice Grants</i></b>					
FEDERAL GRANT FUND	3.61	2.64	3.43		3.43
LOCAL FUND	10.53	10.62	10.68		10.68

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<i>Program</i>	<i>FY 2016 Actuals</i>	<i>FY 2017 Approved</i>	<i>FY 2018 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	0.00	0.76	1.90		1.90
	14.14	14.02	16.01		16.01
<i>Settlements and Judgments</i>					
LOCAL FUND	0.00	0.00	0.00		0.00
	0.00	0.00	0.00		0.00
<i>Uniform Law Commission</i>					
LOCAL FUND	0.00	0.00	0.00		0.00
	0.00	0.00	0.00		0.00
<b>TOTAL FTEs</b>	<b>8,731.04</b>	<b>9,590.42</b>	<b>9,934.59</b>	<b>-11.50</b>	<b>9,923.09</b>

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
Fiscal Year 2018 Budget Report

**D. FY 2018-2023 AGENCY CAPITAL BUDGET SUMMARY TABLE**

Owner Agency	Project No.	Project Title	Scenario	Unspent Allotment April 4, 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	6-Yr Total
CB0 – Office of the Attorney General	EN701C	OAG - OFFICE EQUIPMEN T & FLEET UPGRADES	Mayor's Submission	240,240	0	0	0	0	0	0	0
			Committee's Markup	(40,000)							
		EN701C Total			200,240	0	0	0	0	0	0
	CB0 - OFFICE OF THE ATTORNEY GENERAL Total				200,240	0	0	0	0	0	0
FA0 – Metropolitan Police Department	BRM09C	EVIDENCE IMPOUND LOT RENOVATI ON	Mayor's Submission	0	0	3,850,000	0	0	0	0	3,850,000
			Committee's Markup							0	
		BRM09C Total			0	0	3,850,000	0	0	0	3,850,000
	BRM10C	ADA UPGRADES (1D SUB & 4D SUB) MPD STATI	Mayor's Submission	0	1,750,000	0	0	0	0	0	1,750,000
			Committee's Markup							0	
		BRM10C Total			0	1,750,000	0	0	0	0	1,750,000
	EPI20C	MPD-- DISASTER RECOVERY	Mayor's Submission	0	1,850,000	0	0	0	0	0	1,850,000
			Committee's Markup							0	
		EPI20C Total			0	1,850,000	0	0	0	0	1,850,000
	PEQ22C	SPECIALIZ ED VEHICLES - MPD	Mayor's Submission	6,074,338	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,195,000	42,195,000
			Committee's Markup							0	
		PEQ22C Total			6,074,338	7,000,000	7,000,000	7,000,000	7,000,000	7,000,000	7,195,000
	PL110C	MPD SCHEDULE D CAPITAL IMPROVEM ENTS	Mayor's Submission	2,260,617	2,000,000	2,000,000	2,750,000	3,000,000	3,000,000	1,500,000	14,250,000
			Committee's Markup							0	
		PL110C Total			2,260,617	2,000,000	2,000,000	2,750,000	3,000,000	3,000,000	1,500,000
	FA0 - METROPOLITAN POLICE DEPARTMENT Total				8,334,955	12,600,000	12,850,000	9,750,000	10,000,000	10,000,000	8,695,000
FB0 – Fire and Emergency Medical Services Department	20600C	FIRE APPARATU S	Mayor's Submission	27,552,236	15,000,000	17,000,000	17,000,000	15,000,000	13,500,000	10,241,000	87,741,000
			Committee's Markup							0	
		20600C Total			27,552,236	15,000,000	17,000,000	17,000,000	15,000,000	13,500,000	10,241,000
	BRM01C	NEW HARBOR PATROL FACILITY	Mayor's Submission	0	0	0	0	8,500,000	12,000,000	0	20,500,000
			Committee's Markup							0	
		BRM01C Total			0	0	0	0	8,500,000	12,000,000	0
	BRM11C	FLEET MAINTENA NCE/READ Y RESERVE FACILITY	Mayor's Submission	0	0	0	0	0	20,000,000	25,000,000	45,000,000
			Committee's Markup							0	
		BRM11C Total			0	0	0	0	0	20,000,000	25,000,000
	LC537C	ENGINE COMPANY 23 RENOVATI ON	Mayor's Submission	0	0	3,750,000	3,750,000	0	0	0	7,500,000
			Committee's Markup							0	
		LC537C Total			0	0	3,750,000	3,750,000	0	0	0
	LC837C	RELOCATI ON OF ENGINE COMPANY 26	Mayor's Submission	256,845	0	4,000,000	4,750,000	0	0	0	8,750,000
			Committee's Markup							0	
		LC837C Total			256,845	0	4,000,000	4,750,000	0	0	0
	LF239C	FEMS SCHEDULE D CAPITAL IMPROVEM ENTS	Mayor's Submission	1,400,593	3,500,000	1,500,000	3,500,000	3,500,000	3,500,000	1,500,000	17,000,000
Committee's Markup									0		
LF239C Total			1,400,593	3,500,000	1,500,000	3,500,000	3,500,000	3,500,000	1,500,000	17,000,000	
FB0 - FIRE AND EMERGENCY MEDICAL SERVICES Total				29,209,674	18,500,000	26,250,000	29,000,000	27,000,000	49,000,000	36,741,000	186,491,000

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
Fiscal Year 2018 Budget Report

Owner Agency	Project No.	Project Title	Scenario	Unspent Allotment April 4, 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	6-Yr Total
FL0 – Department of Corrections	CGN04C	WINDOW REPLACEMENT ( ADMINISTRATION UNIT	Mayor's Submission	0	0	0	2,500,000	0	0	0	2,500,000
			Committee's Markup								
			(2,500,000)							(2,500,000)	
	CGN04C Total			0	0	0	0	0	0	0	0
	CR104C	HVAC REPLACEMENT - DOC	Mayor's Submission	1,393,850	0	2,000,000	1,000,000	0	0	0	3,000,000
			Committee's Markup								0
			CR104C Total			1,393,850	0	2,000,000	1,000,000	0	0
	MA220C	EMERGENCY POWER SYSTEM UPGRADES	Mayor's Submission	0	2,000,000	0	0	0	0	0	2,000,000
			Committee's Markup								0
			MA220C Total			0	2,000,000	0	0	0	0
FL0 - DEPARTMENT OF CORRECTIONS Total			1,393,850	2,000,000	2,000,000	1,000,000	0	0	0	5,000,000	
FR0 – Department of Forensic Sciences	DCI16C	DFS CAPITAL IMPROVEMENT PROGRAM	Mayor's Submission	1,000,000	0	0	0	0	0	0	0
			Committee's Markup								0
			(500,000)							0	
	DCI16C Total			500,000	0	0	0	0	0	0	0
	DIG01C	DFS DIGITAL FORENSICS CAPITAL REQUIREMENT	Mayor's Submission	0	1,000,000	0	0	0	0	0	1,000,000
			Committee's Markup								0
DIG01C Total			0	1,000,000	0	0	0	0	0	1,000,000	
FR0 - DEPARTMENT OF FORENSIC SCIENCES Total			500,000	1,000,000	0	0	0	0	0	1,000,000	
UC0 – Office of Unified Communications	AFC02C	IT HARDWARE 911/311 SYSTEMS	Mayor's Submission	0	0	0	800,000	300,000	300,000	300,000	1,700,000
			Committee's Markup								0
			AFC02C Total			0	0	0	800,000	300,000	300,000
	CERCEC	UCC ELECTRICAL RECONFIGURATION	Mayor's Submission	0	0	1,800,000	0	0	0	0	1,800,000
			Committee's Markup								0
			CERCEC Total			0	0	1,800,000	0	0	0
	DCCUCC	911/311 DISPATCH CONSOLES	Mayor's Submission	0	0	4,000,000	0	0	0	0	4,000,000
			Committee's Markup								0
			DCCUCC Total			0	0	4,000,000	0	0	0
	DWB02C	IT SOFTWARE (911/311 APPLICATIONS)	Mayor's Submission	0	0	750,000.00	750,000.00	750,000.00	250,000.00	250,000.00	2,750,000.00
			Committee's Markup								0
			DWB02C Total			0	0	750,000	750,000	750,000	250,000
	UC302C	MDC REPLACEMENT FOR MPD & FEMS	Mayor's Submission	0	0	0	9,500,000	0	0	0	9,500,000
			Committee's Markup								0
			UC302C Total			0	0	0	9,500,000	0	0
	UC303C	MPD/ FEMS RADIO REPLACEMENT	Mayor's Submission	0	0	0	5,000,000	7,200,000	6,750,000	6,750,000	25,700,000
Committee's Markup										0	
UC303C Total			0	0	0	5,000,000	7,200,000	6,750,000	6,750,000	25,700,000	
UC304C	911/311 RADIO CRITICAL INFRASTRUCTURE	Mayor's Submission	0	4,900,000	1,900,000	4,900,000	0	0	0	11,700,000	
		Committee's Markup								0	
		UC304C Total			0	4,900,000	1,900,000	4,900,000	0	0	0
UC0 - OFFICE OF UNIFIED COMMUNICATIONS Total			0	4,900,000	8,450,000	20,950,000	8,250,000	7,300,000	7,300,000	57,150,000	
REVISED GRAND TOTAL			39,638,719	39,000,000	49,550,000	60,700,000	45,250,000	66,300,000	52,736,000	313,536,000	
ORIGINAL GRAND TOTAL											
			40,178,719	39,000,000	49,550,000	63,200,000	45,250,000	66,300,000	52,736,000	316,036,000	

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<i>Owner Agency</i>	<i>Project No.</i>	<i>Project Title</i>	<i>Scenario</i>	<i>Unspent Allotment April 4, 2017</i>	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>6-Yr Total</i>
<i>COMMITTEE VARIANCE</i>				(540,000)	0	0	(2,500,000)	0	0	0	(2,500,000)

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

The Committee approves the Fiscal Year 2018 operating and capital budgets of the agencies under its purview, as proposed by the Mayor, with the following modifications:

### **BOARD OF ELECTIONS**

#### *Operating Budget Recommendations*

1. *Increase FTEs by 2 to fund the Automatic Voter Registration Amendment Act of 2016 (D.C. Law 21-0208), and create 2 new positions with the accompanying local funds as follows:*
  - a. Voter Registration Specialist: create a new position in Program 4000 (Election Operations), Activity 4001 (Voter Registration): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$47,185 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,390: total PS increase = \$56,575*
  - b. Voter Registration Specialist: create a new position in Program 4000 (Election Operations), Activity 4001 (Voter Registration): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$47,185 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,390: total PS increase = \$56,575*

### **BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

#### *Operating Budget Recommendations*

1. *Increase FTEs by 2, and create 2 new positions with the accompanying local funds as follows:*
  - a. Administrative Support: create a new position in Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$67,419 and CSG 14 (Fringe Benefits – Current Personnel) by \$13,079: total PS increase = \$80,498*
  - b. Administrative Support: create a new position in Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics): *increase CSG 11 (Regular Pay – Continuing Full-Time) by \$37,488 and CSG 14 (Fringe Benefits – Current Personnel) by \$7,531: total PS increase = \$45,019*
2. *Increase CSG 20 (Supplies and Materials), Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics), by \$50,000 in one-time local funds for upgrades to the e-filing system to fund the Council Financial Disclosure Amendment Act of 2016 (D.C. Law 21-240).*

3. *Increase* CSG 20 (Supplies and Materials), Program 1000 (Office of Open Government), Activity 1100 (Office of Open Government), by \$58,000 in local funds for nonpersonal services needs of the Office of Open Government.

#### **CORRECTIONS INFORMATION COUNCIL**

##### *Operating Budget Recommendations*

1. *Increase* CSG 32 (Rentals – Land and Structures), Program 1000 (Prisoner Well-Being), Activity 1010 (Comprehensive Inspections District Pris), by \$95,043 in local funds for office space rental increases.
2. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Prisoner Well-Being), Activity 1010 (Comprehensive Inspections District Pris), by \$12,000 in local funds for nonpersonal services needs relating to travel, printing services, and consultant services.

#### **CRIMINAL JUSTICE COORDINATING COUNCIL**

##### *Operating Budget Recommendations*

1. *Increase* FTEs by 1, and create a new position with the accompanying local funds as follows to fund the root causes of youth crime report required by Section 304 of the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21-0238):
  - a. Statistician: create a new position in Program 1000 (Research, Analysis, and Evaluation), Activity 1010 (Research and Analysis (Fed)): *increase* CSG 12 (Regular Pay – Other) by \$120,324 and CSG 14 (Fringe Benefits – Current Personnel) by \$20,335: *total PS increase = \$140,659*
2. *Increase* CSG 41 (Contractual Services – Other), Program 1000 (Research, Analysis, and Evaluation), Activity 1010 (Research and Analysis (Fed)), by \$77,000 in local funds to contract with a research assistant and legal consultant to fund the root causes of youth crime report required by Section 304 of the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21-0238).
3. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Research, Analysis, and Evaluation), Activity 1010 (Research and Analysis (Fed)), by \$13,000 to fund the data collection related to human trafficking required by Section 111 of the Prohibition Against Human Trafficking Amendment Act of 2010 (D.C. Law 18-0239).



4. *Increase* CSG 70 (Equipment and Equipment Rental), Program 3000 (Integrated Information System), Activity 3010 (JUSTIS), by \$320,000 in one-time funds for JUSTIS upgrades.

## DEPARTMENT OF CORRECTIONS

### *Operating Budget Recommendations*

1. *Eliminate* 5.0 FTEs and *reduce* CSG 11 (Regular Pay – Continuing Full Time) by \$267,744 and CSG 14 (Fringe Benefits – Current Personnel) by \$82,256: *total PS reduction = \$350,000*, and by program as follows:
  - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate* 1.0 FTE (Correctional Officer) and *reduce* CSG 11 by \$48,248 and *reduce* CSG 14 by \$14,233: *total PS reduction = \$62,481*
  - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate* 1.0 FTE (Correctional Officer) and *reduce* CSG 11 by \$48,248 and *reduce* CSG 14 by \$14,233: *total PS reduction = \$62,481*
  - c. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate* 1.0 FTE (Correctional Officer) and *reduce* CSG 11 by \$48,248 and *reduce* CSG 14 by \$14,233: *total PS reduction = \$62,481*
  - d. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate* 1.0 FTE (Correctional Officer) and *reduce* CSG 11 by \$48,248 and *reduce* CSG 14 by \$14,233: *total PS reduction = \$62,481*
  - e. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate* 1.0 FTE (Correctional Officer) and *reduce* CSG 11 by \$74,752 and *reduce* CSG 14 by \$25,323: *total PS reduction = \$100,075*
2. *Eliminate* 9 FTEs and *reduce* \$1,241,000 in recurring local funds from CSG 15 (Overtime Pay), Program 2500 (Inmate Services), Activity 2520 (Inmate Adjustment/Developmental Support), to transfer to partner agencies for the returning citizens Portal of Entry program, as recommended in the Mayor's Errata Letter.

### *Capital Budget Recommendations*

1. *Reduce* the proposed FY 2020 allotment for Project No. CGN04 (Window Replacement (Administration Unit)) by \$2,500,000 and transfer those funds to

the Committee on Transportation & the Environment for the Department of General Services for the Eastern Market Metro Park project.

## **DEPARTMENT OF FORENSIC SCIENCES**

### *Operating Budget Recommendations*

1. *Eliminate 5.0 FTEs, and reduce CSG 11 (Regular Pay – Continuing Full Time) by \$348,212 and CSG 14 (Fringe Benefits – Current Personnel) by \$78,347: total PS reduction = \$426,559, and by program as follows:*
  - a. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate 1.0 FTE (Forensic Scientist III) and reduce CSG 11 by \$87,657 and CSG 14 by \$19,723: total PS reduction = \$107,380*
  - b. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate 1.0 FTE (Forensic Scientist (Crime Scen)) and reduce CSG 11 by \$76,082 and CSG 14 by \$17,118: total PS reduction = \$93,200*
  - c. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate 1.0 FTE (Forensic Scientist (Crime Scen)) and reduce CSG 11 by \$61,491 and CSG 14 by \$13,836: total PS reduction = \$75,326*
  - d. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate 1.0 FTE (Forensic Scientist (Crime Scen)) and reduce CSG 11 by \$61,491 and CSG 14 by \$13,836: total PS reduction = \$75,326*
  - e. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate 1.0 FTE (Forensic Scientist (Crime Scen)) and reduce CSG 11 by \$61,491 and CSG 14 by \$13,836: total PS reduction = \$75,326*

### *Capital Budget Recommendations*

1. *Reduce the available allotment balance for Project No. DCI16C (DFS Capital Improvement Program) by \$500,000 and convert that amount into operating funds.*

## **DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE**

### *Operating Budget Recommendations*

1. *Reduce the following attributes and transfer the recurring local funds to a new agency, the Office of Neighborhood Safety and Engagement:*

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

- a. *Reduce* CSG 11 (Regular Pay – Continuing Full Time) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$418,603 and 6 FTEs
  - b. *Reduce* CSG 13 (Additional Gross Pay) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$50,000
  - c. *Reduce* CSG 14 (Fringe Benefits – Current Personnel) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$87,907
  - d. *Reduce* CSG 15 (Overtime Pay) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$50,000
  - e. *Reduce* CSG 20 (Supplies and Materials) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$500
  - f. *Reduce* CSG 31 (Other Services and Charges) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$15,000
  - g. *Reduce* CSG 40 (Other Services and Charges) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$41,266
2. *Increase* the following attributes to accept the transfer of recurring local funds for the Concealed Pistol Licensing Review Board from the Metropolitan Police Department:
  - a. *Increase* CSG 11 (Regular Pay – Continuing Full Time) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$149,594 and 2 FTEs
  - b. *Increase* CSG 14 (Fringe Benefits – Current Personnel) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$31,415
  - c. *Increase* CSG 20 (Supplies and Materials) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$5,000
  - d. *Increase* CSG 40 (Other Services and Charges) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$85,991
  - e. *Increase* CSG 70 (Equipment and Equipment Rental) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$3,000

**DISTRICT OF COLUMBIA NATIONAL GUARD**

*Operating Budget Recommendations*

1. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Agency Management), Activity 1030 (Property Management), by \$344,000 for improvements to the District of Columbia National Guard's Oak Hill facility.

**FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT**

*Operating Budget Recommendations*

1. *Increase* CSG 41 (Contractual Services – Other), Program 6000 (Support Services Bureau), Activity 6400 (Risk Management), by \$817,652 to fund the communicable disease treatment, pre-employment screening, personnel exposure tracking, and Police and Fire Clinic contractor costs of the Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 (D.C. Law 19-331).
2. *Eliminate* 4 FTEs and *reduce* CSG 11 (Regular Pay – Continuing Full Time) by \$315,836 and CSG 14 (Fringe Benefits – Current Personnel) by \$56,219: *total PS reduction = \$372,055* and by program as follows:
  - a. In Program 100F (Agency Financial Operations), Activity 101F (Agency Fiscal Officer Operations): *eliminate* 1.0 FTE (Budget Analyst) and *reduce* CSG 11 by \$90,253 and CSG 14 by \$16,065: *total PS reduction = \$106,318*
  - b. In Program 7000 (Technical Services Bureau), Activity 7200 (Fire Prevention (Dep Chief FPD)): *eliminate* 1.0 FTE (Fire Inspector) and *reduce* CSG 11 by \$77,454 and CSG 14 by \$13,786: *total PS reduction = \$91,240*
  - c. In Program 5000 (Nurse Consultant), Activity 5400 (EMS Quality Assurance): *eliminate* 1.0 FTE (Nurse Consultant) and *reduce* CSG 11 by \$100,310 and CSG 14 by \$17,855: *total PS reduction = \$118,165*
  - d. In Program 6000 (Support Services Bureau), Activity 6100 (Apparatus (Fleet Management)): *eliminate* 1.0 FTE (Heavy Mobile Equipment Repairer) and *reduce* CSG 11 by \$47,819 and CSG 14 by \$8,511: *total PS reduction = \$56,331*
3. *Recognize* \$171,143 in vacancy savings from Program 3000 (Operations Bureau), Activity 3100 (Operations (Dep Chief Ops)), in the following amounts: CSG 11 (Regular Pay – Continuing Full-Time) by \$140,680 and CSG 14 (Fringe Benefits – Current Personnel) by \$30,463: *total PS reduction = \$171,143*.

**METROPOLITAN POLICE DEPARTMENT**

*Operating Budget Recommendations*

1. *Reduce* CSG 41 (Contractual Services – Other), Program 100C (Chief of Police), Activity 130C (Office of Research and Analytical Services), by \$275,000 to

transfer the recurring local funds associated with the Concealed Pistol Licensing Review Board to the Deputy Mayor for Public Safety and Justice.

2. *Reduce* CSG 40 (Other Services and Charges), Program AMP1 (Agency Management), Activity 1085 (Customer Service), by \$970,544 to transfer the recurring local funds to the Department of Behavioral Health to fund the Community Crime Prevention Team Program required by Section 105 of the Neighborhood Engagement Achieves Results Amendment Act of 2015 (D.C. Law 21-0125), as recommended in the Mayor's Errata Letter.
3. *Reduce* CSG 41 (Contractual Services – Other), Program AMP1 (Agency Management), Activity 1040 (Information Technology), by \$232,320 in recurring local funds, allocating \$600,000 for body-worn camera redactions.
4. *Reduce* CSG 40 (Other Services and Charges), Program 1001 (Patrol Services Bureau), Activity 1500 (Patrol Districts) by \$800,000 in recurring local funds, allocating \$900,000 for loan repayment and tuition assistance in the Police Officers Retention Program and \$1,000,000 for a new six-month housing assistance program to recruit sworn officers to join the Department and reside in the District.
5. *Increase* CSG 41 (Contractual Services – Other), Program AMP1 (Agency Management), Activity 1040 (Information Technology), by \$200,000 in one-time local funds for new CCTV cameras in target PSAs, including PSAs 104, 105, 106, 308, and 507.
6. *Recognize* \$800,000 in vacancy savings: \$400,000 in CSG 11 (Regular Pay – Continuing Full-Time), Program 1001 (Patrol Services Bureau), Activity 1500 (Patrol Districts), and \$400,000 in CSG 11 (Regular Pay – Continuing Full-Time), Program 2001 (Investigative Services Bureau), Activity 2600 (Criminal Investigations Division): *total PS reduction = \$800,000*.
7. *Delete* 15 new vacant civilian FTEs in the amount of \$1,542,330, including salary and fringe, allocating 10 new civilians and 35 new cadets – an investment of \$2,442,058 in 45 new positions.

## OFFICE OF HUMAN RIGHTS

### *Operating Budget Recommendations*

1. *Increase* FTEs by 5 to fund the Fair Criminal Record Screening Amendment Act of 2016 (D.C. Law 21-0259), and create 5 new positions with the accompanying local funds as follows:

- a. Intake Specialist: create a new position in Program 2000 (Equal Justice Program), Activity 2010 (Intake): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$64,160 and CSG 14 (Fringe Benefits – Current Personnel), by \$13,986: *total PS increase = \$78,146*
  - b. Intake Specialist: create a new position in Program 2000 (Equal Justice Program), Activity 2010 (Intake): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$64,160 and CSG 14 (Fringe Benefits – Current Personnel), by \$13,986: *total PS increase = \$78,146*
  - c. Investigator: create a new position in Program 2000 (Equal Justice Program), Activity 2030 (Investigations): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$80,757 and CSG 14 (Fringe Benefits – Current Personnel), by \$17,605: *total PS increase = \$98,363*
  - d. Investigator: create a new position in Program 2000 (Equal Justice Program), Activity 2030 (Investigations): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$80,757 and CSG 14 (Fringe Benefits – Current Personnel), by \$17,605: *total PS increase = \$98,363*
  - e. Mediator: create a new position in Program 2000 (Equal Justice Program), Activity 2020 (Mediation): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$80,757 and CSG 14 (Fringe Benefits – Current Personnel), by \$17,605: *total PS increase = \$98,363*
2. *Increase* CSG 40 (Other Services and Charges), Program 2000 (Equal Justice Program), Activity 2070 (Public Education) by \$30,000 to fund the training and outreach costs of the Fair Criminal Record Screening Amendment Act of 2016 (D.C. Law 21-0259).

## OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT

### *Operating Budget Recommendations*

1. Create a new agency, the Office of Neighborhood Safety and Engagement, as modified from the recommendation in the Mayor’s Errata letter, with the accompanying local funds as follows:
  - a. *Increase* CSG 11 (Regular Pay – Continuing Full Time) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$140,000 and 1 FTE
  - b. *Increase* CSG 14 (Fringe Benefits – Current Personnel) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$29,400
  - c. *Increase* CSG 20 (Supplies and Materials) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$500
  - d. *Increase* CSG 31 (Telecommunications) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$15,000

- e. *Increase* CSG 40 (Other Services and Charges) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$41,326
- f. *Increase* CSG 11 (Regular Pay – Continuing Full Time) in Program 2000 (Neighborhood Safety and Engagement), Activity 2010 (Safer, Stronger DC), by \$472,853 and 6 FTEs
- g. *Increase* CSG 14 (Fringe Benefits – Current Personnel) in Program 2000 (Neighborhood Safety and Engagement), Activity 2010 (Safer, Stronger DC), by \$91,590
- h. *Increase* CSG 11 (Regular Pay – Continuing Full Time) in Program 2000 (Neighborhood Safety and Engagement), Activity 2020 (Community Stabilization), by \$337,553 and 5 FTEs
- i. *Increase* CSG 13 (Additional Gross Pay) in Program 2000 (Neighborhood Safety and Engagement), Activity 2020 (Community Stabilization), by \$25,000
- j. *Increase* CSG 14 (Fringe Benefits – Current Personnel) in Program 2000 (Neighborhood Safety and Engagement), Activity 2020 (Community Stabilization), by \$70,886
- k. *Increase* CSG 15 (Overtime Pay) in Program 2000 (Neighborhood Safety and Engagement), Activity 2020 (Community Stabilization), by \$25,000

#### **OFFICE OF POLICE COMPLAINTS**

##### *Operating Budget Recommendations*

- 1. *Increase* CSG 41 (Contractual Services – Other), Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$150,000 in one-time local funds for an independent review of the actions of the Metropolitan Police Department during the 2017 Inaugural Weekend.

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

##### *Operating Budget Recommendations*

- 1. *Increase* FTEs by 3, and create 3 new positions with the accompanying recurring local funds as follows to fund the Victim-Offender Mediation Pilot Program required by Section 302 of the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21-0238):
  - a. Attorney: create a new position in Program 6100 (Public Safety Division), Activity 6113 (Office of Division Deputy): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$123,335 and CSG 14 (Fringe Benefits – Current Personnel) by \$25,160: *total PS increase = \$148,495*
  - b. Attorney: create a new position in Program 6100 (Public Safety Division), Activity 6113 (Office of Division Deputy): *increase* CSG 11

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

- (Regular Pay – Continuing Full-Time) by \$123,335 and CSG 14 (Fringe Benefits – Current Personnel) by \$25,160: *total PS increase = \$148,495*
- c. Attorney: create a new position in Program 6100 (Public Safety Division), Activity 6113 (Office of Division Deputy): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$123,335 and CSG 14 (Fringe Benefits – Current Personnel) by \$25,160: *total PS increase = \$148,495*
2. *Increase* FTEs by 2, and create 2 new positions with the accompanying recurring local funds as follows:
- a. Wage Theft Attorney: create a new position in Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): *increase* CSG 11 (Continuing Pay – Regular Full-Time) by \$112,716 and CSG 14 (Fringe Benefits – Current Personnel) by \$22,994: *total PS increase = \$135,710; increase* CSG 20 by \$3,500: *total NPS increase = \$3,500*
- b. Wage Theft Attorney: create a new position in Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): *increase* CSG 11 (Continuing Pay – Regular Full-Time) by \$112,716 and CSG 14 (Fringe Benefits – Current Personnel) by \$22,994: *total PS increase = \$135,710; increase* CSG 20 by \$3,500: *total NPS increase = \$3,500*

*Capital Budget Recommendations*

1. *Reduce* the available allotment balance for Project No. EN701C (Office Equipment & Fleet Upgrades) by \$40,000 and convert that amount into operating funds.

**OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS**

*Operating Budget Recommendations*

1. *Increase* CSG 50 (Subsidies and Transfers), Program 3000 (Access to Justice), Activity 3010 (Access to Justice), by \$4,781,000 in recurring local funds, of which \$281,000 shall be used for the Access to Justice Initiative and \$4,500,000 shall be used to fund the Committee’s new Budget Support Act subtitle, the “Expanding Access to Justice Amendment Act of 2017”, to create an initiative to provide civil legal counsel in eviction cases.
2. *Increase* CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants Administration), Activity 2010 (Grant Management), by \$100,000 in recurring local funds to fund grants for nonprofits who use book groups, creative writing, and peer support for District youth incarcerated as adults.



## INTER-COMMITTEE TRANSFERS

### *Operating Budget Recommendations*

#### **Committee of the Whole**

1. The Committee *accepts* \$44,000 in recurring local funds from the **Committee of the Whole** for a part-time FTE to process financial disclosures and \$50,000 in one-time local funds for an upgrade to the Board of Ethics and Government Accountability's e-filing system to implement the Council Financial Disclosure Amendment Act of 2016 (D.C. Law 21-240).

#### **Committee on Business & Economic Development**

1. The Committee *accepts* \$1,000,000 in recurring local funds from the **Committee on Business & Economic Development** to fund this Committee's new Budget Support Act subtitle to provide civil legal counsel in eviction cases, the "Expanding Access to Justice Amendment Act of 2017", in the Office of Victim Services & Justice Grants, CSG 50 (Subsidies and Transfers), Program 3000 (Access to Justice), Activity 3010 (Access to Justice).
2. The Committee *accepts* \$481,379 in recurring local funds from the **Committee on Business and Economic Development** to fund the 5 FTEs and outreach and training costs of the Fair Criminal Record Screening for Housing Act of 2016 (D.C. Law 21-0259) at the Office of Human Rights, in the following locations:
  - a. CSG 11 (Regular Pay – Continuing Full-Time), Program 2000 (Equal Justice Program), Activity 2010 (Intake): \$128,320
  - b. CSG 14 (Fringe Benefits – Current Personnel), Program 2000 (Equal Justice Program), Activity 2010 (Intake): \$27,972
  - c. CSG 11 (Regular Pay – Continuing Full-Time), Program 2000 (Equal Justice Program), Activity 2030 (Investigations): \$161,515
  - d. CSG 14 (Fringe Benefits – Current Personnel), Program 2000 (Equal Justice Program), Activity 2030 (Investigations): \$35,210
  - e. CSG 11 (Regular Pay – Continuing Full-Time), Program 2000 (Equal Justice Program), Activity 2020 (Mediation): \$80,757
  - f. CSG 14 (Fringe Benefits – Current Personnel), Program 2000 (Equal Justice Program), Activity 2020 (Mediation): \$17,605
  - g. CSG 40 (Other Services and Charges), Program 2000 (Equal Justice Program), Activity 2070 (Public Education): \$30,000

### **Committee on Education**

3. The Committee *accepts* \$100,000 in recurring local funds from the **Committee on Education** to fund grants for nonprofits who use book groups, creative writing, and peer support for District youth incarcerated as adults in CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants Administration), Activity 2010 (Grant Management).
4. The Committee *transfers* \$450,000 in recurring local funds to the **Committee on Education** to increase library collections in CSG 70 (Equipment and Equipment Rental), Program L300 (Library Services), Activity L380 (Collections).

### **Committee on Finance & Revenue**

5. The Committee *transfers* \$2,000 in one-time funds to the **Committee on Finance & Revenue** for a new Budget Support Act subtitle to fund a deed transfer tax and recordation fee exemption for the Hill East Community Garden and the Capitol Hill Community Garden Land Trust.

### **Committee on Health**

6. The Committee *accepts* \$585,832 and 6 FTEs from the **Committee on Health** from the Office of the Deputy Mayor for Health and Human Services in the Safer, Stronger DC Community Partnerships Program for the new Office of Neighborhood Safety and Engagement, as recommended in the Mayor's Errata Letter.
7. The Committee *transfers* \$350,000 in recurring local funds to the **Committee on Health** from the Department of Corrections to the Department of Behavioral Health to provide mental health assessments, referral services, and case management, and to hire 3 FTEs, associated with the new Portal of Entry program, as recommended in the Mayor's Errata Letter.
8. The Committee *transfers* \$970,544 in recurring local funds to the **Committee on Health** from the Metropolitan Police Department to the Department of Behavioral Health to fund the Community Crime Prevention Team Program required by Section 105 of the Neighborhood Engagement Achieves Results Amendment Act of 2015 (D.C. Law 21-0125).

### **Committee on Human Services**

9. The Committee *transfers* \$89,831 in recurring local funds to the **Committee on Human Services** to fund the costs of the evaluation of the effectiveness of

rehabilitation programs in the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21-0238, §§ 402(b), (c)) in the Department of Youth Rehabilitation Services, in the following locations:

- a. CSG 11 (Regular Pay – Continuing Full-Time), Program 1000 (Agency Management), Activity 1090 (Performance Management): \$70,345
  - b. CSG 14 (Fringe Benefits – Current Personnel), Program 1000 (Agency Management), Activity 1090 (Performance Management): \$19,486
10. The Committee *transfers* \$500,000 in recurring local funds to the **Committee on Human Services** from the Department of Corrections to the Department of Human Services to provide enrollment and eligibility services, SNAP employment, and training, and to hire 4 FTEs, associated with the new Portal of Entry program, as recommended in the Mayor’s Errata Letter.

### **Committee on Labor & Workforce Development**

11. The Committee *accepts* \$278,420 in recurring local funds from the **Committee on Labor & Workforce Development** to fund 2 new wage theft attorneys at the Office of the Attorney General, in the following locations:
- a. CSG 11 (Regular Pay – Continuing Full-Time), Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): \$225,432
  - b. CSG 14 (Fringe Benefits – Current Personnel), Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): \$45,988
  - c. CSG 20 (Supplies and Materials), Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): \$7,000
12. The Committee *transfers* \$244,000 in one-time local funds to the **Committee on Labor & Workforce Development** to fund upgrades to the case management system and website at the Office of Employee Appeals in CSG 40 (Other Services and Charges), Program 2000 (Adjudication), Activity 2002 (Appeals).
13. The Committee *transfers* \$36,958 in one-time local funds to the **Committee on Labor & Workforce Development** to fund IT upgrades at the Public Employee Relations Board in CSG 41 (Contractual Services – Other), Program 2000 (Adjudication), Activity 2001 (Legal Support).
14. The Committee *transfers* \$65,000 in recurring local funds to the **Committee on Labor & Workforce Development** from the Department of Corrections to the Department of Employment Services to provide workforce development assistance, and to hire 1 FTE, associated with the new Portal of Entry program, as recommended in the Mayor’s Errata Letter.

**Committee on Transportation & the Environment**

15. The Committee *transfers* \$200,000 in one-time local funds to the **Committee on Transportation & the Environment** to fund the systems upgrades costs at the Department of Motor Vehicles of the Automatic Voter Registration Amendment Act of 2016 (D.C. Law 21-0208) in CSG 40 (Other Services and Charges), Program 8000 (Technology Services Program), Activity 1040 (Information Technology).
16. The Committee *transfers* \$50,000 in recurring local funds to the **Committee on Transportation & the Environment** in the Department of Motor Vehicles to provide driver's license and identification card services, and to hire 1 FTE, associated with the new Portal of Entry program, as recommended in the Mayor's Errata Letter.
17. The Committee *transfers* \$100,000 in recurring local funds to the **Committee on Transportation & the Environment** to maintain the existing transit connection for students between the Peabody Primary and Watkins Elementary School campuses of the Capitol Hill Cluster School on DC Public Schools Traditional Calendar school days by contracting twice daily charter bus service, within the District Department of Transportation in CSG 41 (Contractual Services – Other), Program PD00 (Project Delivery Administration), Activity TDDV (Transit Delivery Division).
18. The Committee *transfers* \$276,000 in recurring local funds to the **Committee on Transportation & the Environment** from the Department of Corrections to the Department of General Services for renovations required for the new Portal of Entry facility, as recommended in the Mayor's Errata Letter.
19. The Committee *accepts* \$817,652 in recurring local funds from the **Committee on Transportation and the Environment** to fund the communicable disease treatment, pre-employment screening, personnel exposure tracking, and Police and Fire Clinic contractor costs of the Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 (D.C. Law 19-331) in the Fire and Emergency Medical Services Department, CSG 41 (Contractual Services – Other), Program 6000 (Support Services Bureau), Activity 6400 (Risk Management).
20. The Committee *accepts* \$1,750,000 in recurring local funds from the **Committee on Transportation & the Environment** to fund this Committee's new Budget Support Act subtitle to provide civil legal counsel in eviction cases, the "Expanding Access to Justice Amendment Act of 2017", in

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

the Office of Victim Services & Justice Grants, CSG 50 (Subsidies and Transfers), Program 3000 (Access to Justice), Activity 3010 (Access to Justice).

*Capital Budget Recommendations*

**Committee on Transportation & the Environment**

1. The Committee transfers \$2,500,000 from the proposed FY 2020 allotment for Project No. CGN04 (Window Replacement (Administration Unit)) to the **Committee on Transportation & the Environment** for the Department of General Services for the Eastern Market Metro Park project.

## II. AGENCY FY 2018 BUDGET RECOMMENDATIONS

### A. INTRODUCTION

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

The Committee additionally serves as the Council's liaison to federal partners in the justice system, including the United States Attorney for the District of Columbia, the Public Defender Service for the District of Columbia, the District of Columbia Courts, the Court Services and Offender Supervisory Agency, the Pretrial Services Agency, the Federal Bureau of Prisons, and the United States Parole Commission.

The District agencies, boards, and commissions that come under the Committee's purview are as follows:

• Board of Elections	• Homeland Security and Emergency Management Agency/Homeland Security Commission
• Board of Ethics and Government Accountability	• Judicial Nomination Commission
• Child Support Guidelines Commission	• Metropolitan Police Department/Police Officer Standards and Training Board
• Commission on Judicial Disabilities and Tenure	• Office of Campaign Finance
• Corrections Information Council	• Office of Human Rights/Commission on Human Rights
• Criminal Code Reform Commission	• Office of Police Complaints/Police Complaints Board
• Criminal Justice Coordinating Council	• Office of the Attorney General
• Department of Corrections	• Office of the Chief Medical Examiner/Child Fatality Review

<sup>1</sup> See Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22, Rule 239.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

	Committee/Developmental Disabilities Fatality Review Committee
• Department of Forensic Sciences/Science Advisory Board	• Office of the Deputy Mayor for Public Safety and Justice/Motor Vehicle Theft Prevention Commission
• District of Columbia National Guard	• Office of Unified Communications
• District of Columbia Sentencing Commission	• Office of Victim Services and Justice Grants/Access to Justice Initiative/Domestic Violence Fatality Review Board/Juvenile Justice Advisory Group
• Fire and Emergency Medical Services Department	• Uniform Law Commission

The Committee is charged with oversight of the performance and annual operating and capital budgets of the agencies listed. In total, *the Committee oversees 35 agencies, boards, and commissions, which, in the Mayor's proposed budget for FY 2018, comprise a total budget of more than \$1.4 billion in gross funds and approximately 9,935 full-time equivalents ("FTEs").*

Committee Chairperson Charles Allen began his tenure with the Committee in January 2017. He is joined by Councilmembers Anita Bonds, Mary M. Cheh, Vincent C. Gray, and David Grosso.

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

<b><i>Performance Oversight Hearings</i></b>	
<b>February 13, 2017</b>	Deputy Mayor for Public Safety and Justice, Criminal Justice Coordinating Council, Office of Victim Services and Justice Grants, Department of Corrections
<b>February 16, 2017</b>	Judicial Nomination Commission, Commission on Judicial Disabilities and Tenure, Office of the Attorney General, Criminal Code Reform Commission, Sentencing Commission
<b>February 23, 2017</b>	Office of Human Rights, Board of Ethics and Government Accountability, Board of Elections, Office of Campaign Finance
<b>February 28, 2017</b>	District of Columbia National Guard, Homeland Security and Emergency Management Agency, Department of Forensic Sciences, Office of the Chief Medical Examiner

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

<b>March 2, 2017</b>	Metropolitan Police Department, Office of Police Complaints, Fire and Emergency Medical Services Department, Office of Unified Communications, Corrections Information Council
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<b><i>Budget Oversight Hearings</i></b>	
<b>April 12, 2017</b>	Deputy Mayor for Public Safety and Justice, Criminal Justice Coordinating Council, Metropolitan Police Department, Office of Police Complaints, Office of Victim Services and Justice Grants
<b>April 24, 2017</b>	Office of the Chief Medical Examiner, Department of Corrections, Office of the Attorney General, Corrections Information Council
<b>April 27, 2017</b>	Fire and Emergency Medical Services Department, Office of Unified Communications, Board of Ethics and Government Accountability, Board of Elections, Office of Campaign Finance
<b>May 9, 2017</b>	Homeland Security and Emergency Management Agency, Department of Forensic Sciences, District of Columbia National Guard, Office of Human Rights

The Committee received comments from members of the public during these hearings. Copies of witness testimony from the Committee’s budget oversight hearings are included in this report as *Attachments A, B, C, and D*. Copies of witness testimony from the Committee’s performance oversight hearings have been filed with the Office of the Secretary and are available on the [Legislative Information Management System](#) (“LIMS”). Video recordings of all hearings can be obtained through the Office of Cable Television, Film, Music and Entertainment at <https://oct.dc.gov/page/demand-2017> or at <http://dccouncil.us/videos/archive/>. The Committee continues to welcome public input on the agencies and activities within its purview.



***Introductory Comments on the Committee's  
Fiscal Year 2018 Budget for Agencies under Its Purview***

This Report of Recommendations of the Committee on the Judiciary and Public Safety on the FY 2018 Budget for Agencies under its Purview was developed over several months of public and stakeholder engagement and research. The Committee's recommended budget:

**Improves Public Safety**

- ***Enhances first responder recruitment and retention efforts*** by:
  - Through new legislation in the report of the Committee on Housing & Neighborhood Revitalization, supporting \$1.1 million for the Employer-Assisted Housing Program ("EAHP") at the Department of Housing & Consumer Development so police officers, firefighters, paramedics, EMTs, and correctional officers can receive up to \$45,000 toward the purchase of a home in the District
  - Allocating \$900,000 for ***loan repayment and tuition assistance*** in the Police Officers Retention Program at the Metropolitan Police Department ("MPD")
  - Supporting \$1 million for a new ***six-month housing assistance program*** to recruit officers to join MPD and live in the District
  - Approving \$750,000 for a ***professional public relations campaign*** for MPD that includes rebranding initiatives targeted to recruit high-quality personnel and combat the retirement bubble
- ***Civilianizes 10 new MPD positions***, putting those officers back on the street, ***and supports the Executive's doubling of the cadet program*** (for a total of 45 new positions), utilizing savings from vacant positions to:
  - Fund several provisions of comprehensive juvenile justice legislation passed in late 2016, including:
    - ***A report on the root causes of youth crime*** by the Criminal Justice Coordinating Council
    - The creation of a cutting edge voluntary Victim-Offender Mediation Program at the Office of the Attorney General, which ***promotes restorative justice*** by providing victims an

opportunity to meet the offender, engage in a mediated discussion, and develop a restitution plan

- An ***evaluation of the effectiveness of rehabilitation programs*** at the Department of Youth Rehabilitation Services
- Fund the ***collection of data related to human trafficking*** in the District by the Criminal Justice Coordinating Council
- Fund an ***independent review*** by the Office of Police Complaints of MPD's actions during the 2017 Inaugural weekend
- Provide necessary ***upgrades to the Justice Information System*** ("JUSTIS"), the District's mechanism for the exchange of time-sensitive information for local law enforcement agencies
- Funds provisions of the "***Neighborhood Engagement Achieves Results Amendment Act of 2016***" by:
  - Creating a new agency, the ***Office of Neighborhood Safety and Engagement***, to coordinate the District's violence prevention strategy and programs, with a focus on utilizing public health approaches to respond to and prevent violence
  - Transferring \$970,444 to the Department of Behavioral Health for an interagency ***arrest diversion program***
- Identifies \$200,000 for ***new MPD CCTV cameras*** in target Police Service Areas
- Funds the ***Portal of Entry***, a new program offering ***reentry support services*** across multiple District agencies, including the Office of Returning Citizen Affairs, the Department of Corrections, the Department of Human Services, the Department of Behavioral Health, the Department of Motor Vehicles, and the Department of Employment Services
- For the second year, adds funds to further implement the "***Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012***" to ensure that FEMS personnel are properly treated for communicable diseases they contract on the job

**Expands Access to Justice**

- Identifies ***\$4.5 million for a landmark new program to provide legal representation in eviction proceedings for low-income residents***. With this legislation, the District joins the national right-to-counsel movement by allocating seed monies to stem the loss of affordable housing, prevent homelessness, and improve housing conditions
- ***Enhances funding for the Access to Justice Initiative***, which provides grants for legal services for domestic violence survivors, individuals with disabilities, individuals experiencing homelessness, asylum seekers, and residents with criminal records seeking expungement, among others
- ***Funds “ban the box for housing”*** legislation passed by the Council in late 2016 to prohibit housing discrimination based on a person’s prior criminal history, including monies for outreach to educate housing providers about the new law
- ***Bans employment discrimination based on a person’s poor credit history*** by preserving the Mayor’s funding for the “Fair Credit in Employment Amendment Act of 2016”
- ***Fights wage theft*** by adding two new attorneys at the Office of the Attorney General with funds provided by the Committee on Labor & Workforce Development

**Makes Significant Investments in Fire, EMS, and 911/311**

- Supports \$1 million for a new ***Nurse Triage Line*** to better connect residents with appropriate medical care
- \$4.9 million to ***hire 48 dual-role firefighter/EMTs***
- Rightsizes the Office of Unified Communications with \$1.4 million to ***permanently hire 28 311 call takers***
- Provides \$57 million over the financial plan in ***critical 911 capital infrastructure projects*** and \$87.7 million for ***Fire & EMS apparatus***

**Supports Elections and Ethics Reforms**

- Implements ***automatic voter registration*** at the Board of Elections, allowing District residents to automatically register to vote at the Department of Motor Vehicles when applying for identification or updating their contact information

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

- Funds staff for the ***Board of Ethics and Government Accountability*** to better identify conflicts of interest in financial disclosures of District government employees; shores up funding for the ***Office of Open Government***

## B. BOARD OF ELECTIONS

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

The Board of Elections (“the Board” or “BOE”) is an independent agency comprised of a three-member Board, an Executive Director, a General Counsel, and support staff. The Board’s mission is to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process as mandated by federal and local laws. The Board is also responsible for rulemaking and adjudication matters related to elections. In addition to the activities related to the actual conduct of an election, the Board maintains the District’s voter registration list, identifies polling places, trains poll workers, operates a website, maintains the District’s voting equipment, and maps election district boundaries.

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

#### b. Mayor’s Proposed Fiscal Year 2018 Operating Budget

##### Proposed Operating Budget Summary

The Mayor’s proposed Fiscal Year 2018 operating budget for the Board of Elections is \$8,795,363, an increase of \$1,171,952, or 15.4%, from the FY 2017 approved budget of \$7,623,411. This funding supports 54.0 FTEs, which represents a decrease of 6 FTEs, or 10%, from the FY 2017 approved level of 60 FTEs.

**Local Funds:** The Mayor’s proposed local funds budget is \$7,795,363, an increase of \$171,952, or 2.3%, from the FY 2017 approved budget of \$7,623,411. This

funding supports 54.0 FTEs, which represents a decrease of 6 FTEs, or 10%, from the FY 2017 approved level of 60 FTEs.

**Federal Grant Funds:** The Mayor’s proposed federal grants budget is \$1,000,000, an increase of \$1,000,000 from the FY 2017 approved budget. This funding does not support any FTEs.

### **Committee Analysis and Comments**

**November 2016 General Election After-Action Report:** The Board issued a November 8, 2016, General Election After-Action Report and testified before the Committee on the report’s findings at an April 6, 2017, public roundtable. Director Miller testified that overall, the election was conducted smoothly. Some of the successes she outlined included (1) a large percentage of early voters (32.3% or almost 1 in 3 voters); (2) more effective training for poll workers; (3) the recruitment of younger poll workers (resulting in a decrease of the average age from 61 to 49 years old); (4) the employment of many students as election-day volunteers; and (5) large voter turnout overall. The Committee commends the Board for engaging 130 students to work the polls on Election Day, which was a recommendation of the Committee in Council Period 21. The Committee is also very pleased to see the increase in early voting turnout, particularly. Early voting eases the pressure on polling locations on Election Day, allows voters to vote outside of their assigned precinct, and provides voters alternative access to the polls if they have conflicts on Election Day.

**Table 1: Votes Cast and Counted by Type in the November 2016 General Election, in Comparison with Past General Elections**

<i><b>Election</b></i>	<i><b>Absentee Voters</b></i>	<i><b>% of Overall Turnout</b></i>	<i><b>Election Day Voters</b></i>	<i><b>% of Overall Turnout</b></i>	<i><b>Early Voters</b></i>	<i><b>% of Overall Turnout</b></i>	<i><b>Overall Turnout</b></i>	<i><b>Total Registered Voters</b></i>	<i><b>Turnout %</b></i>
11/6/12	11,588	3.93	191,166	64.84	57,053	19.35	294,814	483,775	60.94
11/4/14	5,989	3.38	125,807	70.9	26,660	15.03	177,377	461,325	38.45
11/8/16	20,781	6.6	186,326	59.6	101,077	32.3	312,575	478,688	65.2

*Source: Board of Elections’ November 8, 2016, General Election After-Action Report*

Director Miller also addressed some of the challenges that arose during the election. One such challenge occurred with voters who had registered online and were not found in the system when they arrived at their polling sites. Director Miller testified that this was a result of an error in the Integrity system—a system that is in desperate need of an upgrade. The outdated system was a direct cause of this problem, and Director Miller assured the Committee that a system upgrade would resolve the issue. Another challenge arose surrounding the relocation of approximately ten polling locations, which caused confusion among voters. Director Miller expressed her intent in the future to take steps in addition to the postcards the

Board mails out and notices the Board posts on the old locations to communicate these changes to voters. The third challenge that occurred during the election related to ANC ballot distribution errors. Due to the fact that some polling locations had up to four different ANC ballots, some voters were given the wrong ballot. The error was not discovered until after voting, when it could not be remedied. Director Miller testified that this is purely a training issue for poll workers. She stated that the Board thoroughly trains poll workers in ANC ballot distribution, but these mistakes continue to happen. The Committee commends the Board for its training efforts and recommends that the Board continue to emphasize this issue in its trainings.

***Americans with Disabilities Act Compliance:*** The Board hired an American with Disabilities Act Compliance Coordinator in FY 2016 to survey various polling sites and provide recommendations to the Board to cure ADA violations and concerns found in the Office of the District of Columbia Auditor's report and identified at polling sites. To assist the ADA Compliance Coordinator, the Board sought ADA Compliance Assistant volunteers to assist the Coordinator on Election Day. At the Committee's performance oversight hearing, Director Alice Miller testified to the Board's continued efforts to ensure that all polling places are accessible.

For the November 2016 election, the Board took significant steps to address polling place accessibility. Director Miller stated that the ADA Compliance Assistants aided precinct staff before and on Election Day by supporting operations, posting signs, and setting up voting equipment with a focus on accessibility needs. The Board also collaborated with the Department of General Services ("DGS"), the Department of Transportation ("DDOT"), and the Office of Disability Rights ("ODR"). Prior to the election, the Board reported inaccessible polling places to DGS, which took corrective action to ensure structural and operational accessibility at most of these locations. Some of these corrective actions included: installing temporary ramps, removing narrow doors, and putting in automatic door openers. Director Miller stated that DGS determined that fixes were not economically feasible for some of the locations, which were buildings scheduled for capital renovations. For these locations, the Board provides alternatives for voters with disabilities: the Board offers curbside voting and transfer of voters to precincts with accessible polling places. In addition, the Board worked with DDOT to make permanent fixes to streets and sidewalks outside of polling places to ensure accessibility and with ODR to help the Board identify accessibility issues at polling sites.

Director Miller also reiterated the Board's firm belief that schools should be closed on Election Day or that Election Day should be an in-service day for the District. Doing so would eliminate security concerns with leaving doors open when school is in session, which would improve access to the buildings for people with disabilities.

The Committee applauds the Board's dedication to ensuring that all voters are able to access the polls and recommends that the Board continues to work with the community to relocate polling places currently located in structurally inaccessible buildings. The Committee advises the Board to be cognizant of its ADA responsibilities in all aspects of its work and remain vigilant in its compliance.

**Federal Funding:** Last year, the Committee conducted significant oversight related to the \$4.7 million in Help American Vote Act ("HAVA") funds received by the Board from the federal government. After identifying the funds, the Board made the decision to lease new voting equipment that it subsequently used in the June 2016 and November 2016 elections. At the Committee's budget oversight hearing, Director Miller testified that the Board currently has \$1 million remaining in HAVA funds, which is reflected in the proposed budget as the \$1 million increase in federal grant funds. She testified that the HAVA funding was placed in the budget in this way so that it would become available immediately on October 1, 2017.

**Election Equipment:** As noted last year, the Board's equipment and technology was more than a decade old and has caused significant problems during past elections. To address this issue, the Board leased new voting machines in March 2016 to be used in the June 2016 primary and November 2016 general elections. The Board also purchased 900 Electronic Poll Pads in March 2016. The new equipment fully replaced the voting machines used in past elections and includes devices that are ADA accessible, providing accommodations for individuals with disabilities by a variety of assistive mechanisms. The Board's new voting system employs a "blended" system of voting and tabulation, with the optical scan method as the basis of the system. This means that, regardless of whether a voter marks his or her ballot with a pen or uses the ExpressVote touchscreen ballot marking device, all ballots (except for absentee, special/provisional, and curbside ballots) are tabulated on the DS200. Therefore, the Board is now able to retrieve results from one unit of voting equipment rather than two, as it has had to do in past elections.

On the night of the November 2016 General Election, the results from all but ten precincts were successfully transmitted to the Board via the DS200's wireless modem. According to Director Miller, the technology performed well during the November 2016 General Election, and the Committee did not receive any complaints. There were a few small problems with the deployment of the poll pads – all of which were addressed with minimal adjustments. Overall, there were no major issues with the voting equipment, and the new technology saved time, was user friendly, and resulted in administrative efficiencies.

**Voter Registration at D.C. Jail:** The Committee is pleased to see that the Board is committed to working with the Department of Corrections ("DOC") to ensure that eligible residents of the Central Detention Facility ("CDF") and Central Treatment Facility ("CTF") have access to the polls. At the Committee's budget



oversight hearings for the Board and for DOC, there was testimony about the efforts both agencies are making in this area. In this past election cycle, 94 inmates voted in the Primary Election, and 141 inmates voted in the General Election.<sup>2</sup> The Committee recommends that the Board, along with DOC, continue to make opportunities available for eligible inmates to register to vote. Currently, inmates are able to register upon entering the facility for processing. While some inmates might register at this point, others would likely be overwhelmed by the processing experience and other more immediate concerns. Though same day registration is also available, the Committee recommends considering other opportunities that might be made available for eligible inmates to register. The Committee also recommends that the Board work with DOC to put out accurate and accessible information in the jail complex about who is eligible to vote, when and where elections will occur, and how inmates can register to vote.

***Ballot Access Modernization Amendment Act of 2015:*** Last year, the Committee funded the implementation of the Ballot Access Modernization Amendment Act through the Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160), which requires the Board to implement a mobile application system to allow a candidate, campaign, or person proposing an initiative or referendum to gather signatures. The mobile application system must connect to the voter registration system, maintain a count of the signatures, and include a function to print signed petitions. The Board will use its HAVA funds to absorb the \$81,581 in costs for the development, programming, and configuration of the software for the mobile application system and for hardware.

***Automatic Voter Registration Amendment Act of 2015:*** The proposed budget for FY 2018 does not include funding to implement the Automatic Voter Registration Amendment Act, effective February 18, 2017 (D.C. Law 21-0208). The Board requires two additional permanent FTEs at a cost of \$56,575 each in order to implement this legislation, which permits a voter to register with the Board by applying for identification from the Department of Motor Vehicles (“DMV”) and requires the DMV to transmit electronic records to the Board. The Committee has identified funding for this purpose and will also transmit \$200,000 to the DMV to fund a necessary system upgrade.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Board of Elections as proposed by the Mayor, with the following modifications:

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<sup>2</sup> In the 2014 election cycle, 227 inmates voted during the Primary Election and 115 inmates voted during the General Election.

1. *Increase* FTEs by 2 to fund the Automatic Voter Registration Amendment Act of 2016 (D.C. Law 21-0208), and create 2 new positions with the accompanying local funds as follows:
  - a. Voter Registration Specialist: create a new position in Program 4000 (Election Operations), Activity 4001 (Voter Registration): *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$47,185 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,390: *total PS increase = \$56,575*
  - b. Voter Registration Specialist: create a new position in Program 4000 (Election Operations), Activity 4001 (Voter Registration): *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$47,185 and CSG 14 (Fringe Benefits – Current Personnel) by \$9,390: *total PS increase = \$56,575*

**b. Policy Recommendations**

1. Given the continuing concerns about accessibility of polling sites, the Committee recommends that the Board conduct a substantive review of ADA compliance prior to the next election cycle.
2. The Committee recommends that the Board continue to conduct outreach and to coordinate with DOC to ensure that eligible inmates have a full opportunity to exercise their voting rights. The Committee suggests considering times other than at initial processing to give inmates the opportunity to register to vote.
3. The Committee recommends that the Board conduct a review of voter registrations at designated voter application distribution agencies, such as the Department of Human Services, and consider whether there are ways to increase registration at these sites.

## C. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

The Board of Ethics and Government Accountability (“BEGA”) comprises two offices: the Office of Government Ethics (“OGE”) and the Office of Open Government (“OOG”).

The OGE administers and enforces the District’s Code of Conduct. The OGE issues *sua sponte* and requested advisory opinions relating to the Code of Conduct and the District’s Ethics Manual, provides ethics training to District government employees, receives and reviews public financial disclosure statements from officials and certification statements from Advisory Neighborhood Commissioners, and receives and audits lobbyist registration forms and activity reports.

The OOG enforces the Open Meetings Act (“OMA”), monitors the District’s compliance with the Freedom of Information Act (“FOIA”), and resolves disputes between agencies and the public regarding access to government records. OOG works to ensure that government operations are transparent, open to the public, and promote civic engagement.

#### b. Mayor’s Proposed Fiscal Year 2018 Operating Budget

##### Proposed Operating Budget Summary

The Mayor’s proposed Fiscal Year 2018 budget for the Board of Ethics and Government Accountability is \$2,095,202, an increase of \$35,583, or 1.7%, from the FY 2017 approved budget of \$2,059,619. This funding supports 15.0 FTEs, representing no change from the FY 2017 approved level.

***Local Funds:*** The proposed local funds budget is \$1,945,202, an increase of \$35,583, or 1.9%, from the FY 2017 approved local funds budget of \$1,909,619.

***Special Purpose Revenue Funds:*** The proposed special purpose revenue funds budget is \$150,000, representing no change from the FY 2017 approved level. The special purpose revenue funds budget does not fund any FTEs.

##### Committee Report and Analysis

***Agency Activities:*** In the past year, OGE continued to successfully conduct ethics training for the District government workforce. OGE specifically conducted specialized training on the Local Hatch Act and post-employment restrictions. The

Office continues to be a valuable resource to District agencies as evidenced by increases in ethics trainings conducted, requests for advisory opinions, and OGE's receipt of frequent calls and emails requesting informal ethics advice. The Committee supports OGE's efforts to produce training videos for employees and increase the library of ethics presentations to include specialty topics such as post-employment restrictions.

In FY 2016, OGE conducted 121 trainings to more than 34,000 District government employees, Councilmembers and their staff, board and commission members, Advisory Neighborhood Commissioners, and lobbyists. As of February 2017, OGE had conducted 60 trainings in FY 2017, which projects out to a marked increase in the number of trainings to be conducted over the balance of the fiscal year.

In FY 2016 and FY 2017, to date, OGE has issued eight formal written Advisory Opinions, with six opinions based on requests and two *sua sponte* opinions. Informal ethics advice was given to 690 employees or elected officials who called or emailed during FY 2016 and to 300 employees or elected officials during FY 2017, to date.

In FY 2016 and FY 2017, to date, OGE initiated 89 investigations and closed 76 of the investigations. Nineteen of the 76 closed investigations resulted in negotiated dispositions with fines totaling \$26,258. Enforcement actions concerned matters such as misuse of government resources, violation of the Local Hatch Act, violations of the nepotism prohibitions, and using public office for private gain. OGE collected \$145,150 in lobbyist registration fees and \$8,540 in lobbyist fines.

On October 20, 2016, BEGA held its fifth annual public symposium, entitled "Ethics: Victim of an Outsourced Government?". The symposium was held at the University of the District of Columbia David A. Clarke School of Law, and included panelists OGE Director Darrin Sobin, Attorney General Karl Racine, D.C. Council Chairman Phil Mendelson, and General Counsel to the Mayor Betsy Cavendish. The symposium was preceded by OGE's first Ethics Day, which offered a full day of trainings on government ethics and FOIA. Based on the success of the event, OGE plans to make Ethics Day an annual occurrence.

In February 2016, OOG began to log all requests for formal and informal advice regarding compliance with the OMA and FOIA. As of February 2017, OOG had answered nearly 400 requests for advice from agencies, public bodies, the public, and non-profit entities on issues such as the proper application of FOIA law, guidance on how to submit a FOIA request, proper OMA protocols, and other technical advice.

In addition to providing legal and technical advice, OOG has worked collaboratively with the Mayor's Office of Talent and Appointments and the Mayor's Office of Legal Counsel to conduct OMA trainings of newly sworn public body

members and yearly trainings for FOIA officers. OOG has also conducted trainings upon request by public bodies, agencies, and entities. Over the past fiscal year, OOG has conducted 26 OMA trainings for more than 100 public bodies and 31 FOIA trainings for approximately 30 agencies. The Committee commends OOG for its successful trainings and advice efforts.

***BEGA's Board:*** BEGA's Board recently expanded from a three-member to a five-member Board. At the Committee's budget oversight hearing, Chairperson Robert Spagnoletti testified that this expansion has been helpful in that it allows two members of the Board to discuss matters without constituting a quorum and, thus, requiring an official meeting to be documented. Chairperson Spagnoletti also praised the new members for their fresh perspectives and voices they have brought to the Board.

The Committee would also like to thank Chairperson Spagnoletti for his incredible work at the helm of the agency. Mr. Spagnoletti resigned as Board Chairperson on April 30, 2017. His leadership and guidance have brought much needed stability to and confidence in the enforcement of the District's Code of Conduct, FOIA, and OMA. His approach to growing a newly created agency was transparent and public-facing, and the Committee is truly grateful for his service.

***Agency Budget Needs:*** During the Committee's budget oversight hearing, Chairperson Spagnoletti testified that there are two anticipated spending pressures he foresees for BEGA in the upcoming fiscal year. The first relates to BEGA's electronic filing system, which is extremely outdated. He expressed great concern about any legislation increasing reporting requirements because the system would be unable to handle any added pressure. He testified that, last year, BEGA had to request funding from the Office of the Chief Technology Officer because the system crashed. This is likely to reoccur this year if the system is not overhauled, which the Chairperson estimated would require \$250,000 this year to begin the project and approximately \$960,000 over the financial plan. It is the Committee's understanding that these funds will be reprogrammed by the Executive in FY17.

Chairperson Spagnoletti testified that the second spending pressure for the agency relates to insufficient personnel available to respond to requests for advice. Currently, BEGA relies on one person, which the Chairperson stated is insufficient. BEGA, therefore, requires an additional administrative FTE for their e-filing and disclosure needs. The Committee has identified \$80,498 for the salary and fringe associated with this FTE.

Attorney Advisor Johnnie Barton testified at the Committee's budget oversight hearing on behalf of OOG Director Traci Hughes. Mr. Barton testified about three spending pressures specifically affecting OOG. The first relates to an enhancement request for \$20,000 to cover the salary increase given to Legal Service personnel. Mr.

Barton alleged that the OOG currently has one such Legal Service FTE that would benefit from this increase. The second relates to an enhancement request for \$43,000 in nonpersonal services funds, which would be used for office-related expenses. These expenses include funding for equipment, conference travel, relevant professional memberships, continuing legal education courses, and legal costs to outside counsel for any enforcement actions. The increase would also cover software and printing materials for marketing. The third relates to an enhancement request for an additional \$15,000 in nonpersonal services funds to cover all operational expenses charged to OOG by OGE, including for printer toner, paper, OCTO maintenance, a copy of the Westlaw D.C. Code, and a Lexis Advance subscription. The Committee has identified \$58,000 for these requests.

***Budget Support Act:*** As discussed in Section IV(B) of the Committee's Report below, the Committee is recommending a new subtitle for inclusion in the Fiscal Year 2018 Budget Support Act of 2017. The subtitle would provide the Office of Open Government with independent budget authority from the Office of Government Ethics. The Committee believes that the two should be co-equal.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

1. *Increase* FTEs by 2, and create 2 new positions with the accompanying local funds as follows:
  - a. Administrative Support: create a new position in Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics): *increase* CSG 11 (Regular Pay – Continuing Full Time) by \$67,419 and CSG 14 (Fringe Benefits – Current Personnel) by \$13,079: *total PS increase = \$80,498*
  - b. Administrative Support: create a new position in Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$37,488 and CSG 14 (Fringe Benefits – Current Personnel) by \$7,531: *total PS increase = \$45,019*
2. *Increase* CSG 20 (Supplies and Materials), Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics), by \$50,000 in one-time local funds for upgrades to the e-filing system to fund the Council Financial Disclosure Amendment Act of 2016 (D.C. Law 21-240).
3. *Increase* CSG 20 (Supplies and Materials), Program 1000 (Office of Open Government), Activity 1100 (Office of Open Government), by \$58,000 in local funds for nonpersonal services needs of the Office of Open Government.

**b. Policy Recommendations**

1. The Committee recommends that the Mayor reprogram funds to support the overhaul of BEGA's electronic filing system.

## **D. COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

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

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

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

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

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s FY 2018 proposed budget for the Commission on Judicial Disabilities and Tenure is \$310,000, which represents level funding from FY 2017. This funding would support 2.0 FTEs, which represents level funding from FY 2017.

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

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

***Agency Activities:*** The Commission met 11 times during FY 2016 for scheduled meetings. The Commission’s staff also responded to more than 100 requests for information from the Bar and the public. During the Committee’s performance oversight hearing, CJDT’s Chair, Jeannine Sanford, noted that, in FY 2016, the agency received 55 complaints. CJDT dismissed 23 matters for lack of



jurisdiction and 3 matters for lack of merit. The agency investigated 27 matters and then dismissed 13 complaints for lack of jurisdiction and 14 complaints for lack of merit. CJDT indicated that there were two complaints pending at the end of FY 2016 that were dismissed for lack of jurisdiction shortly after the beginning of FY 2017.

Since the beginning of FY 2017, CJDT has received 40 complaints and conducted 23 misconduct investigations. In 15 cases, the Commission determined after the initial review that no further inquiry was warranted, of which it dismissed 12 complaints for lack of jurisdiction and 3 matters for lack of merit. Of the 23 matters investigated, 14 complaints were dismissed after investigation for lack of jurisdiction, and 3 were dismissed after investigation for lack of merit. Six complaints are currently pending. Additionally, the agency testified that one judge is being considered for reappointment.

**Table 1: Commission on Judicial Disabilities & Tenure Activities, FY 2016 and 2017, to Date**

<i>Case Type</i>	<i>FY 2016</i>	<i>FY 2017, To Date</i>
Judicial Misconduct Complaints Reviewed	55	20
Judicial Misconduct Complaints Investigated	27	13
Senior Judge Fitness Reviews Completed	3	7
Associate Judge Reappointment Evaluations	4	1
Involuntary Retirement Proceedings	0	0

*Source: Commission on Judicial Disabilities & Tenure*

**Table 2: Complaint Disposition Summary, FY 2015, 2016, and 2017, To Date**

<i>Complaint Summary</i>	<i>FY 2015</i>	<i>FY 2016</i>	<i>FY 2017, To Date</i>
Complaints Received	79	55	40
Complaints Investigated	30	27	23
Dismissed for Lack of Jurisdiction	47	26	27
Dismissed for Lack of Merit	27	17	6
No Further Action Warranted/Matter Moot	2	0	1
Length of Time Under Review			
a. 30 Days	58	32	23
b. 60 Days	17	13	8
c. 90 Days	1	5	2
d. 120 Days	0	0	1

e. > 120 Days	1	5	0
Resulted in Disciplinary Actions	0	1 <sup>3</sup>	0
Disposed of Informally (Conference or Letter to Judge)	1	0	0
Pending	2	2	6

*Source: Commission on Judicial Disabilities and Tenure*

**Online Survey Development:** According to Chairperson Jeannine Sanford's testimony at the Committee's performance oversight hearing, "In FY16, the Commission developed and implemented online surveys that are accessed through the agency website concerning judicial candidates under consideration for reappointment and senior status. The Commission implemented the survey process due in part to the minimal response it has received in recent years to its solicitation for comments from the legal community and the general public concerning the qualifications and contributions of judges who wish to continue their judicial service. The first round of surveys were completed on January 27, and though the Commission only received a few responses for the judges concerned, there were several detailed comments submitted that the Commission found helpful. The Commission is optimistic that the number of survey responses will increase as more citizens become aware of the survey and realize the convenience of filing comments electronically."

**D.C. Judicial Financial Transparency Act:** This law, enacted in December 2016, statutorily changed the method by which information must be reported, thereby requiring the Commission to develop a new financial report form. The law also requires the Commission to draft a set of filing regulations and instructions for judges, regulations and a form for judges who request a redaction of certain information before the report goes public, and instructions and a form for the public to use when requesting inspection or a copy of a judge's report.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Commission on Judicial Disabilities and Tenure, as proposed by the Mayor.

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<sup>3</sup> This complaint was filed in FY 2015, but the disciplinary action was not resolved and made public until FY 2016.

**b. Policy Recommendations**

1. The Committee recommends that CJDT endeavor to increase the public's awareness of the new online survey process.
2. The Committee recommends that CJDT keep the Committee apprised of the administrative and financial impact on the agency due to the District of Columbia Judicial Financial Transparency Act.

## **E. CORRECTIONS INFORMATION COUNCIL**

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

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

The Corrections Information Council (“CIC”) is an independent monitoring body mandated by the U.S. Congress and the Council to inspect, monitor, and report on the conditions of confinement at facilities where District residents are incarcerated for D.C. Code violations. These facilities include all Federal Bureau of Prison facilities, Department of Corrections (“DOC”) facilities, and contract facilities where District residents are incarcerated. The CIC reports its findings and recommendations on conditions of confinement to the Mayor, the Council, the District’s Congressional representatives, corrections agency heads, and the community.

The CIC’s independent prison monitoring ensures accurate and objective information about the status of specific prisons, jails, and halfway houses, as well as the system as a whole. Through the inspection and reporting process, the CIC provides transparency and knowledge to government officials and the community, allowing for accountability and the reporting of best practices and recommendations, when necessary.

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s Fiscal Year 2018 proposed budget for the Corrections Information Council is \$641,270, an increase of \$143,973, or 29.0%, from the FY 2017 approved budget of \$497,297. The proposed budget supports 7.0 FTEs, which represents an increase of 1.0 FTE from the current fiscal year. CIC’s budget consists entirely of local funds.

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

**Reports:** In July 2013, CIC entered into an MOU with BOP to access federal facilities. In July 2016, CIC renewed this MOU for another 3 years. In FY 2017, CIC conducted inspections of USP Tucson, FCI Allenwood, FCI Hazelton, SFF Hazelton, and FCI Edgefield. CIC also plans to visit several other federal facilities in the coming months, including a supermax facility in Florence, Colorado, where 29 District residents are incarcerated, and a women’s facility in Texas.

In addition to facility inspection reports, CIC has begun researching and writing thematic reports with the goal of providing more information to the

community on issues of particular concern to incarcerated residents. This year, CIC is focusing on two areas: issues facing deaf and hard of hearing inmates and issues facing LGBT inmates. In preparation for these reports, CIC has met with members of these incarcerated populations, has looked at existing litigation and case law on these topics, and has engaged experts across the country to determine best practices.

**Table 1: Agency Reports Published in Fiscal Years 2016 and 2017, To Date**

*Fiscal Year 2017*

State	Report Name	Date Published
AZ	USP <sup>4</sup> Tucson Inspection Report	April 4, 2017
PA	FCI <sup>5</sup> Allenwood Medium Inspection Report	January 7, 2017
WV	FCI Hazelton Inspection Report	October 21, 2016
WV	SFF <sup>6</sup> Hazelton Inspection Report	October 21, 2016
SC	FCI Edgefield Inspection Report	May 12, 2017

*Fiscal Year 2016*

State	Report Name	Date Published
WV	USP Hazelton Inspection Report	September 30, 2016
SC	FCI Bennettsville Inspection Report	June 27, 2016
VA	FCI Petersburg Medium Inspection Report	April 26, 2016
VA	FCI Petersburg Low Inspection Report	April 26, 2016
PA	USP Canaan Inspection Report	January 7, 2016
NY	FCI Otisville Inspection Report	January 7, 2016
CA	USP Victorville Inspection Report	January 7, 2016
CA	FCI Victorville Medium II Inspection Report	January 7, 2016
CA	FCI Victorville Medium I Inspection Report	January 7, 2016
PA	USP Lewisburg Inspection Report	November 5, 2015

*Source: Corrections Information Council*

**Staffing:** Through FY 2016 budget modifications proposed by the Committee, CIC's staff capacity increased by three FTEs, adding an Executive Director and two Program Analysts. For FY 2018, CIC requested an additional FTE to hire a Program Analyst to receive and respond to complaints, questions, and requests from incarcerated residents, their family members, and other concerned citizens. The Mayor's proposed budget includes an increase of \$75,837 for this position. CIC also

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<sup>4</sup> United States Penitentiary

<sup>5</sup> Federal Correctional Institution

<sup>6</sup> Secure Female Facility

continues to explore ways to expand capacity outside of additional FTEs, such as utilizing legal fellows and volunteers.

**Office Space:** The agency's enabling statute states that, "The Mayor shall provide the CIC with adequate office space that is separate and independent from the Department of Corrections."<sup>7</sup> Currently, CIC is located in the Greater Washington Urban League building, 2901 14<sup>th</sup> Street NW, occupying a space that is approximately 600 sq. ft. The program analysts and interns work in a space that is less than 400 sq. ft. and is windowless. The rent for the current space is \$55,000 with an additional \$13,000 for telephone, internet, and VPN services. These funds were included in the Mayor's proposed budget.

When CIC first took occupancy of its current space, the agency had only 2 FTEs. With the office's growth to 7.0 FTEs in FY 2018, the space is no longer adequate. Over the last two years, CIC has been working with the Department of General Services ("DGS") to facilitate a relocation. In FY 2016, DGS identified an appropriate space at 1400 I Street NW, where the Office of Police Complaints is also located. The estimated rent in FY16 for this space was \$123,000 per year. CIC is working with the Office of the Chief Technology Officer ("OCTO") to obtain an estimate on how much it would cost to move CIC's telephones and equipment to a new space. At the Committee's budget oversight hearing, Director Michelle Bonner estimated that the total cost of the move would be \$150,000, with \$123,000 as a recurring cost for rent and the delta as a one-time cost for the move. This would entail a \$95,043 increase for rent in addition to the \$55,000 already allocated in the proposed budget, which the Committee has identified.

**Grants:** CIC plans to apply for grant funding to support special initiatives. The agency has registered with Grants.gov to be ready to apply for grant opportunities as they arise. Additionally, CIC intends to apply for FY 2018 Byrne JAG funding through the Office of Victim Services and Justice Grants when it becomes available in May 2017. CIC is also exploring the creation of a fellowship with the Georgetown University Law Center in which the law school would provide funding for a recent law graduate to work at the agency.

**Pop-Up Think Tanks:** CIC has created events called "pop-up think tanks," which bring together community stakeholders and government officials to think through issues and challenges that affect incarcerated District residents. In FY 2016, CIC held two of these pop-up think tanks, one on family engagement and one on reimaging the Central Treatment Facility ("CTF"). During the CTF event, CIC had conversations with stakeholders about increasing reentry programming, allowing District residents in the custody of out-of-state BOP facilities to be returned to the

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<sup>7</sup> D.C. Official Code § 24-101a(i).

District before they are released into the community, and improving programming in the new jail space. CIC plans to hold two more pop-up think tanks in FY 2017.

**2017 D.C. Prisoner & Reentry Symposium:** On March 10, 2017, CIC and the Public Defender Service (“PDS”) hosted the “2017 D.C. Prisoner and Reentry Symposium: State of our Union” event. Sessions at the event were designed to engage advocates, service providers, agency staff, and policy makers in discussions about reentry issues, including transitioning from incarceration to community, housing, employment and economic opportunity, and parole/community supervised release. Approximately two hundred people attended. CIC received positive feedback from participants and will continue to facilitate discussions on these issues through other forums, such as the pop-up think tanks.

**Budgetary Needs:** In addition to an enhancement for a new office space, CIC requires an additional \$12,000 in nonpersonal services funds, including: \$10,000 for out-of-town travel for site visits to federal facilities where District residents are incarcerated; \$1,000 for printing services; and \$1,000 for professional fees and services for consultants, including correction oversight experts and psychologists. The Committee has identified these funds.

**Governing Board:** In Section 5 of D.C. Law 21-0280, the Omnibus Public Safety and Justice Amendment Act of 2016, the Council expanded the agency’s board from three to five members. This law took effect on April 22, 2017, and the Committee encourages the agency to work with the Mayor’s Office of Talent and Appointments to identify suitable candidates with substantive and lived experience in corrections and returning citizen affairs for the additional two seats.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the Corrections Information Council as proposed by the Mayor, with the following modifications:

1. *Increase* CSG 32 (Rentals – Land and Structures), Program 1000 (Prisoner Well-Being), Activity 1010 (Comprehensive Inspections District Pris), by \$95,043 in local funds for office space rental increases.
2. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Prisoner Well-Being), Activity 1010 (Comprehensive Inspections District Pris), by \$12,000 in local funds for nonpersonal services needs relating to travel, printing services, and consultant services.

**b. Policy Recommendations**

1. The Committee recommends that CIC continue to work with DGS to secure an adequate office space to accommodate the agency's current and future staffing needs.
2. CIC has not issued an annual report since 2015. The Committee recommends that the agency issue an annual report for 2017 and in future years regularly.
3. The Committee encourages the agency to work with the Mayor's Office of Talent and Appointments to identify suitable candidates with substantive and lived experience in corrections and returning citizen affairs for the additional two Governing Board seats.



## **F. CRIMINAL CODE REFORM COMMISSION**

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

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

The mission of the Criminal Code Reform Commission (“CCRC”) is to prepare comprehensive recommendations for the Council and Mayor on how to revise District criminal laws to be clear, consistent, and proportionate. The Commission is a new, independent agency that began operation on October 1, 2016.

The Commission’s statute establishes ten requirements for criminal code reform recommendations, which include: using clear and plain language, reducing unnecessary overlaps and gaps between criminal offenses, and adjusting the penalties and the gradation of offenses to improve their proportionality.<sup>8</sup>

The Commission, which consists of five attorneys, analyzes District law and gathers information on District criminal justice practices, criminal justice practices in other jurisdictions, and best practices recommended by criminal law experts. Based on these sources, the Commission develops draft recommendations, which are circulated to its statutorily-designated Criminal Code Revision Advisory Group (“Advisory Group”). The seven-member Advisory Group is comprised of designees from the Office of the Attorney General for the District of Columbia, the United States Attorney for the District of Columbia, the Director of the Public Defender Service for the District of Columbia, the Deputy Mayor for Public Safety and Justice, the Chairperson of the Council committee with jurisdiction over the Commission, and two D.C. Council appointees from established organizations, including institutions of higher education, devoted to the research and analysis of criminal justices issues.<sup>9</sup> The Advisory Group has a minimum of one month to provide comments on all the Commission’s draft recommendations. The Commissions’ final recommendations will be based on the Advisory Group’s comments and must receive at least majority approval by the Advisory Group.

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s Fiscal Year 2018 proposed budget for the Criminal Code Reform Commission is \$700,905, which reflects no change from the current fiscal year level.

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<sup>8</sup> D.C. Code § 3-152(a).

<sup>9</sup> The designee for the Chairperson of the Council committee with jurisdiction over the Commission and the designee for the Deputy Mayor for Public Safety and Justice are non-voting members of the Advisory Group.

The proposed budget supports 5.0 FTEs, which represents no change from the current fiscal year level. The budget is comprised entirely of local funds.

### **Committee Analysis and Comments**

***Finalizing the Criminal Code Recommendations:*** The Commission's recommendations for code reform will be issued in two major reports. The first report was released on May 5, 2017.<sup>10</sup> Its recommendations included legislative enactment of existing Title 22 of the D.C. Code and recommendations for a number of minor, technical changes to the District's criminal statutes. This first report was accompanied by a bill for the Council's consideration and available statistical information on affected statutes.

The Commission's second major report is planned for release in mid-2018. This report will contain recommendations for reforms to the District's most serious and frequently-sentenced crimes and their penalties. The recommendations will also include general provisions which establish comprehensive, consistent definitions, and rules for established criminal liability. This second part will be accompanied by a detailed commentary explaining how and why the recommended reforms change existing District law, along with relevant statistical information. The Committee is pleased with the work completed by the agency thus far and looks forward to its final report, which will be completed by the end of its statutory mandate on September 30, 2018.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Criminal Code Reform Commission, as proposed by the Mayor.

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<sup>10</sup> See, RC22-0053, "Correspondence from the CCRC - Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes", available at <http://lims.dccouncil.us/Download/38043/RC22-0053-Introduction.pdf>.

## G. CRIMINAL JUSTICE COORDINATING COUNCIL

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

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

By statute, the CJCC’s membership includes the:

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

CJCC operates through the following three divisions:

**Research, Analysis and Evaluation** – enhances the knowledge base of the justice community in the District so that informed decisions and strategic planning occur based on factual information and evaluation of initiatives to determine their value.

**Collaboration and Planning Across Justice Agencies** – provides a structure for joint work by District, federal, and judicial criminal justice and juvenile justice stakeholders toward a stronger and more responsive justice system.

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<sup>11</sup> D.C. Official Code § 22-4233.

**Integrated Information Sharing System** – connects criminal and juvenile justice agencies through technology to share public safety information and to mobilize effectively when responding to issues that extend beyond any one agency.

**b. Mayor's Proposed Fiscal Year 2018 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's FY 2018 proposed budget for CJCC is \$3,544,532, an increase of \$839,463.58, or 31.0%, from the FY 2017 approved budget of \$2,705,068. This funding supports 18.0 FTEs, which represents no change from the current fiscal year level.

**Local Funds:** The Mayor's proposed local funds budget is \$687,123, an increase of \$57,055, or 9.1%, over the FY 2017 approved local funds budget of \$630,068. This funding supports 2.0 FTEs, representing a decrease of .27 FTEs, or 13.5%, over the FY 2017 level of 2.27 FTEs.

**Federal Resources:** The Mayor's proposed federal resources budget is \$2,758,000, an increase of \$758,000, or 37.9% over the FY 2017 approved federal resources budget of \$2,000,000. This funding supports 15.0 FTEs, which is an increase of 0.02 FTEs, or 0.1%, over the FY 2017 approved level of 14.98 FTEs. The proposed federal resources budget is composed of federal payments and grant funding.

**Intra-District Funds:** The Mayor's proposed intra-District funds budget is \$85,000, which represents an increase of \$10,000, or 13.3% over the FY 2017 approved intra-District funds budget of \$75,000. This funding supports 1 FTE, which represents an increase of 0.25 FTEs over the FY 2017 approved level of 0.75 FTEs.

**Committee Analysis and Comments**

CJCC plays a vital role in the planning and coordination of resources and programmatic decisions among the various criminal justice entities in the District. The cornerstones of CJCC's operations are enhancing public safety information sharing, conducting actionable research, providing policy guidance, and facilitating effective technical assistance and training. It is within this framework that CJCC addresses priorities established by the CJCC members.

**Sharing of Evidence- and Community-Based Best Practices:** In 2016, CJCC convened two public meetings focused on enhancing the criminal justice system response for key demographics. At those meetings, the following topics were addressed: "Addressing the Harm: A Community Conversation About Crime Victims, Their Needs, & Effective Criminal Justice System Responses" (April 2016), and "Strategic Focus on Girls and Women in the Criminal Justice System: Creating

Pathways to Promise and Success” (October 2016). In April 2017, CJCC convened its spring public meeting, entitled “Shining Light on an Emerging Threat: Synthetic Opiates in the District of Columbia”. The meeting focused on the growing threat to District communities posed by synthetic opiates. The meeting served as an opportunity to hear first-hand from District leaders on the extent of the synthetic opiate threat, and the meeting was also an open forum for the community to engage in a discussion on District prevention, treatment options, and law enforcement responses. The Committee is pleased that CJCC is prioritizing evidence- and community-based best practices that focus on innovative strategies to address emerging criminal justice issues.

***Justice Information System:*** The Justice Information System (“JUSTIS”) is the District’s Integrated Justice Information System. It continues to be a critical one-stop resource for the exchange of time-sensitive information for members of law enforcement, including the Metropolitan Police Department (“MPD”), and in particular for officers in squad cars and detectives conducting investigations. Federal agencies also employ the system, including the District’s correctional and supervision agencies.

JUSTIS allows law enforcement and criminal justice users to simultaneously view criminal justice-related information from multiple sources. It serves as the District’s mechanism to engage with other regional integrated justice information systems via the Mid-Atlantic Regional Information Sharing initiative (“MARIS”), an emerging justice information sharing effort to promote better public safety in the northeastern Mid-Atlantic region, an important consideration given the density and mobility of the offender populations within these jurisdictions.

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

In FY 2016, CJCC received \$478,000 in additional funds from the Committee to support hardware and software requirements for JUSTIS’ system-to-system exchanges and the information portal. During CJCC’s budget oversight hearing, Director Butler requested an additional \$320,000 to upgrade the BizTalk Enterprise Server, which is integral for the functioning of JUSTIS’ system-to-system exchange. The Committee was able to identify funding to support this software upgrade, which is reflected in the Committee’s budget recommendations below.

***Information Sharing:*** In 2016, CJCC’s information technology staff worked on support for JUSTIS system-to-system exchanges, maintenance and enhancements to the information portal, and improvements to JUSTIS agreements and policies. Notable accomplishments included:

- The Arrest Feed Enhancement project, which will expand the volume of arrest data shared in an automated fashion with law enforcement and criminal justice agencies;
- The Juvenile Papering Project, which will automate the juvenile papering process; and
- The MARIS Initiative, which is a multi-year undertaking to connect JUSTIS with the equivalent data sharing systems for Maryland, Pennsylvania, and Delaware.

Additionally, the FY 2018 proposed budget for CJCC includes a federal grant of \$150,000 to support the Statistical Analysis Center (“SAC”) in its efforts to develop and implement the Justice Statistics Tool (“JSAT”). JSAT is an automated mechanism to collect and analyze key system-wide data to inform justice system research questions. The Committee looks forward to completion of this project as well as other projects focused on enhancing information sharing and interagency collaboration.

***Policy and Training:*** Over the past couple of years, CJCC has worked with local and federal partners under the Combatting Violent Crime Workgroup to establish a baseline for the District’s submissions to the National Crime Information Center (“NCIC”), the Interstate Identification Index (“III”), and the National Instant Criminal Background Check System (“NICS”).

CJCC has also continued to facilitate interagency GunStat sessions, which track gun cases as they progress through the criminal justice system.

In September 2016, the agency and 12 local and federal partners held the District’s third Safe Surrender Initiative. Safe Surrender provides individuals with low-level bench warrants the opportunity to address their unresolved legal matter in an expedited fashion.

On March 22, 2017, CJCC convened its first annual Criminal Justice Summit at Georgetown University School of Continuing Studies. The Summit included interactive sessions on implicit bias and policing. The Committee looks forward to additional training workshops, programs, and meetings in FY 2018.

***Actionable Research:*** In FY 2016, the SAC – the unit within CJCC responsible for independent analysis and research relating to juvenile and criminal justice systems – worked with partners to strengthen systemic data collection and research. With the support of its advisory body, the CJCC Interagency Research Advisory Committee, the SAC produced a significant number of reports and analyses, including:

- Finalized trend analysis on the socioeconomic, safety, and justice statistics for the Public Safety and Justice Report (2009-2014);
- Published briefs on the following topics: New Psychoactive Substances, Restorative Justice, Super Utilizers, and Justice-System Involved Individuals;
- Provided ongoing research and data analysis for CJCC priority areas, including the Juvenile Justice Committee/Juvenile Detention Alternatives Initiative, Truancy Data, and Combating Gun Violence/Warrants/GunStat subcommittees; and
- Convened the Bridging Research to Practice Series, which serves as a vehicle for justice stakeholders to gain knowledge on best and innovative practices in emerging and pressing public safety issues.

This year, the SAC will commission the Youth Rehabilitation Act Study, the Custodial Population Study, and the Root Causes of Youth Crime Report, which are described in more detail below.

***Custodial Population Study:*** In FY 2016, the Committee identified \$150,000 for the completion of a comprehensive study on the D.C. Jail population. The goal of the study is to conduct a quantitative and qualitative analysis of the custodial populations in the Department of Corrections (“DOC”) facilities for the purpose of ensuring that DOC facilities are maximizing the potential for utilization of effective reentry practices and opportunities to support returning citizens. CJCC has engaged the Justice Research and Statistics Association (“JRSA”) and the Moss Group, Inc. to conduct the study. Below is the anticipated timeline for completion of the study:

- December 15, 2016 – Literature Review and Summary;
- March 3, 2017, to September 9, 2017 – Conduct focus groups and stakeholder interviews;
- May 1, 2017 – Analysis of custodial data provided by DOC;
- June 15, 2017 – Review and analyze focus group data;
- June 30, 2017 – Draft strategies based on custodial analysis;
- August 30, 2017 – Draft report; and
- September 30, 2017 – Complete final report.<sup>12</sup>

The Committee looks forward to the completion of this study in FY 2017, as it will provide useful recommendations for the improvement of the District’s reentry services and provide context for the consideration of a new Jail facility.

***Youth Rehabilitation Act Study:*** In December 2016, Chairperson Allen requested that CJCC review the Youth Rehabilitation Act (“YRA”). This request

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<sup>12</sup> See, “The Custodial Population Study: Seeking Alignment between Evidence-Based Practices and Jail-Based Reentry Services”, April 6, 2017, Stakeholder Session, on file with the Committee.

included questions surrounding the application of the YRA, the number of individuals who have received the benefit of the YRA, the recidivism rates for individuals who have benefited from the YRA, and the availability of rehabilitative programming in the District.<sup>13</sup> Shortly thereafter, Mayor Bowser requested that the CJCC conduct an assessment of several questions related to the YRA.<sup>14</sup> First, she asked the CJCC to provide information on how the YRA is utilized in the District. Second, she requested that CJCC evaluate recidivism for those who have received the benefit of the YRA. Finally, she asked whether or not rehabilitative programming offered to YRA recipients leads to successful outcomes. The requested assessment will be completed by July 2017. The Committee looks forward to the analysis, as it will inform recommendations for enhancing rehabilitative programming and services for youth offenders and victims in the District.

The Committee moved rapidly in the new Council Period to hold a hearing on this topic before the performance and budget oversight process began. On February 9, 2017, the Committee held a hearing entitled, “Sentencing in the District of Columbia: Agency Roles and Responsibilities”.<sup>15</sup> The hearing focused on improving the efficacy of the YRA as well as the roles of the different players in our criminal justice system and how they work together to improve public safety. More than thirty witnesses testified at the hearing, which lasted for more than eight hours. The Committee intends to introduce legislation related to this topic in the near future.

***Comprehensive Youth Justice Study:*** Bill 21-0683, “the Comprehensive Youth Justice Amendment Act of 2016”, requires CJCC to submit a report to the Mayor and the Council every two years that addresses the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth.<sup>16</sup> The CJCC will hire a statistician and contract with a research assistant and legal consultant to produce the report every two years. In order to complete the study as required by the legislation, CJCC requires an additional \$217,659 in recurring dollars in FY 2018.

***Human Trafficking Data Collection:*** Bill 18-0070, the “Prohibition Against Human Trafficking Act of 2010”, requires the District to collect statistical data related to human trafficking, including demographic information, as well as information related to arrests and prosecutions.<sup>17</sup> It also requires a published report

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<sup>13</sup> See, Councilmember Allen’s Letter to the Criminal Justice Coordinating Council on the Youth Rehabilitation Act (December 22, 2016), on file with the Committee.

<sup>14</sup> See, D.C. Code §§ 24-901-907.

<sup>15</sup> See, Hearing Record for Committee on the Judiciary and Public Safety February 9, 2017, Public Hearing on “Sentencing in the District of Columbia: Agency Roles and Responsibilities”, <http://lims.dccouncil.us/Download/37501/HR22-0003-HearingRecord.pdf>.

<sup>16</sup> D.C. Law 21-0238, Comprehensive Youth Justice Amendment Act of 2016, § 304, <http://lims.dccouncil.us/Download/35539/B21-0683-SignedAct.pdf>.

<sup>17</sup> See, Bill 18-0070, the “Prohibition Against Human Trafficking Act of 2010”, available at <http://lims.dccouncil.us/Download/22225/B18-0070-SignedAct.pdf>.



every 36 months on the statistical information collected. The Fiscal Impact Statement identifies CJCC as the implementing agency for this section of the legislation. Therefore, the Committee has allocated the \$13,000 needed to fund the data collection required by this section of the act.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Criminal Justice Coordinating Council, as proposed by the Mayor, with the following modifications:

1. *Increase* FTEs by 1, and create a new position with the accompanying local funds as follows to fund the root causes of youth crime report required by Section 304 of the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21-0238):
  - a. Statistician: create a new position in Program 1000 (Research, Analysis, and Evaluation), Activity 1010 (Research and Analysis (Fed)): *increase* CSG 12 (Regular Pay – Other) by \$120,324 and CSG 14 (Fringe Benefits – Current Personnel) by \$20,335: *total PS increase = \$140,659*
2. *Increase* CSG 41 (Contractual Services – Other), Program 1000 (Research, Analysis, and Evaluation), Activity 1010 (Research and Analysis (Fed)), by \$77,000 in local funds to contract with a research assistant and legal consultant to fund the root causes of youth crime report required by Section 304 of the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21-0238).
3. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Research, Analysis, and Evaluation), Activity 1010 (Research and Analysis (Fed)), by \$13,000 to fund the data collection related to human trafficking required by Section 111 of the Prohibition Against Human Trafficking Amendment Act of 2010 (D.C. Law 18-0239).
4. *Increase* CSG 70 (Equipment and Equipment Rental), Program 3000 (Integrated Information System), Activity 3010 (JUSTIS), by \$320,000 in one-time funds for JUSTIS upgrades.

### **b. Policy Recommendations**

1. The Committee recommends that CJCC consider conducting a feasibility study on the use of Risk Terrain Modeling (RTM) in the District. On May 10, 2017,

CJCC held a Bridging Research to Practice Series on the theoretical underpinnings of RTM and how localities, including New York City and Atlantic City, have used the model to influence decision making and improve public safety. The premise of Risk Terrain Modeling is that certain places have particular features that, when combined in particular groupings create an environment in which crime becomes more likely to occur. The Committee believes that such an analysis will provide more insight into how the District can leverage this model to help mitigate risk and improve public safety.

2. The Committee recommends that CJCC consider an analysis of violence interruption models nationwide. While the District has implemented legislation taking a public health approach to combatting violent crime, there may be strategies used in other localities that warrant consideration.

## H. DEPARTMENT OF CORRECTIONS

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

The mission of the Department of Corrections (“DOC”) is to provide a safe, secure, and orderly environment for the confinement of pretrial detainees and sentenced inmates, while affording those in custody meaningful rehabilitative opportunities that will assist them in constructively re-integrating into the community. DOC operates the Central Detention Facility (“CDF”) and, as of February 2017, the Correctional Treatment Facility (“CTF”), the operations of which had previously been contracted out to the Corrections Corporation of America (“CCA”). CDF houses an all-male population comprised of individuals awaiting adjudication of cases or who are sentenced to misdemeanor offenses. It is also a holding space for sentenced felons awaiting transfer to a federal prison. CTF is a specialized medium security institution, which houses females and juveniles charged as adults. Both facilities are accredited by the American Correctional Association and the National Commission on Correctional Healthcare. DOC operates as the largest municipal jail systems in the country with an average daily population of 1,700 inmates. Of those in custody, 93 percent are male and 7 percent are female. As of the end of April 2017, approximately 56% of inmates in DOC custody have one or more outstanding legal matters that require detention, and the median length of stay for inmates is 21 days or less.

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

DOC’s operations are distributed across three divisions: The **Office of the Director** provides overall leadership and formulates measurable goals and objectives to carry out the mission of DOC. This office represents the agency on performance and management accountability, fiscal matters, legal and regulatory compliance, and legislative matters. The **Office of the Deputy Director for Operations** oversees day-to-day operations that affect the safety, security, and order of the facilities and provision of programs and services for inmates. It handles inmate records, agency accreditation, compliance functions, and training. Finally, the **Office of the Deputy**

**Director for Management Support** oversees ancillary functions that support direct line operations focusing on the care and custody of inmates.

**b. Mayor's Proposed Fiscal Year 2018 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's Fiscal Year 2018 proposed budget for the Department of Corrections is \$147,333,829, an increase of \$410,563, or 0.3%, from the FY 2017 approved budget of \$146,923,266. The proposed budget supports 1,254.0 FTEs, which represents an increase of 92 FTEs, or 7.9%, from the current fiscal year approved level of 1,162.0 FTEs.

***Local Funds:*** The Mayor's proposed budget is \$125,795,065, a decrease of \$609,075, or -0.5%, from the FY 2017 approved budget. This funding supports 1,012 FTEs, which represents an increase of 91.8 FTEs from the FY 2017 approved level of 920.2 FTEs.

***Special Purpose Revenue Funds:*** The Mayor's proposed budget is \$21,111,206, an increase of \$943,233, or 4.7%, from the FY 2017 approved budget. This funding supports 240 FTEs, which does not represent a change from the FY 2017 approved level.

***Intra-District Funds:*** The Mayor's proposed budget is \$427,558, an increase of \$76,405, or 21.8%, from the FY 2017 approved budget. This funding supports 2 FTEs, which represents an increase of 0.2 FTEs from the FY 2017 approved level of 1.8 FTEs.

**Committee Analysis and Comments**

***CTF Transition:*** The DOC contract with CCA to operate and maintain the CTF ended on January 31, 2017. On February 1, 2017, DOC assumed direct and permanent operation and management of the facility. Thus far, there has been no interruption in operations or services. DOC worked with CCA to enable a smooth changeover of current CCA contract employees to DOC FTEs. DOC offered 176 CCA employees contingent offers to transition to DOC employment, 161 of whom accepted. In light of the transition, the Mayor's budget for FY 2017 included a one-time enhancement of \$5.9 million in local funds. This enhancement included 19 FTEs; equipment and leases; materials and supplies; contractual services; and other services. The proposed FY 2018 budget removes this one-time funding as it was only necessary for the transition, and DOC projects cost-savings as a result of the transition.

*Cost Savings* - Based on the FY 2017 and FY 2018 budgets, DOC projects that the CTF transition will yield a net savings and cost avoidance of \$7.62 million in FY 2018, which is within the \$4 to \$9 million savings range predicted by DOC in early 2016. Overall, while the investment is slightly higher than originally projected in FY 2017 (higher actual personnel costs that carry forward in subsequent years), and the savings will therefore be slightly lower in FY 2018, the transition does better than break even in the second year, and DOC projects that the savings enjoyed in FY 2018 will continue in subsequent years.

*Benefits* - There are numerous benefits associated with DOC's assumption of CTF operation and management. With the public control, rather than private contracting, of the facility, Council oversight can be more direct and less attenuated. In addition, the transition allows DOC to provide program-focused supervision, deploy staff across facilities with flexibility, and implement uniform policies across facilities. Among other benefits, the inmate population may be redistributed to fully utilize the CTF, which will enable DOC to provide increased out-of-cell time to inmates in restrictive housing. Further, DOC has identified enhanced opportunities within the areas of individual assessment, rehabilitative and wellness services, and reentry and life skills programs. Such opportunities include: education, risks, skills, and needs assessments; post-release linkages; substance abuse treatment short-term programs; apprenticeships; domestic violence prevention; and parenting and vocational training. Additionally, the transition allows unused space at CTF to be used to bring inmates currently housed in federal prisons before their release dates or for keeping younger inmates, aged 18-24, close to home. The agency had intended to enter into a Memorandum of Understanding with the Bureau of Prisons to bring out-of-state inmates back to the District six to nine months prior to their release dates in order to facilitate more successful reentry, but there was no movement on this front in FY 2016 or FY 2017, to date.

***Portal of Entry Program:*** The FY 2018 proposed budget for DOC funds a new "Portal of Entry" program, which aims to connect returning citizens to critical resources that can help reduce recidivism. The Portal will offer single location-access to services from several District agencies, including: DOC, the Department of Human Services ("DHS"), the Department of Behavioral Health ("DBH"), the Department of Motor Vehicles ("DMV"), the Office on Returning Citizen Affairs ("ORCA"), and the Department of Employment Services ("DOES"). The initial phase of the Portal will serve pretrial misdemeanants, sentenced misdemeanants, pretrial felons, sentenced felons, parole violators, and individuals with writs/holds, or any other legal status, released from DOC.

The Portal, as envisioned, will be a physical office to which individuals can be transported upon release from DOC custody. At the office, individuals will be assigned a case manager, who will conduct a risk and needs assessment of the individual. The returning citizen will have immediate access to all District agency

services recommended by his or her case manager in the assessment. This office will be open from 9:00 a.m. to 5:00 p.m., Monday through Friday, and will serve approximately 365 returning citizens each month.

The Portal will have a Program Director who is responsible for day-to-day operations. This person will be selected after interviews are conducted with each of the Portal’s partner agencies. DOC has informed the Committee that the finalized reporting structure for the Portal will be a product of “collective planning,” which will incorporate input from government stakeholders, community partners, and individuals. DOC has also told the Committee that it will be working with the Office of the City Administrator’s Performance Management Team to develop metrics for the success of the Portal and to track critical data to assess and refine the program beyond its initial phase.

**Table 1: FTEs and Funding for Portal of Entry Program by Agency**

<i><b>Portal Partner Agency</b></i>	<i><b>FTE Count</b></i>	<i><b>Agency Role at the Portal</b></i>	<i><b>FY 2018 Budget</b></i>
DOC	5	Case management services and technical support to ORCA and other Portal partners	\$1,100,480
DHS	4	Enrollment and eligibility services, SNAP employment, and training services	\$500,000
DBH	3	Mental health assessments, referral services, and case management support	\$350,000
DMV	1	Driver licenses and ID card services	\$50,000
DOES	1	Workforce development assistance	\$65,000
DGS	0	Build-out of Portal physical location	\$276,000
<b>Total</b>	<b>14</b>		<b>\$2,341,480</b>

*Source: Office of the Deputy Mayor of Public Safety and Justice*

The Committee supports reentry programs such as this one and commends DOC for its commitment to reentry issues. However, the Committee is concerned about several matters relating to this program. First, the program as it stands lacks a reporting structure and a detailed plan for measuring the program’s success. Importantly, it is not clear to the Committee to whom the Program Director will be accountable — whether to the Deputy Mayor for Public Safety and Justice or Director Booth. At this juncture, according to DOC, there is no finalized reporting structure and no metrics for success in place. The Committee recognizes that these structures may still be in the planning phase, but it strongly recommends that both be finalized as soon as possible. Second, the Committee has heard from members of the returning

citizen community that this community was not consulted in the development of this program. The Committee is concerned that the community to be served by the Portal does not support the program. The Committee recommends reaching out to members of the returning citizen community and engaging in discussions with them about their concerns with the Portal. Lastly, the Committee is concerned about the extent to which the Office on Returning Citizen Affairs will or will not be integrated into the Portal.

The Committee will conduct oversight of the program through the Office of the Deputy Mayor for Public Safety and Justice and the Department of Corrections.

***Construction of a New Jail:*** The existing DOC facilities are outdated, inefficient, ill-conceived, and lacking in programmatic space. As a result, the Office of Public-Private Partnerships (“OP3”) is seeking the design, build, finance, and maintenance (“DBFM”) of a new corrections complex that consolidates the existing CTF and CDF. The new facility is planned to include various support services and inmate programs, including mental health counseling, substance abuse treatment, adult education, job training, recreation, health care, food services, work assignments, and religious opportunities. DOC’s administrative offices, currently located off-site, would be moved into the new facility to allow for more efficient operations. Given the large impact of this project, the Committee expects that the Executive will actively engage stakeholders and community members in the planning process of the new facility.

In FY 2016, the Committee included \$150,000 in the Criminal Justice Coordinating Council (“CJCC”) budget for the completion of a comprehensive study on the D.C. Jail population. The goal of the study is to conduct a quantitative and qualitative analysis of the custodial populations in DOC facilities to ensure that the facilities are maximizing the potential for effective reentry and supportive services for inmates. The Committee looks forward to the completion of this study in FY 2017, as it will provide useful recommendations for the improvement of DOC’s reentry programs. The Committee recommends that DOC review this study and use it, along with community input, to plan programmatic offerings for the new jail facility.

***HVAC Issues:*** In the summer of 2016, the D.C. Jail’s aging HVAC system struggled to combat elevated temperatures during a heat wave. As an immediate response, DOC set up industrial fans, offered inmates ice and cold drinks, let inmates take additional showers, and provided accommodations for inmates with medical conditions. Many inmates had to be temporarily moved to CTF or relocated to other parts of the jail. In the long term, DOC is working collaboratively with the Department of General Services (“DGS”) to improve the facility’s airflow and circulation system issues. The Committee will continue to conduct oversight to ensure that temperatures remain at appropriate levels at the D.C. Jail complex this summer. DOC’s capital plan includes \$2,000,000 in FY 2019 and \$1,000,000 in FY 2020, as

well as \$2,000,000 in FY 2018 to upgrade and reconfigure the power source to support a new HVAC system.

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

In seeking to address the unique needs of the juvenile population, a DOC Treatment Team meets every Thursday on a weekly basis to assess progress and determine most effective programming and treatment options for each youth on the C4B Juvenile Unit. The Team consists of Program Manager, Case Manager, DCPS staff, DOC Operation Staff and Mental Health Staff. The Program staff is currently in the process of hiring a Social Worker to work in conjunction with the mental health clinicians to ensure the juveniles on Unit C4B are receiving an appropriate level of mental health services. In addition, DOC has contact (touch) visits for family members on holiday and special occasions. Juveniles on the "Gold Tier Level" earn the incentive of additional contact (touch) visits each month.



The numbers of juveniles in DOC facilities from 2016 and 2017, to date, are as follows:

**Table 2: Number of Juveniles in DOC Facilities, 2016 and 2017, To Date**

<i><b>Month</b></i>	<i><b>Juveniles</b></i>
Jan-16	28
Feb-16	24
Mar-16	23
Apr-16	21
May-16	21
Jun-16	22
Jul-16	26
Aug-16	23
Sep-16	24
Oct-16	24
Nov-16	23
Dec-16	26
Jan-17	22
Feb-17	25
Mar-17	22
Apr-17	17

*Source: Department of Corrections*

D.C. Law 21-0238, the “Comprehensive Youth Justice Amendment Act of 2016”, became effective on April 4, 2017. In part, the law prohibits room confinement for juveniles unless as a response to behavior that threatens imminent harm to the juvenile or to others or imminent danger to the safe or secure operations of the facility. Room confinement can be used only if there is no other reasonable means to address the threat, only for the time period necessary to do so, and in no case for longer than 6 hours. The law also requires that juveniles placed in room confinement must receive a mental health screening after one hour in room confinement and must be provided mental health services if necessary. Each instance of room confinement will be documented, and aggregated statistics will be reported to the Mayor and the Council. This component of the law was not subject to appropriations. The law also provides for a change in the custody of detained individuals under the age of 18 from DOC to the Department of Youth Rehabilitation Services (“DYRS”) by October 1, 2018. Although the Committee was unable to identify funding for this piece in the FY 2018 proposed budget, it will be revisited in FY 2019. As discussed in the Office of the Attorney General chapter of this report, the Committee is funding other pieces of the law in this year’s budget, including the Victim-Offender Mediation Pilot Program, which is a restorative justice approach that provides victims an opportunity to meet

the offender, engage in a mediated discussion of the crime, and develop a restitution plan.

***Restrictive Housing:*** DOC has stated its commitment to safely reducing the use of restrictive housing and ensuring that when it is used, that it be in the least restrictive manner necessary. The agency has recently outlined initiatives – short-, medium-, and long-term – to update DOC’s restrictive housing practices and policies.

DOC operates three types of restrictive housing:

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

- *Protective Custody* - a designation assigned to an inmate requesting or requiring protection from other inmates for reasons of health or safety.

- *Special Handling/Restricted Release* - a designation assigned to an inmate who requires heightened security measures due to a documented history of high-profile cases, escapes, or attempted escapes, by documented assaultive and/or disruptive behavior, or by court order.

- *Total Separation* - a designation that requires total separation from all other inmates for all out-of-cell activities. Inmates shall only be designated as Total Separation after receipt of a court order.

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

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

Over the last year, DOC has made several significant modifications to its restrictive housing policy,<sup>18</sup> including:

- DOC has replaced the term “segregation” with the term “restrictive housing”.

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<sup>18</sup> On August 10, 2016, former Director Faust signed Program Manual 5300.1G, Inmate Disciplinary and Administrative Housing Hearing Procedures, replacing the previously existing March 2012 policy.

- DOC does not place inmates with acute or serious and persistent mental health conditions in restrictive housing.
- The maximum sanction is no more than 30 days for all violations arising out of an incident. The former maximum sanction was 60 days.
- Inmates are allowed 2 hours out-of-cell time for activities, 5 days per week. The former policy allowed only 1 hour, 5 times a week. DOC plans to increase the number of days a week to 7.
- Inmates are no longer placed in restrictive housing solely for being a “high profile” inmate.
- Class III and Class IV infractions are combined and can be sanctioned with loss of social visits, loss of work assignment, extra duty, and/or loss of telephone and canteen purchase privileges. Formerly, these offenses could be sanctioned with restrictive housing of up to 10 (Class III) or 7 (Class IV) days.
- DOC significantly reduced the use of restrictive housing for juveniles, and instituted the use of “quiet rooms” for no more than 3 hours each day.
- DOC eliminated the use of restrictive housing for pregnant inmates.
- DOC increased programming in the restrictive housing units to include activities such as reading, religious services, bible study, prayer, and spiritual counseling.

The number and average age of inmates housed in each category of restrictive housing as of May 8, 2017, are as follows:

**Table 3: Inmates Housed in Restrictive Housing as of May 8, 2017, by Number of Inmates and Average Age**

<i><b>Restrictive Housing Type</b></i>	<i><b>Inmates</b></i>	<i><b>Average Age</b></i>
Administrative	24	26
Disciplinary	29	27
Protective Custody	113	30
Court-Ordered Total Separation	2	25
<b>Total</b>	<b>168</b>	<b>29</b>

*Source: Department of Corrections*

**Step Down Unit:** In May 2016, DOC began operation of a specialized step down unit at the CDF.<sup>19</sup> The step down unit is a nine-week residential treatment program that offers an intermediate level of care to those with serious mental illness. The goal of the program is to provide a therapeutic community in order to maximize an inmate’s functional capabilities and minimize the potential for relapse or the need

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<sup>19</sup> Former Director Thomas Faust signed Policy and Procedure 6000.3, Step-Down Unit, effective April 29, 2016.

for more acute care. The program focuses on preparing inmates to successfully transfer back to the general population and eventually back into the community.

While in the step down unit, inmates have access to an interdisciplinary treatment team, members of whom are responsible for developing, implementing, and overseeing the inmates' clinical and non-clinical care. The team develops a treatment plan that outlines transition goals and services for the patient based on individual needs, strengths, skills, and interests. Structured activities occur 10 hours per week and consist of treatment team meetings and facilitated groups, individual sessions, and detailed work centered on inmates' treatment plans. Unstructured activities also occur 10 hours per week and consist of television, exercise classes, outside recreation, video visitation, telephone calls, showers, and other activities. Upon discharge from the program, inmates are provided with a personalized care plan outlining treatments and services to support self-care.

The first four graduates of the program entered general custody housing in September 2016. Since the program's inception, between 50 and 60 inmates have participated. There are currently approximately 15 inmates enrolled. The success of the program has been measured by how the inmates assimilate back into the general population after graduation. The Committee will continue to track the implementation and progress of the step down unit.

**NEAR Act Good Time Credits:** Effective in June of 2016, the Neighborhood Engagement Achieves Results Act ("NEAR Act") allows inmates convicted of misdemeanors to earn a maximum of 10 credits per month for good behavior and participation in rehabilitation programs, rather than 8 credits.<sup>20</sup> One credit is equal to a full day of reduction in a sentence. To date, 21 inmates at CTF and 8 inmates at CDF have taken advantage of this change in the law. The Committee hopes to see the number of participating inmates increase in the remainder of FY 2017 and FY 2018.

**Work Release:** Prior to the passage of the NEAR Act, pretrial defendants were prohibited from being released for work or schooling when housed in the CDF or CTF. Section 401 of the NEAR Act allows pretrial defendants to return to custody for specified hours following release for employment, schooling, or other limited purposes.<sup>21</sup> A total of 12 inmates have thus far participated in the daily work release program. One participant was ordered to the program in order to continue and complete his high school education. The remaining 11 participants have continued their employment while under DOC custody.

**D.C. Jail Library:** In March 2015, the DC Public Library System ("DCPL") opened its first location in the CDF, introducing inmates to books and programming.

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<sup>20</sup> The Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016, § 501 (D.C. Law 21-0125), <http://lims.dccouncil.us/Download/34496/B21-0360-Enrollment.pdf>.

<sup>21</sup> *Id.* at § 401.

DCPL offers inmates a full array of reading and learning resources, engaging them in various reading activities. The library is intended to make inmates more literate and employable, helping to transition from using the jail's library to the libraries in neighborhoods upon release. DCPL covers its own operational costs, which includes a full-time librarian.

In the program's first year, 1,100 inmates checked out 4,600 books. In FY 2017, to date, 2,020 inmates have checked out 5,942 books, and 671 library cards have been issued. In this fiscal year, DCPL has also purchased approximately 2,000 new items for the jail, bringing the collection total to an estimated 10,000 volumes. In late April 2017, DOC and DCPL partnered to expand library service to CTF. To achieve this, DCPL is re-deploying one FTE from MLK Library while that location is closed for modernization. This FTE will return to MLK when that branch re-opens, which is expected to occur in 2020. At that time, DCPL will require an additional FTE to continue library operations at CTF.

**c. Mayor's Proposed Fiscal Year 2018-2023 Capital Budget**

The Mayor's Fiscal Year 2018-2023 proposed capital budget includes capital allotments for the Department of Corrections as follows:

- Project No. MA220 (Emergency Power Systems Upgrades): \$2,000,000 in FY 2018;
- Project No. CR104 (HVAC Replacement): \$2,000,000 in FY 2019 and \$1,000,000 in FY 2020; and
- Project No. CGN04 (Window Replacement (Administration Unit)): \$2,500,000 in FY 2020.

**Committee Analysis and Comments**

***Emergency Power Systems Upgrades:*** In order to provide proper backup in the event of power failure in CDF, an additional new generator, new automatic transfer switches, and a reconfiguration of the electrical power system in the facility are urgently needed. Under this project, the electrical distribution in the facility will be reconfigured so that the three existing generators support all loads except the four chillers and the associated pumps and cooling towers. New automatic transfer switches and panels will replace the old ones. A new generator with approximately 1300 KVA rated capacity will be installed in the penthouse and it will be configured to support the four chillers and their associated equipment.

***HVAC Replacement:*** The proposed capital budget allots \$2,000,000 in FY 2019 and \$1,000,000 in FY 2020 for HVAC replacement. FY 2018 funding for the emergency power upgrade is tied directly to the HVAC replacement. In order to move forward with the HVAC replacement, DOC first needs to upgrade and reconfigure the

power source for the new system. Thus, the two projects are actually two parts of the same project.

***Window Replacement:*** At the Committee's budget oversight hearing, Acting Director Booth was questioned by the Committee about the \$2.5 million allocated in FY 2020 for window replacement at the D.C. Jail. Acting Director Booth testified that these funds were proposed prior to the announcement of the plan to build a new facility. Since there will be a new building, funding for window replacement at the current facility is unnecessary. For this reason, the Committee is transferring these funds to the Committee on the Transportation & the Environment for the Department of General Services for the Eastern Market Metro Park project.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the Department of Corrections, as proposed by the Mayor, with the following modifications:

1. *Eliminate 5.0 FTEs and reduce CSG 11 (Regular Pay – Continuing Full Time) by \$267,744 and CSG 14 (Fringe Benefits – Current Personnel) by \$82,256: total PS reduction = \$350,000, and by program as follows:*
  - a. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate 1.0 FTE (Correctional Officer) and reduce CSG 11 by \$48,248 and reduce CSG 14 by \$14,233: total PS reduction = \$62,481*
  - b. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate 1.0 FTE (Correctional Officer) and reduce CSG 11 by \$48,248 and reduce CSG 14 by \$14,233: total PS reduction = \$62,481*
  - c. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate 1.0 FTE (Correctional Officer) and reduce CSG 11 by \$48,248 and reduce CSG 14 by \$14,233: total PS reduction = \$62,481*
  - d. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate 1.0 FTE (Correctional Officer) and reduce CSG 11 by \$48,248 and reduce CSG 14 by \$14,233: total PS reduction = \$62,481*
  - e. In Program 3600 (Inmate Custody), Activity 3605 (Institutional Security and Control): *eliminate 1.0 FTE (Correctional Officer) and reduce CSG 11 by \$74,752 and reduce CSG 14 by \$25,323: total PS reduction = \$100,075*

2. *Eliminate* 9 FTEs and *reduce* \$1,241,000 in recurring local funds from CSG 15 (Overtime Pay), Program 2500 (Inmate Services), Activity 2520 (Inmate Adjustment/Developmental Support), to transfer to partner agencies for the returning citizens Portal of Entry program, as recommended in the Mayor's Errata Letter.

**b. Fiscal Years 2018-2023 Capital Budget Recommendations**

The Committee recommends adoption of the FY 2018-2023 capital budget for the Department of Corrections, as proposed by the Mayor, with the following modification:

1. *Reduce* the proposed FY 2020 allotment for Project No. CGN04 (Window Replacement (Administration Unit)) by \$2,500,000 and transfer those funds to the Committee on Transportation & the Environment for the Department of General Services for the Eastern Market Metro Park project.

**c. Policy Recommendations**

1. The Committee recommends that DOC provide the Committee with detailed information regarding the reporting structure and metrics of success for the Portal of Entry.
2. The Committee recommends that DOC solicit input from stakeholders and engage the community in the planning process of the new jail complex.
3. The Committee recommends that DOC work diligently towards securing an Inter-Governmental Agreement with the federal BOP to (1) provide pre-community release reentry programming to inmates for six to nine months prior to community supervision and (2) provide specialized programming for inmates ages 18 to 24.
4. The Committee recommends that DOC timely submit the following reports required by D.C. Law 21-0238, the Comprehensive Youth Justice Amendment Act of 2016:
  - By March 1, 2018, and annually thereafter, a report that includes steps the Department has taken to reduce the unnecessary use of room confinement for juveniles and a summary of information collected pursuant to Section 203(f); and
  - By October 1, 2017, and on a quarterly basis thereafter, through the Executive, information related to juveniles housed in the Jail as required by Section 204.

5. The Committee recommends that DOC proactively engage its community stakeholders around immigration-related Departmental policies and practices.



## I. DEPARTMENT OF FORENSIC SCIENCES

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

The mission of the Department of Forensic Sciences (“DFS”) is to produce high-quality, timely, accurate, and reliable forensic science with the use of the best available technology and practices, unbiased science, and transparency, with the overall goal of enhancing public health and safety. DFS provides independent analysis of evidence and samples submitted by agencies within the District and its federal neighbors.

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

The **Public Health Laboratory Division** provides diagnostic and analytical testing for biological pathogens and chemical agents from clinical, environmental, or food sources, and provides emergency response testing.

The **Crime Scene Sciences Division** provides the collection, analysis, processing, and preservation of evidence found at crime scenes.

The **Agency Management Division** supports the work of the entire agency through strategic direction, training, quality assurance, research, recruitment and hiring of personnel, information technology, data management, fleet management, procurement, and other administrative support services.

#### b. Mayor’s Proposed Fiscal Year 2018 Operating Budget

##### Proposed Operating Budget Summary

The Mayor’s Fiscal Year 2018 proposed budget for the Department of Forensic Sciences is \$28,677,231, representing an increase of \$4,600,832, or 19.1%, over the FY 2017 approved budget of \$24,076,399. The proposed budget supports 224.0 FTEs, an increase of 28.75 FTEs, or 14.8%, over the FY 2017 approved level of 195.25 FTEs.

**Local Funds:** The Mayor’s FY 2018 proposed local funds budget is \$26,363,133, an increase of \$3,483,899, or 15.2%, over the FY 2017 approved local funds budget of \$22,879,234. The FY 2018 local funds budget would support 212.0 FTEs, an increase of 25.0 FTEs, or 13.4%, over the FY 2017 approved level of 187.0 FTEs.

***Federal Grant Funds:*** The Mayor's FY 2018 proposed federal grant funds budget is \$522,502, an increase of \$146,612, or 39.0%, over the FY 2017 approved federal grant funds budget of \$375,890. The FY 2018 budget would support 5 FTEs, representing no change from the FY 2017 approved level.

***Intra-District Funds:*** The Mayor's FY 2018 proposed intra-District funds budget is \$1,791,596, an increase of \$970,321, or 118.2%, over the FY 2017 approved intra-District funds budget of \$821,275. The FY 2018 budget would support 7.0 FTEs, an increase of 3.75 FTEs, or 115.4%, over the FY 2017 approved level of 3.25 FTEs.

### **Committee Analysis and Comments**

#### ***Agency Operations:***

***Forensic Technology Unit:*** This unit has supported the implementation and management of four major software systems, it administers six major databases for DFS, and recently developed a customized Dashboard to track key performance indicators and workload measures.

***The Quality Team:*** Quality professionals and training specialists within this team provide oversight of all DFS units. The training program within this unit provided more than 2,849 hours of instruction on issues such as cognitive bias, quality assurance, and discipline-specific topics on the subjects of DNA, firearms, fingerprint examiners, and public health lab scientists. This team also led the Department through six external audits of the Forensic Science Laboratory Division and the Public Health Laboratory Division. Finally, the team is responsible for educational outreach and has partnered with schools and youth programs.

***Forensic Science Laboratory Division:*** DFS improved the Forensic Science Laboratory Division ("FSL"), which includes the Forensic Biology Unit ("FBU"), the Latent Fingerprint Unit ("LFU"), and the Firearms Examination Unit ("FEU"). In FY 2016, DFS used supplemental funding to reduce backlogs, increase entries and verifications associated with intelligence databases, and ensure appropriate turnaround times.

DFS worked on revising its protocol in the FBU to streamline the process of the unit, add new technology, decrease backlogs, and ensure timely results. As of February 2017, the FBU had a backlog of 61 cases. In FY 2016, the FBU received 314 physical evidence recovery kits ("PERKs"), and the average turnaround time to process each kit was 74 days, which is below the statutory requirement of 90 days. Of these kits, 121 were processed in-house, and 193 were outsourced. DFS investigated 832 cases that did not involve the submission of a PERK. 97% of these cases were outsourced, and the average turnaround for these cases was 71 days.

DFS also utilized contractors to reduce case backlogs in other units. At the end of FY 2016, the LFU reduced its backlog to 16 cases (down from 248 in October 2015). Throughout the fiscal year, LFU worked on 2,100 cases, an average of 175 cases per month, with an average turnaround time of 10 days.

At the end of FY 2016, the FEU had completed 486 cases, averaging 40.5 cases a month with an average turnaround time of 6 days.

All of the units within the FSL improved participation in three national intelligence databases: National Integrated Ballistic Information Network (“NIBIN”), Automatic Fingerprint Identification System (“AFIS”), and the Combined DNA Index System (“CODIS”). DFS had significantly more entries to these databases in 2016 than in 2015.

**Table 1: Case Intakes, Average Turnaround Times, and Total Reports for the Latent Fingerprint Unit and Firearms Examination Unit, Fiscal Years 2014 through 2017**

<b><i>Performance Metrics</i></b>	<b><i>FY 2016</i></b>	<b><i>FY 2017-Q1</i></b>	<b><i>FY 2017-Q2</i></b>
(old) Fingerprint cases submitted	2843	N/A*	N/A*
(old) DNA cases submitted	1401	N/A*	N/A*
(old) Firearm cases submitted	1870	N/A*	N/A*
(new) Number of service requests from stakeholders	N/A**	6974	1004
(new) Percentage of priority cases as designated by the contributor and marked in LIMS completed within 60 days from the date the analyst was assigned the case	N/A**	91%	85%
(new) Percentage of requested homicide cases completed within 60 days from the date the analyst was assigned the case	N/A**	98%	95%
<b>Fingerprints</b>			
Turnaround time for Fingerprints ( <i>in days</i> )	68	N/A*	N/A*
Number of AFIS database entries	6255	2256	2238
Number of AFIS database hits	1341	324	375
<b>DNA</b>			
Turnaround time for DNA ( <i>in days</i> )	68	N/A*	N/A*
Number of CODIS database entries	489	89	92
Number of CODIS database hits	159	37	38
<b>Firearms</b>			
Turnaround time for Firearms	14	N/A*	N/A*
Number of NIBIN database entries	3489	874	1208
Number of NIBIN database hits	349	44	34
Number of firearms processed for test fire	1717	554	613

\*Metric no longer reported in the FY 2017 Performance Plan.

\*\*Metric did not exist in FY 2016 Performance Plan.

*Source: Department of Forensic Sciences*

**Crime Scene Sciences Division (“CSS”):** The Department made some changes to the CSS in FY 2016, continuing into FY 2017. MPD and DFS merged crime scene operations. DFS is still in the process of hiring Crime Scene Scientists and anticipates a full staff of 77 in the third quarter of the fiscal year. In FY 2016, the CSS collected evidence from 2,950 scenes and an additional 1,715 as of February 2017. Within the CSS, the Central Evidence Unit is responsible for the secure intake, storage, and maintenance of evidence and property submitted to DFS. The unit took

custody of 89,509 pieces of evidence in FY 2016 and 35,751 pieces of evidence as of February 2017.

***Public Health Laboratory (“PHL”):*** This lab performs diagnostic and environmental tests and acts as the “local extension” of testing capabilities provided by the Centers for Disease Control and Prevention (“CDC”). In FY 2016, the PHL tested 136 samples for influenza subtyping, 8 samples of norovirus, 163 samples for rabies, 265 bacterial isolates, and 107 food samples to test for Salmonella outbreaks. This lab tests for bio and chemical terrorism, in addition to testing for illicit drugs.

The PHL also works with the Department of Health on the District’s mosquito surveillance program to test for West Nile, dengue, chikungunya, and Zika viruses. The PHL began testing for the Zika virus in February 2016 by reverse transcription real-time polymerase chain reaction (“rRT-PCR”), a test developed by the CDC. The Department completed a blind proficiency test panel and began testing samples with the CDC’s permission. The Department used an additional test for the Zika virus. The MAC-ELISA serology test looks for antibodies generated by the patient’s immune response to the virus. If the results to this test are found to be positive, equivocal, or inconclusive, then the specimen is sent to the CDC for the plaque reduction neutralization test (“PRNT”) to confirm the virus. The Department shared that the quality control samples worked correctly and PHL staff demonstrated proficiency testing using the CDC issued protocol for MAC-ELISA testing.

By December 2016, the new PHL Director noticed that the testing had produced a higher than anticipated number of negative results and the quality controls in place started to fail more regularly. The Department then made the decision to retest all patient samples that were collected from July 14 to December 14, 2016. To date, a total of 449 specimens from 423 patients have been sent for retesting. Some patients had two collection dates. 317 samples from pregnant women were sent to the CDC. The remaining samples from 75 non-pregnant women and 57 males were sent to other State Public Health Labs approved by the CDC to use the MAC-ELISA test. To date, the PHL has received results for all 423 patients. The majority, 394, have been confirmed to be negative (265 pregnant females, 74 non-pregnant females, and 55 males). Three samples have been positively identified as evidence of recent Zika virus infection. The remaining 26 samples have been reported by the CDC as indicative of a recent infection with an unspecified flavivirus and are inconclusive as to the specific infecting virus. For epidemiological purposes, these results are treated as positive for Zika and the patient is entered into the U.S. Zika Pregnancy Registry. At the Committee’s budget oversight hearing, Director Smith stated that every healthcare provider has confirmed with the Executive that its patients who tested positive have been informed of their status.

The PHL has instituted changes to prevent similar errors from occurring. Director Smith further testified at the Committee’s hearing that in the future, the

Department will “conduct more extensive internal validation testing on all CDC issued protocols beyond what is recommended to verify that the tests work.” Additionally, any protocols that involve an individual embedding a calculation will be reviewed by at least one other individual for verification before use. PHL will also run external proficiency test samples. Finally, the Center for Medicare Services (“CMS”) conducted an audit of the laboratory and found the Department’s corrective action plan to be sufficient. CMS instituted one change: the addition of a quality control to the test, which they also required of the CDC and other labs across the country. DFS expects to resume Zika testing in the PHL in the next few months.

***Budget Support Act:*** The Fiscal Year 2018 Budget Support Act of 2017 proposed two subtitles relating to the Department, which are discussed in detail in Section IV of the Committee’s report below.

**c. Mayor’s Proposed Fiscal Year 2018-2023 Capital Budget**

The Mayor’s Fiscal Year 2018-2023 proposed capital budget includes capital allotments for the Department of Forensic Sciences as follows:

- Project No. DIG01 (DFS Digital Forensics Capital Requirements): \$1,000,000 in FY 2018.

**Committee Analysis and Comments**

***Digital Forensics Capital Requirements:*** The funding will provide DFS with critical infrastructure and hardware to increase digital storage capacity in the Digital Forensics Unit.

**2. COMMITTEE RECOMMENDATIONS**

**a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the Department of Forensic Sciences, as proposed by the Mayor, with the following modifications:

1. *Eliminate* 5.0 FTEs, and *reduce* CSG 11 (Regular Pay – Continuing Full Time) by \$348,212 and CSG 14 (Fringe Benefits – Current Personnel) by \$78,347: *total PS reduction = \$426,559*, and by program as follows:
  - a. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate* 1.0 FTE (Forensic Scientist III) and *reduce* CSG 11 by \$87,657 and CSG 14 by \$19,723: *total PS reduction = \$107,380*

- b. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate* 1.0 FTE (Forensic Scientist (Crime Scen)) and *reduce* CSG 11 by \$76,082 and CSG 14 by \$17,118: *total PS reduction = \$93,200*
- c. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate* 1.0 FTE (Forensic Scientist (Crime Scen)) and *reduce* CSG 11 by \$61,491 and CSG 14 by \$13,836: *total PS reduction = \$75,326*
- d. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate* 1.0 FTE (Forensic Scientist (Crime Scen)) and *reduce* CSG 11 by \$61,491 and CSG 14 by \$13,836: *total PS reduction = \$75,326*
- e. In Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling): *eliminate* 1.0 FTE (Forensic Scientist (Crime Scen)) and *reduce* CSG 11 by \$61,491 and CSG 14 by \$13,836: *total PS reduction = \$75,326*

**b. Fiscal Years 2018-2023 Capital Budget Recommendations**

The Committee recommends adoption of the FY 2018-2023 capital budget for the Department of Forensic Sciences, as proposed by the Mayor, with the following modification:

- 1. *Reduce* the available allotment balance for Project No. DCI16C (DFS Capital Improvement Program) by \$500,000 and convert that amount into operating funds.

Project No. DCI16C has an existing allotment of \$1,000,000 in PayGo funds intended to be used for various capital improvements. The Department's existing budget can absorb the reduction through reallocations into the project at a later point in FY17.

**c. Policy Recommendations**

- 1. The Committee recommends that DFS prioritize improvements within the Public Health Lab and continue to communicate regularly and transparently with the Committee and the public.

## **J. DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE**

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

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

The mission of the Office of the Deputy Mayor for Public Safety and Justice (“DMPSJ”) is to provide direction, guidance, support, and coordination to the District’s public safety agencies.<sup>22</sup> DMPSJ oversees the performance of the Metropolitan Police Department; Fire and Emergency Medical Services Department; Office of Unified Communications; Department of Corrections; Office of Victim Services & Justice Grants; Homeland Security and Emergency Management Agency; Office of the Chief Medical Examiner; and Department of Forensic Sciences. DMPSJ operates through one program: Administrative Management.

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s Fiscal Year 2018 proposed budget for the Office of the Deputy Mayor for Public Safety and Justice is \$1,868,365, an increase of \$593,363, or 46.5%, over the FY 2017 approved budget of \$1,275,002. The proposed budget would support 14.0 FTEs, an increase of 6.0 FTEs, or 75%, over the FY 2017 approved level of 8.0 FTEs. The agency’s budget comprises entirely local funds.

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

***Community Stabilization Program:*** In 2015, DMPSJ launched the Community Stabilization Program, intended to provide immediate intervention to victims of violent crime, their families, and neighborhoods. In the agency’s FY 2016-2017 performance oversight hearing, Deputy Mayor Donahue stated that in 2016, the Program responded to 152 cases: 95 homicides; 55 non-fatal shootings; one non-fatal assault; and one non-fatal stabbing.

- A total of seven (5 percent of all participants) were arrested by MPD on subsequent charges:
  - Two for liquor law violations;
  - One for violating conditions of parole;
  - One for narcotics;
  - One for disorderly conduct;
  - One for damage to property; and
  - One for simple assault.

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<sup>22</sup> D.C. Official Code § 1-301.191(c).



- A total of five (3 percent of all participants) were victims in subsequent cases:
  - Three were victims of assaults with a dangerous weapon;
  - One was the victim of a simple assault; and
  - One was the victim of a burglary.

**Table 1: Community Stabilization Program Cases by Police Service Area (“PSA”), January 2016 to February 2017**

<i>PSA</i>	<i>Number of Cases</i>
103	2
104	2
106	4
403	3
404	4
406	5
407	3
505	6
507	3
601	5
602	9
603	6
604	15
608	3
701	12
702	7
702	6
703	17
705	2
706	6
707	3
708	9
108, 201, 206, 302, 304, 305, 308, 405, 409, 501, 502, 503, 504, 506, 605, 607	1 each

DMPSJ is also responsible for coordinating most major public safety initiatives, including the retention and recruitment of first responders, the transition to public control of the Correctional Treatment Facility, reducing EMS call volume, and accurate testing by the Department of Forensic Sciences' laboratories. Comments on those topics are included in each relevant chapter of this report.

***The NEAR Act:*** Please see the Committee's recommended subtitle for a discussion of the Neighborhood Engagement Achieves Results Amendment Act of 2016 (the "NEAR Act").

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the Office of the Deputy Mayor for Public Safety and Justice, as proposed by the Mayor, with the following modifications:

1. *Reduce* the following attributes and transfer the recurring local funds to a new agency, the Office of Neighborhood Safety and Engagement:
  - a. *Reduce* CSG 11 (Regular Pay – Continuing Full Time) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$418,603 and 6 FTEs
  - b. *Reduce* CSG 13 (Additional Gross Pay) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$50,000
  - c. *Reduce* CSG 14 (Fringe Benefits – Current Personnel) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$87,907
  - d. *Reduce* CSG 15 (Overtime Pay) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$50,000
  - e. *Reduce* CSG 20 (Supplies and Materials) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$500
  - f. *Reduce* CSG 31 (Telecommunications) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$15,000
  - g. *Reduce* CSG 40 (Other Services and Charges) in Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$41,266
2. *Increase* the following attributes to accept the transfer of recurring local funds for the Concealed Pistol Licensing Review Board from the Metropolitan Police Department:

- a. *Increase* CSG 11 (Regular Pay – Continuing Full Time) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$149,594 and 2 FTEs
- b. *Increase* CSG 14 (Fringe Benefits – Current Personnel) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$31,415
- c. *Increase* CSG 20 (Supplies and Materials) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$5,000
- d. *Increase* CSG 40 (Other Services and Charges) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$85,991
- e. *Increase* CSG 70 (Equipment and Equipment Rental) in Program 2000 (Concealed Pistol Licensing Review Board), Activity 2010 (Concealed Pistol Licensing Review Board), by \$3,000

**b. Policy Recommendations**

1. The Committee recommends that DMPSJ ensure that agencies under its jurisdiction submit timely responses to statutorily required reports and respond promptly and transparently to Committee inquiries.
2. The Committee recommends that DMPSJ proactively coordinate community engagement around the planning of the new jail complex with a focus on individuals with lived experiences of incarceration.
3. The Committee recommends that DMPSJ engage Cure Violence in technical assistance for the new Office of Neighborhood Safety and Engagement.
4. The Committee recommends that DMPSJ recruit an Executive Director for the Office of Neighborhood Safety and Engagement who has legitimacy with the communities he or she will be serving.
5. The Committee recommends that DMPSJ ensure that the Office of Unified Communications has sufficient funds in its local budget to avoid overreliance on fees.
6. The Committee recommends that the Community Stabilization Program further define metrics for successful outcomes for participants.
7. The Committee recommends that DMPSJ submit a report to the Mayor and Council by December 31, 2017, that analyzes the trends associated with MPD's crime statistics.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

8. The Committee recommends that DMPSJ update the Committee on the progress of the strategic priorities of the Safer, Stronger DC Advisory Council since the issuance of its Final Report in May 2016.

## K. DISTRICT OF COLUMBIA NATIONAL GUARD

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

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

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

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

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

#### b. Mayor’s Proposed Fiscal Year 2018 Operating Budget

##### Proposed Operating Budget Summary

The Mayor’s Fiscal Year 2018 budget proposal for the District of Columbia National Guard is \$13,629,035, an increase of \$326,419, or 2.5%, from the approved FY 2017 budget of \$13,302,616. The proposed budget supports 131.0 FTEs, an increase of 2 FTEs, or 1.6%, from the FY 2017 approved level of 129 FTEs.

***Local Funds:*** The Mayor’s proposed local funds budget is \$4,483,673, a decrease of approximately \$296,000, or 5.8%, over the FY 2017 approved budget of \$5,139,621. This funding supports 37 FTEs, a decrease of 2.5 from the FY 2017 approved budget.

***Federal Payments:*** The Mayor’s proposed federal payments budget is \$500,000, an increase of \$50,000, or 11.1%, over the FY 2017 approved federal payments budget of \$450,000. This funding does not support any FTEs.

***Federal Grant Funds:*** The Mayor's proposed federal grant funds budget is \$8,285,362, an increase of \$572,367, or 7.6%, over the FY 2017 approved federal grant funds budget of \$7,712,995. This funding supports 94 FTEs, an increase of 4.5 FTEs, or 4.8%, over the FY 2017 approved level.

### **Committee Analysis and Comments**

***District Emergency Requests:*** One of DCNG's top priorities is to monitor and provide an action plan for all District emergency requests. The Guard helped to support District agencies during the 58<sup>th</sup> Presidential Inauguration, the Independence Day celebration, the opening day celebration of the Smithsonian National Museum of African American History and Culture, the Nuclear Security Summit, and more. Members of the Guard are equipped to support the District's Emergency Response Plan and respond to emergencies within four hours of notification.

***DCNG Counterdrug Program:*** Through this program, the Guard provides guidance to youth, teachers, parents, and military members about the effects of alcohol and drug usage and abuse. DCNG also lends its support to the Drug Education for Youth Program that sponsors a week long residential camp focusing on drug education, life skills, personal hygiene, and peer mediation. The Counterdrug Program includes a full time criminal analyst, three counter-threat finance positions, and a civil operations branch to work with local community-based organizations.

***Capital Guardian Youth ChalleNGe Program:*** The DCNG maintains its strong commitment to the Youth Challenge program. The community-based program, chartered by Congress, teaches and mentors at-risk 16- to 18-year-olds to become productive residents. Youth ChalleNGe uses a quasi-military model and emphasizes academics, physical training, and discipline. The program, which is in its eighth class since its inception, includes a 22-week residential phase followed by a one-year, non-residential phase. The Youth ChalleNGe program has increased its visibility within the District by partnering with other District agencies who serve at-risk disengaged youth, including the Deputy Mayor for Education and the Office of the State Superintendent for Education. Partnering agencies include the Metropolitan Police Department, District of Columbia Public Schools, and the Department of Youth Rehabilitation Services.

DCNG still endeavors to increase the recognition of the program and enrollment. Despite agency partnerships, the Academy is facing challenges with recruitment. In class 46, there were 147 applicants but 26 individuals in the post residential phase of the program. In class 47, there were 157 applicants but 39 individuals left in the post-residential phase. Finally, in the most current class, there were 141 applicants but 31 individuals are in the residential phase of the program.

The Committee is supportive of this program and increased recruitment and retention efforts.

***Improvements to the Guard's Oak Hill Facility:*** In the proposed FY 2018 budget, the local funding for the Oak Hill Facility is reduced by \$344,000. The Committee has continually restored cuts to the improvements budget for the Oak Hill Facility and will do so again this year. However, a capital investment would solve this problem. The agency estimates that they would need \$12,650,000 for facility improvements and \$3,000,000 for renovations over the six-year capital plan.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the District of Columbia National Guard, as proposed by the Mayor, with the following modification:

1. *Increase* CSG 40 (Other Services and Charges), Program 1000 (Agency Management), Activity 1030 (Property Management), by \$344,000 for improvements to the District of Columbia National Guard's Oak Hill facility.

### **b. Policy Recommendations**

1. The Committee recommends that the Executive make a capital investment in the Oak Hill Facility in the FY 2019 budget.
2. The Committee recommends that the Guard continue to develop security upgrades for the Youth ChalleNGe residential campus.

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

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

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

The mission of the Fire and Emergency Medical Department (“FEMS” or “Department”) is to promote health and safety through excellent pre-hospital treatment and transportation, fire prevention, fire suppression, rescue activities, and homeland security awareness. FEMS is led by a Chief, and the agency’s Medical Director directs the emergency medical services program. Within the Department are eight programs:

- 1) Chief of Fire and Emergency Medical Services;
- 2) Operations Bureau;
- 3) EMS Operations Bureau;
- 4) EMS Medical Director;
- 5) Support Services Bureau;
- 6) Technical Services Bureau;
- 7) Agency Financial Operations; and
- 8) Agency Management.

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

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s proposed Fiscal Year 2018 operating budget is \$254,177,502, a decrease of \$110,006, or 0.0%, over the FY 2017 approved budget of \$254,287,508. The proposed budget supports 2,157 FTEs, an increase of 53 FTEs, or 2.5%, over the FY 2017 approved level of 2,104 FTEs.

**Local Funds:** The Mayor’s FY 2018 proposed local funds budget is \$249,288,047, a decrease of \$552,316, or 0.2%, over the FY 2017 approved local funds budget of \$249,840,363. This budget would support 2,114 FTEs, an increase of 52 FTEs, or 2.5%, over the FY 2017 approved level of 2,062 FTEs. Specifically, in FY 2018, the Mayor proposes an increase of \$11,017,000 in one-time funding to support



the contract with American Medical Response for its third-party ambulance provider, \$4,915,439 to hire an additional 48 dual role EMT/firefighter FTEs, \$1,300,000 to support fleet maintenance costs, \$1,000,000 to support piloting a nurse triage line within the 911 call center, and \$130,000 in one-time funding to purchase 10 Medical Dispensing Units.

***Special Purpose Revenue Funds:*** The Mayor's FY 2018 proposed special purpose revenue funds budget is \$1,835,684, a decrease of \$810,684, or 79.1%, over the FY 2017 approved special purpose revenue funds budget of \$1,025,000. This budget supports 1 FTE, up from the FY 2017 approved level of 0 FTEs.

***Federal Resources:*** The Mayor's FY 2018 proposed federal resources budget is \$3,053,770, an increase of \$31,626, or 1.0%, over the FY 2017 approved level of \$3,022,144. The increase in federal funding represents no change in the number of FTEs. It is projected that there will be \$1,990,037 in funding for the *Staffing for Adequate Fire and Emergency Response* ("SAFER") federal grant in FY 2018.

### **Committee Analysis and Comments**

***Emergency Medical Services ("EMS"):*** FEMS entered into a letter contract with American Medical Response ("AMR")<sup>23</sup> on February 12, 2016, in an effort to respond to increasing EMS call volume and demand for EMS services that outpaced the Department's resources.<sup>24</sup> FEMS contended that entering into a private contract would help meet response time goals, more frequently train providers, preserve resources for the highest acuity patients, provide better field supervision and performance evaluation, perform preventative maintenance on fleet, and improve agency culture surrounding EMS.

Since the contract took effect, the Department has seen the most improvement in the availability of FEMS Basic Life Support ("BLS") transport units. Prior to the AMR contract, critical patients were put at risk when the Department ran out of transport units. Examples of negative patient outcomes are recounted in this Committee's prior budget reports. FEMS now has a reserve of 23 ambulances, plus ten available for special events, that are available for service 75% of the time.

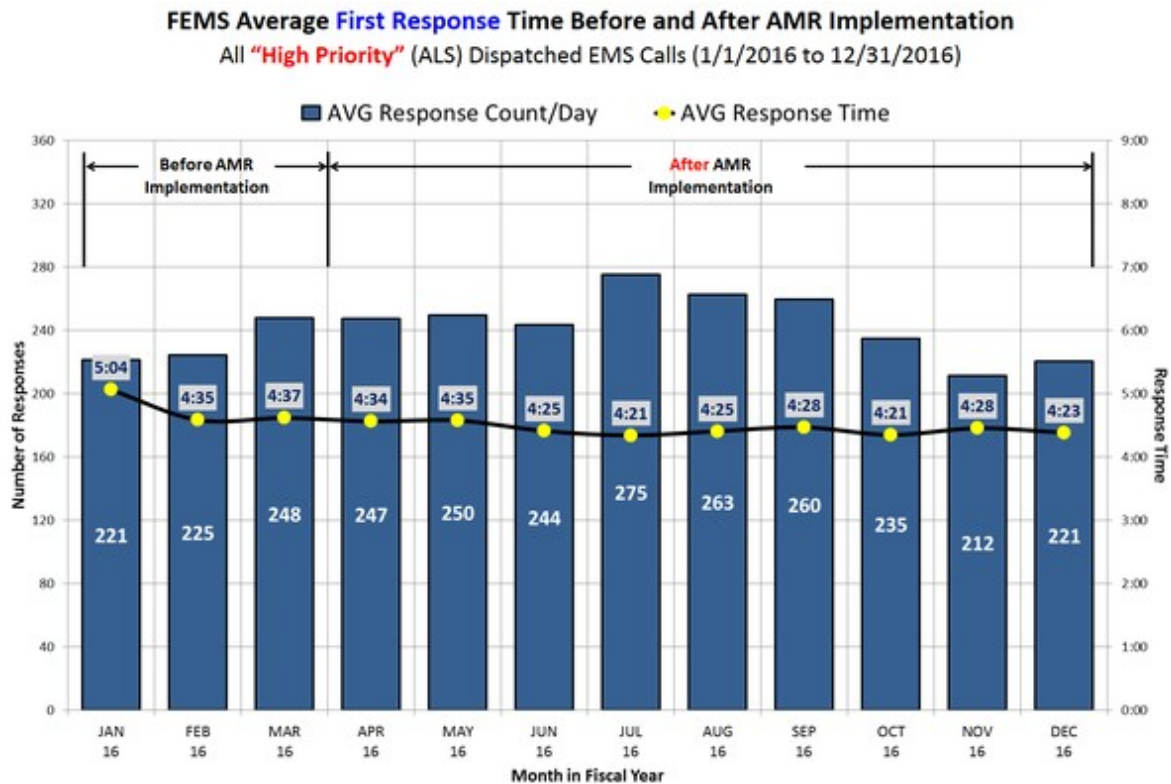
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<sup>23</sup> It was necessary to amend existing law to authorize the Department to contract with third parties to provide supplemental pre-hospital medical care and transportation to persons requiring basic life support. See, Sec. 3072, 3073, of the Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 12932), available at <http://lims.dccouncil.us/Download/35482/B21-0669-Enrollment.pdf>.

<sup>24</sup> See, CA21-0360, "Proposed Contract with American Medical Response", deemed approved April 24, 2016, available at <http://lims.dccouncil.us/Download/35636/CA21-0360-Introduction.pdf>. The period of performance for the initial letter contract was from February 12, 2016, through June 11, 2016. Successive contracts were approved on July 9, 2016, for a period of performance from June 13, 2016, through October 10, 2016 (CA21-0472), and on November 10, 2016 (CA21-0536), for a period of performance from October 11, 2016, through October 10, 2017.

Availability for Advanced Life Support (“ALS”) units remains a challenge, and the average response times for these units have not improved enough yet.

**Table 1: FEMS Average First Response Time Before and After AMR Implementation**



*Source: Fire and Emergency Medical Department*

FEMS leadership determined that an increase in firefighter paramedics would help increase unit availability, and the Department has focused on increasing staffing in the FY 2018 budget. With the additional staffing, FEMS converted three BLS units into medic units, making the station houses responsible for staffing the medic unit and paramedic engine company using their own rosters. FEMS will be monitoring this new staffing model to determine whether it will yield efficiencies in staffing, managing supplies and medication, mentoring, training, and teamwork.

FEMS has been working to ensure that ALS providers respond only to the most critical patients. As such, the Department has seen a gradual decrease in the percentage of BLS transports by ALS providers from 23% in June 2016 to 18% in December 2016. Additionally, FEMS instituted changes within the dispatch system to help preserve the necessary services for the most critical patients. The Department found that 48% of 911 calls to the Office of Unified Communications (“OUC”) were being dispatched as BLS but a higher percentage, approximately 73%, of the calls

were deemed to be BLS at the time of provider assessment. As a result, FEMS recoded 194 types of calls from ALS to BLS to free up the critical ALS services for the patients who need it the most. FEMS has also been attempting to improve transfer of patient care times at hospitals to strive for units to be in and out of the hospital in 30 minutes. Accordingly, the average “drop time” has decreased from an average of 47 minutes and 27 seconds in October of 2016 to an average of 44 minutes and 15 seconds in December of 2016.

FEMS has implemented other policy changes in an effort to improve EMS delivery. The Department re-established EMS Battalion Fire Chief positions and clarified the responsibilities of EMS captains to improve supervision, performance evaluation, and patient care. The EMS Captains have started doing regular clinical evaluations of the paramedics. As another way to improve efficiency, in January 2017, Local 3721’s members moved to a 24-hour shift schedule. Additionally, Interim Medical Director Dr. Holman is implementing new training initiatives. These initiatives include enhanced pediatric training with eight-hour clinical rotations at Children’s National Medical Center that focus on asthma treatment and pediatric triage and rotating four-hour symposiums to the new Paramedic Grand Rounds, to be conducted by local medical schools and teaching hospitals. As far as continuing medical education, in the spring of 2016, Dr. Holman instituted 4-hour blocks of rotating topical content instead of the 36-hour biannual block for recertification.

***Integrated Healthcare Collaborative (“IHC”):*** In the Fiscal Year 2017 Budget Support Act of 2016, the Council – at the Committee’s recommendation – established the Integrated Health Care Task Force to “study nationally recognized best practices and develop recommendations regarding strategies or reducing EMS call volume, improving EMS delivery, and providing for collaboration between agencies, hospitals, health care organization, and community-based organizations, as well as strategies to achieve these goals by connecting patients with appropriate health care and social services.”<sup>25</sup> The Council had worked extensively with leadership of Local 3721 on a bill to create a community paramedicine initiative in the District, which transformed into the subtitle as enacted.

The subtitle required that FEMS release a report of the Task Force’s recommendations to the Mayor and Council by June 30, 2017, which FEMS completed ahead of schedule on February 22, 2017.<sup>26</sup> The Task Force – now renamed the Integrated Healthcare Collaborative – found that in addition to diverting resources from those who need it the most, overuse of emergency departments is problematic because it leads to “an incomplete understanding of the patient’s medical history, less

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<sup>25</sup> See, Fiscal Year 2017 Budget Support Act of 2016, § 3018-3082, available at <http://lims.dccouncil.us/Download/35482/B21-0669-Enrollment.pdf>.

<sup>26</sup> Integrated Healthcare Collaborative Final Report (Feb. 22, 2017), available at [https://fems.dc.gov/sites/default/files/dc/sites/fems/page\\_content/attachments/Integrated%20Healthcare%20Collaborative%20Report%20%28PUBLISHED%29.pdf](https://fems.dc.gov/sites/default/files/dc/sites/fems/page_content/attachments/Integrated%20Healthcare%20Collaborative%20Report%20%28PUBLISHED%29.pdf).

comprehensive care, potentially unnecessary testing, unsafe duplication and/or contraindication in prescribed medications, unnecessary admissions, and exposure to hospital pathogens.”<sup>27</sup>

The IHC Final Report acknowledges that the AMR contract was executed as a temporary fix while the Department implements a long term solution to managing call volume and the provision of EMS care. As stated, the goals of the IHC are “to improve the population’s health and safety, connect low acuity callers to a more appropriate comprehensive source of care, reduce or eliminate the use of 9-1-1 resources for non-emergent medical issues and ensure rapid response, treatment and, transport for high acuity, life-threatening medical calls.”<sup>28</sup>

The IHC established five subcommittees: Nurse Triage, Alternative Transport, Connection to Care, Policy, and Communication and Marketing. The Nurse Triage subcommittee put forth a recommendation to establish a nurse triage line, a system in which “9-1-1 call takers screen calls and redirect lower acuity calls to triage nurses for further assessment. With the guidance of algorithmically driven protocols, a nurse is able to further assess and direct a caller toward non-ED outcomes including self-care advice, non-EMS transport to primary care clinics or even an urgent care center.”<sup>29</sup> The subcommittee researched other jurisdictions and found that “[s]ome of the cities with populations comparable to the District’s, such as Fort Worth and Louisville, have been able to divert 54 percent and 31 percent, respectively, of their calls away from an EMS response without deleterious health outcomes.”<sup>30</sup> The Committee approves a proposed budget of \$1 million in recurring local funds to establish a nurse triage line.

The Connection to Care subcommittee looked at diverting low acuity 9-1-1 callers to sites that have achieved a Patient Centered Medical Home designation that “have extended evening and weekend hours; feature walk-in appointments; provide on-site behavioral health, case management, social services and comprehensive primary care; and accept all insurances.”<sup>31</sup> The subcommittee identified 18 such sites in the District and expects that these sites can handle approximately 200 low acuity callers per day that do not require emergency transport to hospitals.

The IHC also developed the Street Calls Mobile Integrated Healthcare Team (“SC-MIHC”). This grew out of the 2008 community paramedicine Street Calls program. The mission of this program is to reach individuals who are known to be High Volume Utilizers (“HVUs”). HVUs are likely to suffer from chronic illnesses, mental illnesses, are of a low socioeconomic status, and suffer from substance and

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<sup>27</sup> *Id.* at 4.

<sup>28</sup> *Id.* at 2.

<sup>29</sup> *Id.* at 4.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 6.

alcohol abuse. They comprise approximately 12.6 percent of all EMS transports. The purpose of Street Calls, a specialty unit within FEMS, is to assess and monitor individuals who are known to be HVUs and then connect them to primary care and/or governmental and community-based agencies. Since 2008, Street Calls has served 2,417 patients. The newly named SC-MIHC is comprised of three Paramedics and one EMT and focuses on sustainable integration and utilization of existing and available resources rather than sporadic and partial engagement with the patients.

The IHC also recommended that FEMS establish a web-based Health Information Exchange organization. The purpose of this website would be to connect and divert individuals to ongoing comprehensive healthcare services and resources. Additionally, the IHC recommended that FEMS revise the District's EMS Patient Bill of Rights to be consistent with the goals and objectives of the IHC. Finally, the IHC recommended that FEMS develop a customized outreach strategy to educate District residents on how to use primary care services and how to access healthcare consistent with the IHC's recommendations.

***Fire Operations, Special Operations, Fire Prevention and Risk Management:*** In the last fiscal year, FEMS made several improvements in this arena. The Department worked on improving its fire suppression operational preparedness by revising minimum equipment standards and revising the Standard Operating Guidelines. The Department also improved radiological and nuclear threat detection capacity by installing new detectors on the equipment and training members on its use. Additionally, FEMS hired BDA Global to conduct an assessment of the D.C. Port Region to identify the District's needs for the Marine Fire Unit and a new Fireboat I given the significant economic development taking place, and planned, on the waterfront, in addition to security and hazard risks. The assessment was completed in October 2016, and the report is in the final review stages. The Committee expects that the final report will be transmitted to the Committee shortly.

Operations personnel at FEMS engaged in pre-incident planning by identifying higher risk buildings and scheduling onsite assessments with fire inspectors and Department of Consumer and Regulatory Affairs personnel. The Department also worked to ensure that pre-incident planning for the structures comply with National Fire Protection Association standards. Fire investigation personnel at FEMS completed origin and cause investigation training through an Alcohol Tobacco and Firearms Advance Fire Investigations Training course.

In terms of risk management, FEMS launched a Department-wide driver safety awareness training. In FY 2016, there were 337 vehicular collisions involving FEMS' apparatus. The Department is now assessing further to determine which of the accidents were preventable in order to better tailor the training courses to address these issues. FEMS has also instituted a trial incident rehabilitation and medical monitoring program. This program evaluates how the Department's operational

procedures should be modified for improved employee safety and wellness, with the ultimate goal of decreasing the number of accidents and injuries that take place.

**Table 2: Accidents with FEMS Vehicles, FY 2016 and FY 2017 (Through February 11, 2017)**

<i>Accidents with FEMS Vehicles, FY 2016</i>		
<i>Vehicle Unit</i>	<i>Amount</i>	<i>Percentage</i>
Engine	104	31%
Ambulance	99	29%
Rescue Squad	6	2%
Truck	31	9%
Fleet	42	12%
Medic Unit	55	16%
<b>Total</b>	<b>337</b>	<b>100%</b>

<i>Accidents with FEMS Vehicles, FY 2017 (10/1/17 – 2/11/17)</i>		
<i>Vehicle Unit</i>	<i>Amount</i>	<i>Percentage</i>
Engine	22	22%
Ambulance	11	11%
Rescue Squad	4	4%
Truck	15	15%
Fleet	21	21%
Medic Unit	26	26%
<b>Total</b>	<b>99</b>	<b>100%</b>

*Source: Fire and Emergency Medical Services Department*

Finally, FEMS focused on Metro station familiarization and the development of joint supervisory training between FEMS battalion fire chiefs and Metro Transit Police. The Department also added a WMATA liaison who sits at the rail operations control center and can provide FEMS with instant information that can help inform the decision making process.

**Organizational Development:** In FY 2017, FEMS released a Leadership Development Plan and began to deliver a supervisor training to new classes of officers. The Department also began make changes to its hiring practices, with specific focus on the lack of women in leadership roles. For this reason, FEMS launched the “Empowering Women to Lead” program and looks to improve its recruitment of female leaders.

**Table 3: Women in the Department Who Hold the Rank of Captain or Above, as of May 15, 2017**

Fire Captain	Fire Captain	Battalion EMS
1	1	12

*Source: Fire and Emergency Medical Services Department*

In terms of transparency, FEMS is working to communicate better both internally with employees and externally with the public. The Department has accomplished this by increasing its media reporting and social media presence, as well as by publishing a new fire safety website. For employees, FEMS launched a new intranet site with employee surveys and now hosts regular town hall discussions for employees.

***Office of Unified Communications Training, CPR, and Modernization Amendment Act:*** This act, passed in the FY 2017 Budget Support Act, included five major reforms:

1. Requires OUC to implement a robust training and stress management program for telecommunicators (call-takers and dispatchers);
2. Requires OUC to implement an electronic application that notifies CPR-trained users that someone is in cardiac arrest nearby, enables trained users to respond to a victim with CPR, and pinpoints the location of the nearest AED;
3. Requires OUC and FEMS to cross-train so that each telecommunicator and FEMS provider can work effectively to improve their response to service;
4. Requires FEMS to CPR train government employees, residents, and DCPS and DCPCS students, teachers and athletic directors; and
5. Requires that AEDs are within all schools.

Accordingly, in FY 2016, FEMS trained OUC call takers on how to guide a caller through CPR. The Department also launched the Hands on Hearts program to train District residents in hands-only CPR, and trained more than 18,000 people between October 2016 and March 2017.

FEMS is still working to launch the program that would allow individuals who have been CPR trained to be connected to a nearby person who needs assistance and to the nearest AED. The Department is currently looking at upgrades to the computer

aided dispatch (“CAD”) system and working on getting the GPS technology in place for this functionality. Finally, the Department has not yet placed AEDs in all schools, but Chief Dean shared that they hope to accomplish this by later this year. In the FY 2018 budget, the Committee additionally approves the transfer of 1 FTE from the Office of the State Superintendent for Education to serve as the AED Program Coordinator for DCPS.

***Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act:*** This act established a presumption that FEMS personnel who are diagnosed with diseases enumerated in the act have an occupational disease that was suffered in the line of duty and are thus entitled, upon meeting certain qualifications, to work in a limited-duty status or to non-chargeable medical leave and administrative pay. This bill was passed in 2012 but was unfunded. In the FY 2017 budget, the Committee on Transportation and the Environment transferred \$562,872 in recurring local funds to the Committee to pay for the cancer treatment portion of the law.

Since receiving the funding, FEMS has worked with Local 36 to put together a policy for eligible staff to utilize these services. Chief Dean shared that he had some concerns so the policy guidance is still being fine-tuned, but the services are in place now and FEMS is finalizing the contract with the clinic itself. According to the Department, no claims have been processed yet. The Department shared that two members have been seen by the clinic, and they are being referred to a third-party medical specialist to make a determination.

The Committee is strongly supportive of funding for the act, and its FY 2018 recommended budget again funds another portion of the bill through a transfer from the Committee on Transportation and the Environment. This year, the Committees are funding the communicable disease treatment, pre-employment screening, and personnel exposure tracking costs, as well as the funds for a clinic FTE – in total, \$817,653 in recurring funds. The Committee recommends that the Committee of the Whole identify funds for the associated retirement plan cost increase. Remaining to be funded are the chronic disease components. The communicable disease and chronic disease costs are as follows:

**Table 4: Outstanding Costs for the Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 (D.C. Law 19-0311)**

<b>Chronic Disease</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>Total</b>
Treatment Cost	\$3,700,067	\$3,927,779	\$4,115,418	\$4,230,649	\$15,973,913
FPC FTE	\$184,243	\$189,770	\$195,463	\$200,936	\$770,413
Retirement Plan Cost Increase	\$1,007,835	\$1,038,070	\$1,011,813	\$1,040,144	\$4,097,862



COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

Pre-employment Screening	\$73,313	\$75,805	\$78,383	\$80,578	\$308,079
<b>Total</b>	<b>\$4,965,458</b>	<b>\$5,231,426</b>	<b>\$5,401,077</b>	<b>\$5,552,307</b>	<b>\$21,150,267</b>
<b>Communicable Disease</b>					
Treatment Cost	\$545,616	\$580,925	\$606,865	\$623,857	\$2,357,263
FPC FTE	\$184,243	\$189,770	\$195,463	\$200,936	\$770,413
Pre-Employment Screening	\$59,983	\$62,023	\$64,131	\$65,927	\$252,065
Personnel Exposure Tracking	\$27,810	\$28,644	\$29,504	\$30,330	\$116,288
<b>Total</b>	<b>\$817,653</b>	<b>\$861,362</b>	<b>\$895,963</b>	<b>\$921,050</b>	<b>\$3,496,028</b>
<b>Total Combined Cost</b>	<b>\$5,783,111</b>	<b>\$6,092,788</b>	<b>\$6,297,040</b>	<b>\$6,473,357</b>	<b>\$24,646,295</b>

*Source: Office of the Chief Financial Officer*

***Recruitment and Retention:*** FEMS is facing a “retirement bubble” as a result of the hiring surge that took place in the early 1990s. Accordingly, 10% of the force is currently eligible to retire, making it all the more important that the Department focus on the recruitment and retention of quality members of the force.

**Table 5: Attrition, By Reason for Departure  
(FY 2016 and FY 2017, through May 15, 2017)**

<i>Position/Rank</i>	<i>Resignation</i>	<i>Retired</i>	<i>Terminated</i>	<i>Other</i>	<i>Total</i>
Assistant Fire Chief					0
Battalion EMS Captain		2			2
Battalion Fire Chief		6			6
Cadet	1				1
Captain		9			9
Captain Paramedic	1	2			3
Deputy Fire Chief		2			2
EMT			2		2
Firefighter EMT	9	14	9	1	33
Firefighter Paramedic	7		1		8
Firefighter Paramedic Tech		0			0
Firefighter Technician	2	25			27
Lieutenant	1	18		1	20
Lieutenant Paramedic	1				1
Paramedic	3	1			4
Sergeant	4				4

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

Sergeant Paramedic					0
Fire Inspector		4			4
Marine Pilot		2			2
<b>Total</b>	<b>22</b>	<b>76</b>	<b>9</b>	<b>2</b>	<b>109</b>

*Source: Fire and Emergency Medical Services Department*

Currently only 27% of FEMS employees live in the District. As a result, the Committee is recommending a new Budget Support Act subtitle to encourage the recruitment and retention of first responders, including firefighters, paramedics, and EMTs. This proposed subtitle is included in the report of the Committee on Housing & Neighborhood Revitalization.

The new subtitle will assist the District in recruiting and retaining police officers, firefighters, emergency medical technicians, and correctional officers through targeted homeownership assistance in the form of an investment of \$1.1 million in EAHP. The subtitle has three components, as supported by the Committees:

- 1) *Matching down payment funds:*
  - For every police officer, correctional officer, firefighter, paramedic, and emergency medical technician who saves \$2,500, the District will provide \$1,500 (currently \$500), with successive matches for every \$2,500 saved, up to a \$15,000 commitment by the District (currently \$1,500).
  - For District government employees who are not first responders: for every \$2,500 saved by an eligible employee, the District will provide \$1,000, with successive matches for every \$2,500 saved, up to a \$5,000 commitment by the District.
- 2) *A deferred payment loan* of up to \$20,000 per employee, increased from the current \$10,000 cap; and
- 3) *A forgivable grant* of up to \$10,000 for police officers, correctional officers, firefighters, paramedics, and emergency medical technicians who make a five-year service obligation.

That means the District could help with up to \$45,000 towards a home for a first responder — which is a strong tool to address affordability and can be a significant incentive for recruitment and retention of District residents. The Committee also supports Bill 21-0417, the “First-Time Homebuyer Tax Benefit

Amendment Act of 2016”, which amends Title 42 of the District of Columbia Code to include a first-time homebuyer tax benefit for residents who have never owned residential property or an economic interest in a cooperative unit in the District of Columbia.<sup>32</sup> Implementation of this legislation, coupled with the initiatives mentioned above, would make buying a home in the District more achievable for first responders, as well as other District residents.

**Table 6: Retirement Statistics from the District of Columbia Retirement Board  
(As of May 1, 2017)**

<i>Rank</i>	<i>Total (as of May 1, 2017)</i>	<i>Total Eligible (as of May 1, 2017)</i>	<i>Cumulative Eligible</i>					
			<i>FY17</i>	<i>FY18</i>	<i>FY19</i>	<i>FY20</i>	<i>FY21</i>	<i>FY22</i>
Assistant Fire Chief (Gr10)	4	3	3	3	3	3	4	4
Deputy Fire Chief (Gr9)	12	8	8	8	10	11	12	12
Battalion Chief (Gr8)	37	20	20	21	22	25	28	30
Captain Paramedic (Gr7b)	35	4	4	6	7	8	9	10
Captain (Gr7)	73	27	27	32	34	40	44	49
Marine Pilot/Eng (Gr6)	7	3	3	3	3	3	5	5
Lieutenant Paramedic (Gr5b)	8	0	0	0	0	1	1	1
Lieutenant (Gr5)	174	41	41	50	61	68	80	82
Sergeant Paramedic (Gr 4b)	13	2	2	2	2	3	3	3
Sergeant (Gr 4)	110	13	13	15	18	20	24	25
Asst. Marine Pilot/Eng (Gr3)	1	0	0	0	0	0	0	0
Fire Arson Invest Armed (Gr 2d)	15	1	1	1	2	5	8	8
Fire Investigator (Gr 2c)	4	0	0	0	0	0	0	0
Fire Inspector Tech (Gr 2b)	10	3	3	3	5	6	6	7
Fire Inspector (Gr 2)	19	4	4	5	5	5	8	10
Firefighter Paramedic Tech(Gr 1d)	7	0	0	0	0	0	0	0
Firefighter Paramedic (Gr 1c)	167	0	0	2	4	6	8	10
Firefighter Tech (Gr 1b)	302	47	47	62	74	84	102	109
Firefighter/FF EMT (Grade1)	755	19	19	26	29	39	61	69
<b>Total</b>	<b>1753</b>	<b>195</b>	<b>195</b>	<b>239</b>	<b>279</b>	<b>327</b>	<b>403</b>	<b>434</b>

<sup>32</sup> See, Bill 21-0417, the “First-Time Homebuyer Tax Benefit Amendment Act of 2016”, available at <http://lims.dccouncil.us/Download/34615/B21-0417-CommitteeReport1.pdf>.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

Assistant Fire Chief (Gr10)	4	75%	75%	75%	75%	75%	100%	100%
Deputy Fire Chief (Gr9)	12	67%	67%	67%	83%	92%	100%	100%
Battalion Chief (Gr8)	37	54%	54%	57%	59%	68%	76%	81%
Captain Paramedic (Gr7b)	35	11%	11%	17%	20%	23%	26%	29%
Captain (Gr7)	73	37%	37%	44%	47%	55%	60%	67%
Marine Pilot/Eng (Gr6)	7	43%	43%	43%	43%	43%	71%	71%
Lieutenant Paramedic (Gr5b)	8	0%	0%	0%	0%	13%	13%	13%
Lieutenant (Gr5)	174	24%	24%	29%	35%	39%	46%	47%
Sergeant Paramedic (Gr 4b)	13	15%	15%	15%	15%	23%	23%	23%
Sergeant (Gr 4)	110	12%	12%	14%	16%	18%	22%	23%
Asst. Marine Pilot/Eng (Gr3)	1	0%	0%	0%	0%	0%	0%	0%
Fire Arson Invest Armed (Gr 2d)	15	7%	7%	7%	13%	33%	53%	53%
Fire Investigator (Gr 2c)	4	0%	0%	0%	0%	0%	0%	0%
Fire Inspector Tech (Gr 2b)	10	30%	30%	30%	50%	60%	60%	70%
Fire Inspector (Gr 2)	19	21%	21%	26%	26%	26%	42%	53%
Firefighter Paramedic Tech(Gr 1d)	7	0%	0%	0%	0%	0%	0%	0%
Firefighter Paramedic (Gr 1c)	167	0%	0%	1%	2%	4%	5%	6%
Firefighter Tech (Gr 1b)	302	16%	16%	21%	25%	28%	34%	36%
Firefighter/FF EMT (Grade1)	755	3%	3%	3%	4%	5%	8%	9%
<b>Total</b>	<b>1753</b>	<b>11%</b>	<b>11%</b>	<b>14%</b>	<b>16%</b>	<b>19%</b>	<b>23%</b>	<b>25%</b>

*Source: District of Columbia Retirement Board*

**Apparatus Maintenance:** Engines and ladder trucks are required to be certified annually. FEMS shared that previous leadership in the Department fell behind on this, but that as of March 2017, all designs and specifications are now updated. They are currently working with the Office of Contracting and Procurement to hold contracts for maintenance of all trucks with the manufacturers. By the end of FY 2017, the Department will have 18 new engines and additional refurbished vehicles coming in. FEMS has followed the BDA Global "Audit and Assessment" report to guide the replacement and maintenance plans for apparatus.

Additionally, the agency took steps to “right size” the budget for maintenance in the upcoming fiscal year. Chief Dean shared that the Department has an older fleet, so repairs and maintenance always take more money than is budgeted. The repair process also takes longer to accomplish because old parts need to be ordered. The Department is working to maintain inventory of commonly ordered parts, and the Chief is meeting weekly with the apparatus division to stay apprised of the status

of the apparatus. The Department has taken these crucial steps to reduce the out of service time for the apparatus. The maintenance fund increase, coupled with the capital funding for apparatus that the Committee is approving without modification will help to put the Department back on track.

**c. Mayor's Proposed Fiscal Year 2018-2023 Capital Budget**

The Mayor's Fiscal Years 2018-2023 proposed capital budget includes capital allotments for the Fire and Emergency Medical Services Department as follows:

- Project No. LC537 (Engine Company 23 Renovation): \$3,750,000 in FY 2019 and FY 2020;
- Project No. LF239 (FEMS Scheduled Capital Improvements): \$3,500,000 in FY 2018, \$1,500,000 in FY 2019, \$3,500,000 in FY 2020, \$3,500,000 in FY 2021, \$3,500,000 in FY 2022, \$1,500,000 in FY 2023;
- Project No. 20600 (Fire Apparatus): \$15,000,000 in FY 2018, \$17,000,000 in FY 2019, \$17,000,000 in FY 2020, \$15,000,000 in FY 2021, \$13,500,000 in FY 2022, and \$10,241,000 in FY 2023;
- Project No. BRM11 (Fleet Maintenance/Ready Reserve Facility): \$20,000,000 in FY 2022 and \$25,000,000 in FY 2023;
- Project No. BRM01 (New Harbor Patrol Facility): \$8,500,000 in FY 2021 and \$12,000,000 in FY 2022; and
- Project No. LC837 (Relocation of Engine Company 26): \$4,000,000 in FY 2019 and \$4,750,000 in FY 2020.

**Committee Analysis and Comments**

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

***FEMS Scheduled Capital Improvements:*** This project will fund scheduled capital improvements in various Department facilities to include repair and/or replacement of foundation, concrete, plaster wall, window, floor covering, the heating and cooling system, the electrical system, the lighting system, plumbing and sanitary drains. According to FEMS, the Department's Capital Improvement Plan is consistent with the recommendations in the BDA Global report.

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

**Table 7: FEMS Fleet, By Type of Asset (As of May 16, 2017)**

<i>Asset Description</i>	<i>Numbers</i>	<i>Asset Description</i>	<i>Numbers</i>	<i>Asset Description</i>	<i>Numbers</i>
ADMIN. VEHICLES	4	HEAVY DUTY TRUCK, OVER 25,000 LBS	4	1/4 TON COMPACT PICKUP TRUCK	1
TRANSPORT VEHICLES	106	LIGHT TRUCK 0-6000 LBS	11	HALF TON CREW CAB	14
COMPACT, HYBRID	2	MD TRUCK 6,000 TO 25,000 LBS.	15	1 TON VAN/CARGO	8
SHOW PIECES	2	MINI VAN CARGO	2	FORK LIFT	4
MCU-COMMAND BUS	4	PUMPER	58	SPORT UTILITY VEHICLE	12
1 TON UTILITY VAN	4	GOLF CART: FOUR WHEELED	12	LIGHT TOWER/UTILITY TRAILER	6
AERIAL LADDER	27	SEDAN FULL SIZE	25	PASSENGER VAN	3
COMMAND VEHICLE	34	TRAILER MOUNTED: CONSTRUCTION	3	WRECKER	2
FOAMING UNIT	4	TRAILER MOUNTED: MESSAGE/ARROW	11	<b>TOTAL</b>	<b>388</b>
HD RESCUE TRUCK 40,000 LBS.	8	OFF ROAD CONSTRUCTION: TRACTOR	2		

*Source: Fire and Emergency Medical Services Department*

***Fleet Maintenance/Ready Reserve Facility:*** This project involves design and construction of a new, modern maintenance facility for the agency's fleet and equipment needs. The Department is still working to identify a large enough location to develop such a facility. The Committee would like to see this project funded sooner so that FEMS can develop the facility, and the community around the facility in the Greenleaf public housing buildings can benefit from housing updates. The Committee would like to see the Greenleaf improvements take place in a "buildfirst" model so that the existing housing does not need to be disrupted while the new development is taking place. Once a new Fleet Maintenance site is identified, this public housing facility can be updated. The current timeline for this project timeline reflects the fact that the site for this project has not been located yet.

***New Harbor Patrol Facility:*** A new harbor facility is a joint project of FEMS and MPD. The new facility is needed with the expansion of development along the Southwest waterfront (Washington Channel) and the Anacostia River. Additional resources are necessary for the security and safety of people and property along the river frontage. The funding for this project is moving back one year from 2020 to 2021 because the Department decided to prioritize the fleet maintenance facility. However, FEMS is still committed to this project and has spread the funding across two years now, rather than three years, as it was last year.

***Relocation of Engine Company 26:*** This project entails selecting and acquiring a suitable site for Engine Company 26, currently located at 1340 Rhode

Island Avenue, NE, all legal work and regulatory approvals, and site work and the construction of a 30,000 square foot fire station. The Department intends to construct a LEED Silver facility.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget of the Fire and Emergency Medical Services Department, as proposed by the Mayor, with the following modifications:

1. *Increase* CSG 41 (Contractual Services – Other), Program 6000 (Support Services Bureau), Activity 6400 (Risk Management), by \$817,652 to fund the communicable disease treatment, pre-employment screening, personnel exposure tracking, and Police and Fire Clinic contractor costs of the Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 (D.C. Law 19-331).
2. *Eliminate* 4 FTEs and *reduce* CSG 11 (Regular Pay – Continuing Full Time) by \$315,836 and CSG 14 (Fringe Benefits – Current Personnel) by \$56,219: *total PS reduction = \$372,055* and by program as follows:
  - a. In Program 100F (Agency Financial Operations), Activity 101F (Agency Fiscal Officer Operations): *eliminate* 1.0 FTE (Budget Analyst) and *reduce* CSG 11 by \$90,253 and CSG 14 by \$16,065: *total PS reduction = \$106,318*
  - b. In Program 7000 (Technical Services Bureau), Activity 7200 (Fire Prevention (Dep Chief FPD)): *eliminate* 1.0 FTE (Fire Inspector) and *reduce* CSG 11 by \$77,454 and CSG 14 by \$13,786: *total PS reduction = \$91,240*
  - c. In Program 5000 (Nurse Consultant), Activity 5400 (EMS Quality Assurance): *eliminate* 1.0 FTE (Nurse Consultant) and *reduce* CSG 11 by \$100,310 and CSG 14 by \$17,855: *total PS reduction = \$118,165*
  - d. In Program 6000 (Support Services Bureau), Activity 6100 (Apparatus (Fleet Management)): *eliminate* 1.0 FTE (Heavy Mobile Equipment Repairer) and *reduce* CSG 11 by \$47,819 and CSG 14 by \$8,511: *total PS reduction = \$56,331*
3. *Recognize* \$171,143 in vacancy savings from Program 3000 (Operations Bureau), Activity 3100 (Operations (Dep Chief Ops)), in the following amounts: CSG 11 (Regular Pay – Continuing Full-Time) by \$140,680 and CSG 14 (Fringe Benefits – Current Personnel) by \$30,463: *total PS reduction = \$171,143*

**b. Fiscal Year 2018 Capital Budget Recommendations**

The Committee recommends adoption of the FY 2018-2023 capital budget for the Fire and Emergency Medical Services Department, as proposed by the Mayor.

**c. Policy Recommendations**

1. The Committee recommends that the Department provide all personnel with CPR instruction.
2. The Committee recommends that the Department support training for EMTs to become Paramedics.
3. The Committee recommends that the Department hire Registered Nurses from within the Department when considering staff for the Nurse Triage Line.
4. The Committee recommends that the Department move swiftly to identify a site for the new fleet maintenance facility.
5. The Committee recommends that the Department transmit its study on the procurement of a new fire boat as soon as practicable. Given the significant economic development taking place on the waterfront, in addition to security and hazard risks, it will be crucial to have the capability to secure the waterfront area.
6. The Committee looks forward to working with the Department to pursue comprehensive, inter-agency strategies for reducing 9-1-1 call volume.



## **M. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY**

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

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

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

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

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s Fiscal Year 2018 proposed budget for the Homeland Security and Emergency Management Agency is \$136,570,261, an increase of \$72,186, or 0.1%, from the FY 2017 approved budget of \$136,498,075. The proposed budget supports 112.0 FTEs, an increase of 7.0 FTEs, or 6.6%, over the FY 2017 approved level of 105.0 FTEs.

**Local Funds:** The Mayor has proposed a local funds budget of \$4,827,226, an increase of \$160,003 or 3.4%, from the FY 2017 approved local funds budget of

\$4,667,223. This funding supports 28.0 FTEs, representing no change from the FY 2017 approved level.

***Federal Resources:*** The Mayor has proposed a federal resources budget of \$131,743,035, a decrease of \$87,816, or 0.1%, from the FY 2017 approved federal resources budget of \$131,830,851. This funding supports 84.0 FTEs, an increase of 7.0 FTEs, or 9.0%, over the FY 2017 approved level of 77.0 FTEs. The federal resources budget is composed entirely of federal grant funds.

### **Committee Analysis and Comments**

***Mayor's Special Events Task Force Group ("MSETG"):*** The mission of the MSETG is to support the District's public safety planning efforts for events requiring interagency coordination and to provide interagency reviews and assessments of the operational, public safety, and logistical components of proposals for special events. During the Committee's performance oversight hearing, then-Director Geldart spoke about after-action follow up that is required of MSETG event permit holders. He shared that as of now, MSETG unified command, who help to set up with organizers of the event, bring the organizers back together after the event to discuss what must be done as follow up. However, Director Geldart committed that unified command should have a walk through with an organizer before breaking down so that organizers can show that they have completed the tasks necessary to restore the area back to its pre-event condition. During the hearing, the Committee suggested that for annual events, the MSETG should complete an after-action assessment of an event's clean up efforts to be used in the approval of their next event.

A related issue that the Committee raised at its budget oversight hearing is that of the fees associated with permitting through the MSETG and the burden this places on small non-profit groups that want to run events in the District. Interim Director Brian Baker shared that HSEMA itself does not charge any fees, but instead it convenes the different agencies who then set the fees. Nonetheless, he stated that they are working with the Mayor's Office to look at making updates to the fee structure and working to determine how to best set rates in a tiered manner to relieve the burden on smaller groups.

**Table 1: Mayor’s Special Events Task Group Decisions on Special Events,  
FY 2016 and FY 2017, To Date**

<i><b>MSETG Decisions</b></i>	<i><b>Special Events</b></i>	
	<b>FY 2016</b>	<b>FY 2017, To Date</b>
Conditionally Approved	95	54
Denied	6	2
Follow Up Required/ Event Cancelled	4	0
Situational Awareness Presentations	6	4
<b>Total Events Processed</b>	<b>111</b>	<b>60</b>

*Source: Homeland Security and Emergency Management Agency*

**Communications:** HSEMA uses two communication tools to share information: the National Capital Region Regional Situational Dashboard (“Dashboard”) and the Everbridge Alerting System.

Dashboard helps to improve real time situational awareness in the District and among National Capital Region partners. As Director Geldart testified at the Committee’s performance oversight hearing, Dashboard does so by bringing together “geospatial information, closed circuit television camera feeds, computer aided dispatch, and traffic information to create a clear and organized common operating picture.” During the 2017 Presidential Inauguration, more than 650 users were registered to Dashboard, which was used for planning and coordination during the event.

The Everbridge alert system sends out internal District government, public, and regional alerts. The internal alerts are used to activate emergency personnel and quickly disperse information, and the public system is called AlertDC and is the official District communications system to send out emergency alerts, notifications, and updates to subscribers. As of February 2017, there were more than 167,400 AlertDC subscribers, and in 2016, the system sent out 6,841 alerts. HSEMA added a new feature in 2016 which allowed users to sign up for text alerts for a specific event. This technology was especially utilized during the 2017 Inauguration.

HSEMA also piloted the Wireless Emergency Alert in January 2017, which sends a text message to nearby cellular towers in a specific area and broadcasts a message to all cell phones in that area, whether or not cell phone users are registered

to receive alerts. The agency conducted a successful test, and now the system will help share critical information during emergencies.

***Incident Management Support Team:*** The Incident Management Support Team works to certify and credential city-wide first responders and operations personnel, as well as jurisdictional responders. These teams are staffed with the essential positions necessary to support the District's primary, alternate, and mobile emergency operations. The teams assist HSEMA in managing tangible resources during emergencies by distributing to the agencies that respond to incidents and the people who are impacted. In FY 2017, HSEMA certified two Incident Management Support Teams.

***District Preparedness System ("DPS"):*** This is the District's comprehensive approach to homeland security and emergency management wherein HSEMA collaborates with federal, regional, and private sector partners. The DPS facilitates collaborative development of individual agency capabilities and preparedness plans, training and exercise of the plans, and implementation of the processes they contain during real world events. The DPS guides the day to day operations of the District's Joint All-Hazards Operation Center, as well as the agency's response to other events such as mass casualties or extreme heat.

***Homeland Security Commission:*** The District of Columbia Homeland Security Commission ("HSC") was established by the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006. The core function of the HSC is to make recommendations for improvements in security and preparedness in the District. Over the past two years, the Committee has confirmed five nominees to the Commission, all of whom are experts in the field. The Commission is now equipped to thoroughly analyze and provide recommendations relating to the District's most pressing homeland security challenges, including cybersecurity and the security of our growing waterfront. The Committee encourages the Commission to consider these issues now that it is nearing a full complement of members.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Homeland Security and Emergency Management Agency, as proposed by the Mayor.

### **b. Policy Recommendations**

1. The Committee recommends that the Homeland Security Commission consider homeland security issues relating to the District's growing waterfront as a potential topic for its next annual report.

2. The Committee recommends that the agency make updates to the MSETG after-action assessment of an organizer's clean up efforts to be used in the approval of their next event, and that the agency work with the Mayor's Office to make updates to the event fee structure to relieve the burden of high fees on small non-profit events.

## **N. JUDICIAL NOMINATION COMMISSION**

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

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

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

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s Fiscal Year 2018 proposed budget for the Judicial Nomination Commission is \$295,000, representing a \$20,000, or 7.3%, increase from the FY 2017 approved budget of \$275,000. The proposed budget supports 2.0 FTEs, representing no change from the current fiscal year.

***Federal Resources:*** The Mayor’s FY 2018 budget is composed entirely of federal payments.

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

***Agency Activities:*** JNC discussed outreach, application modernization efforts and judicial vacancies during the agency’s FY 2016-2017 performance oversight hearing. In terms of outreach, the Commission shared that it “engaged in a robust series of outreach activities” within the local legal community in FY 2016 continuing into FY 2017. According to the JNC Chair, the Honorable Emmet G. Sullivan, “the [C]ommission developed and released an informational brochure, available on the Commission website, describing the judicial nomination process for the District of Columbia Courts.” Additionally, JNC continues to use social media (Twitter and Facebook) to inform the public of judicial vacancies, and the agency tracks its website activity.

The Commission has also conducted outreach events that have reached more than 200 attorneys in the legal community. This has included in-person events in

partnership with District law schools, voluntary bar associations, institutional litigants, and other interested organizations from within the legal community.

JNC discussed its partnership with the Office of the Chief Technology Officer (“OCTO”) during FY 2016 to launch a secure site to house all application materials for pending vacancies. According to Judge Sullivan, “Commissioners can now access, through a password-controlled secure site, all materials concerning individual applicants for each vacancy. The Commission is working with OCTO to provide a portal for applicants to submit application materials electronically.” The Commission expects to pursue this update in the third quarter of FY 2017, and there are currently sufficient funds in the agency’s budget for this work. Additionally, the Commission recently revised its Applicant Questionnaire to bring its materials in line with best practices from around the country.

***Judicial Vacancies:*** At the beginning of FY 2016, there were eight vacancies on the District Courts – one on the Court of Appeals and seven on the Superior Court. These seven Superior Court vacancies were filled during FY 2016. During the course of FY 2016, an additional six judges on the Superior Court announced their retirements. The Commission timely recommended candidates for five of these Superior Court vacancies, and President Obama nominated candidates for each, each of which was returned by the Senate to the President on January 3, 2017. The Commission timely recommended candidates for the sixth Superior Court vacancy; President Trump’s nominee is pending before the Senate. The Commission also announced the end of term for Chief Judge of the Superior Court Lee F. Satterfield and designated the Honorable Robert E. Morin as the new Chief Judge, to serve a four-year term from October 1, 2016.

With respect to the Court of Appeals, the pending nomination to fill the 2013 vacancy on the Court of Appeals, noted above, was returned to the President of the United States on January 3, 2017. The vacancy is still pending, awaiting a nomination by the President. An additional vacancy arose on the Court of Appeals on March 18, 2017, due to the retirement of the Honorable Eric T. Washington. The Commission will be timely forwarding recommended candidates on May 10, 2017. On February 2, 2017, the Commission designated the Honorable Anna Blackburne-Rigsby as the new Chief Judge of the Court of Appeals, to serve a four-year term from March 18, 2017.

The Commission advises that as of May 10, 2017, three additional vacancies on the Superior Court have been announced. The Hon. Gregory E. Jackson will retire on July 21, 2017, and the Hon. Zoe Bush and Thomas Motley will retire on October 27, 2017. The Commission has advertised these vacancies and will timely recommend candidates to the President for his consideration and nomination.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Judicial Nomination Commission, as proposed by the Mayor.

### **b. Policy Recommendations**

1. The Committee recommends that JNC continue to conduct outreach to diverse and interested candidates.
2. The Committee recommends that JNC continue to prioritize security measures while it develops the portal for applicants to submit application materials electronically.



## O. METROPOLITAN POLICE DEPARTMENT

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

The mission of the Metropolitan Police Department (“MPD” or “Department”) is to safeguard the District of Columbia and protect its residents and visitors with the highest regard for the sanctity of human life. MPD is the primary law enforcement agency in the District. The Department provides crime prevention and response services through six bureaus.

- The ***Patrol Services Bureau*** coordinates crime prevention and reduction efforts in the seven police districts.
- The ***Investigative Services Bureau*** works with the community to solve crimes, help bring offenders to justice, support the recovery of victims, and protect witnesses.
- The ***Homeland Security Bureau*** integrates intelligence and operational functions to ensure that the District is well protected and that the government works to prevent and is prepared to respond to threats and critical incidents.
- The ***Professional Development Bureau*** helps the Department strategically manage its human capital through recruiting, hiring, training, and personnel services.
- The ***Corporate Support Bureau*** oversees the major administrative, technical, and business functions of the Department, including fleet management, equipment and supply, and evidence and property control, and provides medical support for the agency’s sworn members.
- Finally, the ***Internal Affairs Bureau*** ensures MPD’s accountability through comprehensive investigations of alleged misconduct and uses of force.

#### b. Mayor’s Proposed Fiscal Year 2018 Operating Budget

##### Proposed Operating Budget Summary

The Mayor’s Fiscal Year 2018 budget for the Metropolitan Police Department is \$547,074,328, a decrease of \$5,867,252, or 1.1%, from the FY 2017 approved budget of \$552,941,580. The proposed budget supports 4,741 FTEs, an increase of 97 FTEs, or 2.1%, from the FY 2017 approved level of 4,644 FTEs.

***Local Funds:*** The Mayor’s proposed local funds budget is \$502,100,301, a decrease of \$14,369,689, or 2.8%, from the FY 2017 approved local funds budget of

\$516,469,990. This funding supports 4,715 FTEs, an increase of 93 FTEs, or 2.0%, from the FY 2017 approved level of 4,622 FTEs.

***Special Purpose Revenue Funds:*** The Mayor's proposed special purpose revenue funds budget is \$8,200,000, an increase of \$336,022, or 4.3%, from the FY 2017 approved special purpose revenue funds budget of \$7,863,978. This funding does not support any FTEs, representing no change from the FY 2017 approved level.

***Federal Resources:*** The Mayor's proposed federal resources budget is \$6,144,690, an increase of \$2,915,231, or 90.3%, from the FY 2017 approved federal resources budget of \$3,229,459. This funding supports 26 FTEs, an increase of 13 FTEs, or 100% over the FY 2017 approved level. This budget is composed entirely of federal grant funds.

***Intra-District Funds:*** The Mayor's proposed intra-District funds budget is \$30,629,338, an increase of \$5,251,185, or 20.7%, from the FY 2017 approved budget of \$25,378,152. This funding supports 9 FTEs, representing no change from the FY 2017 approved level.

### **Committee Analysis and Comments**

***Overall budget:*** Approximately 90% of the MPD budget is for personal services ("PS"). The remaining 10% of the total budget – approximately \$51.4 million – covers a variety of non-personal services ("NPS"), including specialized law enforcement purchases, such as uniforms, firearms, and ammunition; contracts of the Police and Fire Clinic; fleet maintenance; and information technology. Of the local budget, only \$1.2 million, or less than one quarter of one percent, is not tied up in salaries, benefits, or major contracts and programmatic spending. This \$1.2 million covers a wide variety of operating expenditures, such as postage, stenographers for disciplinary hearings, subscriptions to legal databases, and mandatory language access translations.

***Staffing:*** The FY 2018 budget proposes a total increase of 93 FTEs. As had been widely publicized, the Department is in the midst of a sworn officer retirement bubble. The rapid hiring of more than 1,500 officers between 1989 and 1991 created retirement eligibility for 21 percent of the sworn members of the force in 2015 and 30 percent by 2017. The table below shows both the number of members newly eligible to retire, as well as the cumulative impact of retirement eligibility, for FY 2017 through FY 2022. The cumulative numbers would be offset by any separations in prior years. However, the table illustrates that even after the initial impact of the retirement bubble begins to subside, the cumulative impact will linger.

**Table 1: Cumulative Retirement Eligibility by End of Fiscal Year**

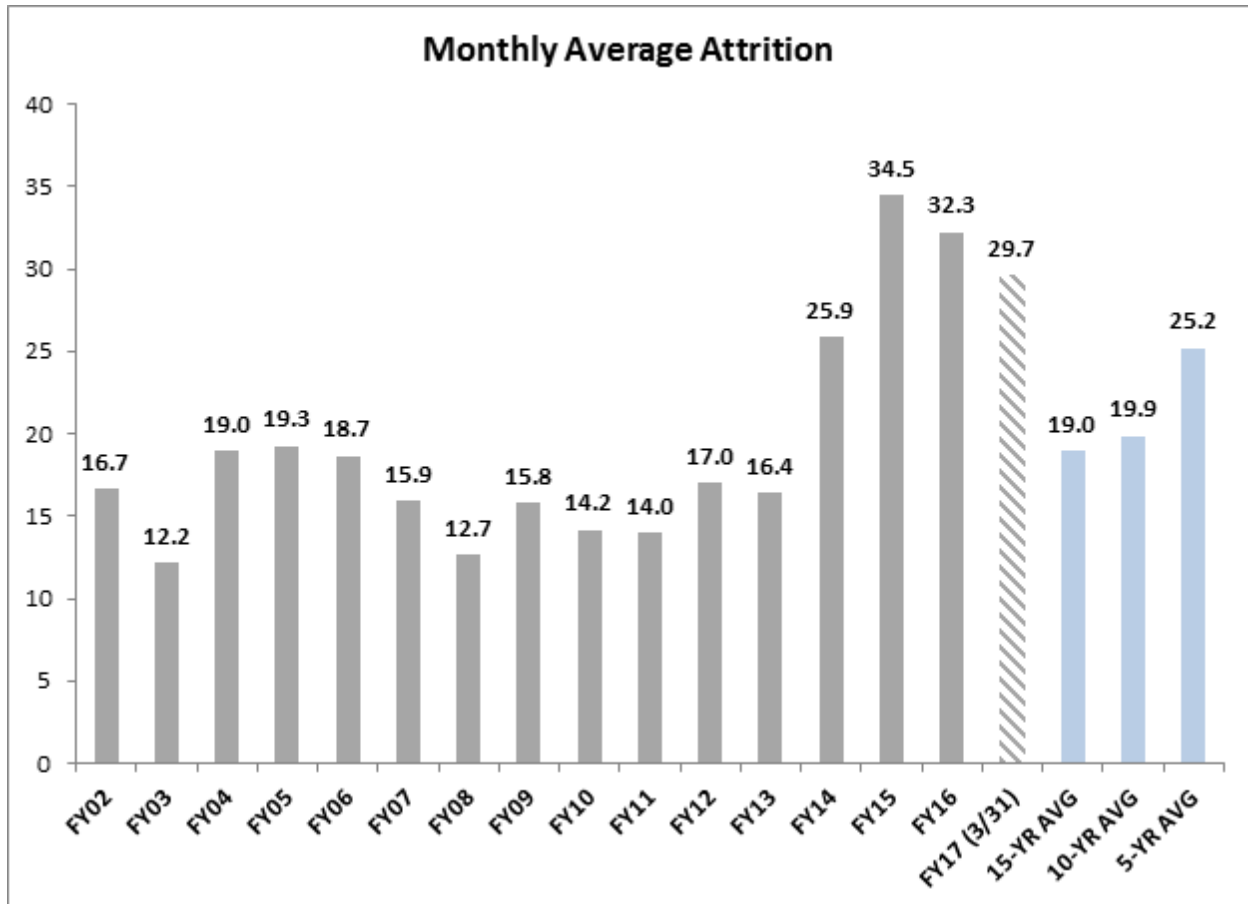
<i>Rank</i>	<i>Total (as of Jan. 30, 2017)</i>	<i>Total Eligible (as of Jan 30, 2017)</i>	<i>Cumulative Eligible</i>					
			<i>FY17</i>	<i>FY18</i>	<i>FY19</i>	<i>FY20</i>	<i>FY21</i>	<i>FY22</i>
Assistant Chief	6	2	3	4	5	5	5	5
Commander	17	7	8	10	11	11	11	12
Inspector	6	1	1	1	3	3	3	3
Captain	40	9	11	19	22	25	28	30
Lieutenant	123	26	33	46	60	66	73	79
Sergeant	380	49	76	93	120	140	149	169
Detective Grade 1	22	14	18	21	22	22	22	22
Detective Grade 2	274	21	37	52	67	73	80	92
Officer	2787	161	221	305	409	458	506	581
<b>Total</b>	<b>3655</b>	<b>290</b>	<b>408</b>	<b>551</b>	<b>719</b>	<b>803</b>	<b>877</b>	<b>993</b>
Assistant Chief	6	33%	50%	67%	83%	83%	83%	83%
Commander	17	41%	47%	59%	65%	65%	65%	71%
Inspector	6	17%	17%	17%	50%	50%	50%	50%
Captain	40	23%	28%	48%	55%	63%	70%	75%
Lieutenant	123	21%	27%	37%	49%	54%	59%	64%
Sergeant	380	13%	20%	24%	32%	37%	39%	44%
Detective Grade 1	22	64%	82%	95%	100%	100%	100%	100%
Detective Grade 2	274	8%	14%	19%	24%	27%	29%	34%
Officer	2787	6%	8%	11%	15%	16%	18%	21%
<b>Total</b>	<b>3655</b>	<b>8%</b>	<b>11%</b>	<b>15%</b>	<b>20%</b>	<b>22%</b>	<b>24%</b>	<b>27%</b>

*Source: Metropolitan Police Department*

As Chief Newsham noted during the Committee’s performance oversight hearing, ensuring that MPD maintains an adequate number of officers on the street is a top priority for the Department. The Department estimates that it currently has the capacity to hire and train approximately 300 new recruits per year while maintaining high standards and quality control. In FY 2018, the Department is funded to hire 360 sworn officers, which assumes that it will maximize the hiring of new recruits, and continue to hire returning Senior Law Enforcement Officers. The Committee supports the hiring of 360 sworn officers. While some have cited concerns of MPD sworn officers falling below 4,000, Chief Newsham and other public safety leaders have noted there is no “magic number” associated with an appropriately staffed force. The actions and initiatives outlined in this Committee Report detail efforts to help curb the retirement bubble and stabilize the size of the force. Additionally, there are positive signs that MPD is on the downward slope of the

retirement bubble. The average monthly attrition rate for sworn officers increased from 25.9 in FY 2014, to 34.5 per month in FY 2015, and then began to decrease, with 32.3 in FY 2016, to 29.7 in the first six months of FY 2017, which is noted in the chart below.

**Table 2: Monthly Average Attrition at MPD**



*Source: Metropolitan Police Department<sup>33</sup>*

**Recruitment:** MPD's Recruiting Division has conducted numerous outreach efforts during FY 2016 and FY 2017, to date. The recruiting strategy is focused on face-to-face conversations and web-based, radio, and cable television advertisements. The advertisements have targeted national publications and local outlets. MPD's Recruiting Division has also attended outreach and career fairs in the tri-state area and other nearby East Coast states. The Recruiting Division also conducts information sessions at institutes of higher learning to benefit graduating students. These sessions cover police officer hiring requirements and internship opportunities.

<sup>33</sup> Total attrition includes resignations, optional retirement, disability retirement, termination, and death.

In addition, the Division has made connections with area employment offices. The Division has provided information to these offices for interested candidates to apply for police officer positions. The Outreach Unit has also visited more than two dozen local fitness centers to distribute flyers and literature pertaining to police officer vacancies. The Committee is pleased with MPD's local and national efforts to increase the number of new recruits and encourages the Department to continue exploring innovative strategies for recruiting sworn members. The Committee approves the Department's proposed budget of \$750,000 for a public relations campaign to this end.

***Cadet Program Expansion:*** MPD's proposed budget includes \$1.395 million to expand MPD's Cadet Program from 35 to 70 members. The Cadet program allows District high school graduates to earn the college credits necessary to become a MPD recruit officer. Cadets attend the University of the District of Columbia full-time and work at MPD part-time. Last year, the Council passed the "Omnibus Public Safety and Justice Amendment Act of 2016"<sup>34</sup>, which included a provision raising the eligibility for the Cadet Program from 20 to 24. In FY 2016, MPD recruited approximately 27 cadets.<sup>35</sup> In the first quarter of FY 2017, MPD recruited 10 cadets. Based on prior years' recruitment, the Committee is concerned about the capacity of MPD to recruit the full 70 cadets. However, the Committee believes that with aggressive recruitment, this expansion, coupled with the creation of the Public Safety Academy at Anacostia High School, will provide additional educational and career opportunities for District youth and young adults in the field of law enforcement.

***Housing Incentives:*** It is critical that our first responders live in the District, as this allows them to invest in the communities they serve. Currently 17% of MPD officers, 27 % of FEMS employees, and 17.39 % of correctional officers live in the District. The Committee's budget prioritizes recruitment and retention through several new proposals, including \$1 million for a new housing incentive to support officers who choose to live in the District. For up to 200 new recruits, the Department would provide a housing allowance of \$1,000 per month for six months to live in the District.

For officers looking to purchase a home, the Committee supports several amendments to the Employer-Assisted Housing Program ("EAHP") for District government employees, including first responders. EAHP currently provides eligible employees of District government agencies who are first-time homebuyers with (1) matching down payment funds up to \$1,500, and (2) a deferred loan of up to \$10,000

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<sup>34</sup> See, Bill 21-724, the "Omnibus Public Safety and Justice Amendment Act of 2016", available at <http://lims.dccouncil.us/Download/35725/B21-0724-SignedAct.pdf>.

<sup>35</sup> See, MPD's Submitted Performance Oversight Responses, located at [http://dccouncil.us/files/user\\_uploads/budget\\_responses/JPS\\_Performance\\_Oversight\\_Responses\\_2017\\_MPD\\_Part1.pdf](http://dccouncil.us/files/user_uploads/budget_responses/JPS_Performance_Oversight_Responses_2017_MPD_Part1.pdf).

to be used towards the purchase of a single family home, condominium, or cooperative unit located in the District.<sup>36</sup>

In February of this year, Chairperson Allen introduced Bill 22-0105, the “First Responders Housing Incentive Program Amendment Act of 2017”, on which the Committee held a joint hearing with the Committee on Housing & Neighborhood Revitalization in April.<sup>37</sup> During the hearing, David Hoagland, an active member of the Washington, D.C. Firefighters Association, Local 36, expressed his concerns with homeownership in the District:

“I am proud to call the District my home, but I face real hurdles in regard to making homeownership as a District of Columbia Firefighter a reality. With the current median home price in the District at upwards of 500,000, a significant financial investment is required in order to make a down payment. Existing programs like the Housing Purchase Assistance Program (HPAP) and DC Open Doors provide some help but I do not qualify for meaningful assistance from these programs.”<sup>38</sup>

This same sentiment was echoed by Matthew Mahl, Chairman of the DC Police Union:

“With only 620 police officers of a 3700 member force living within the District of Columbia, the Housing Incentive program is a good start and initiative for our members. While I think bringing monetary incentives for our public safety to live in the city they protect is a starting point, this Act on combats one small faction of the problem. With the astronomical cost of living in the District of Columbia we need to couple this bill with higher wages and income tax exemptions to truly make a difference on recruitment and retention and trying to get out public safety workers to live in the city.”<sup>39</sup>

Bill 22-0105 has been amended and included in the recommended Budget Support Act subtitles of the Committee on Housing & Neighborhood Revitalization.

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<sup>36</sup> D.C. Code §§ 42-2504-05.

<sup>37</sup> See, Bill 22-0105, the “First Responder Housing Incentive Program Amendment Act of 2017”, available at <http://lims.dccouncil.us/Download/37358/B22-0105-Introduction.pdf>.

<sup>38</sup> *Committee on the Judiciary & Public Safety and Committee on Housing and Neighborhood Revitalization Joint Public Hearing* on Bill 22-0041, the “Force of 4,200—Police Officer Recruitment and Retention Act of 2017” and Bill 22-0105, the “First Responders Housing Incentive Program Amendment Act of 2017” (written testimony of David Hoagland, Member, Washington, D.C. Firefighters Association, Local 36).

<sup>39</sup> *Committee on the Judiciary & Public Safety and Committee on Housing and Neighborhood Revitalization Joint Public Hearing* on Bill 22-0041, the “Force of 4,200—Police Officer Recruitment and Retention Act of 2017” and Bill 22-0105, the “First Responders Housing Incentive Program Amendment Act of 2017” (written testimony of Matthew Mahl, Chairman, DC Police Union).

The new subtitle will assist the District in recruiting and retaining police officers, firefighters, emergency medical technicians, and correctional officers through targeted homeownership assistance in the form of an investment of \$1.1 million in EAHP. The subtitle has three components, as supported by the Committees:

- 1) *Matching down payment funds*:
  - For every police officer, correctional officer, firefighter, paramedic, and emergency medical technician who saves \$2,500, the District will provide \$1,500 (currently \$500), with successive matches for every \$2,500 saved, up to a \$15,000 commitment by the District (currently \$1,500).
  - For District government employees who are not first responders: for every \$2,500 saved by an eligible employee, the District will provide \$1,000, with successive matches for every \$2,500 saved, up to a \$5,000 commitment by the District.
- 2) *A deferred payment loan* of up to \$20,000 per employee, increased from the current \$10,000 cap; and
- 3) *A forgivable grant* of up to \$10,000 for police officers, correctional officers, firefighters, paramedics, and emergency medical technicians who make a five-year service obligation.

That means the District could help with up to \$45,000 towards a home for a first responder — which is a strong tool to address affordability and can be a significant incentive for recruitment and retention of District residents. The Committee also supports Bill 21-0417, the “First-Time Homebuyer Tax Benefit Amendment Act of 2016”, which amends Title 42 of the District of Columbia Code to include a first-time homebuyer tax benefit for residents who have never owned residential property or an economic interest in a cooperative unit in the District of Columbia.<sup>40</sup> Implementation of this legislation, coupled with the initiatives mentioned above, would make buying a home in the District more achievable for first responders, as well as other District residents.

***Police Officer Retention Program:*** In FY 2016, the Department budgeted \$2.5 million for the creation of the Police Officer Retention Program (“PORP”), which is an education-based incentive program aimed at retaining current officers. The program targets MPD’s largest population groups—members at the beginning of their careers as well as those at the end – who are also the ones most likely to separate from the Department. The incentive for members at the beginning of their career is repayment of college debt. For officers eligible to retire, MPD created opportunities

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<sup>40</sup> See, Bill 21-0417, the “First-Time Homebuyer Tax Benefit Amendment Act of 2016”, available at <http://lims.dccouncil.us/Download/34615/B21-0417-CommitteeReport1.pdf>.

for bachelor's or graduate certificates. For both groups, it required an obligated service agreement to ensure continued service to the District. In FY 2016, the Committee allocated \$2.5 million for the program and only \$500,000 (a total of 40 officers) had been used by the second quarter of Fiscal Year 2016. The Committee then reallocated \$1.1 million from this program, leaving a balance of \$900,000. With the remaining \$900,000 in funding, approximately 88 officers took advantage of the program. The Committee supports \$900,000 for the PORP in FY18 and will continue to monitor the program's usage for officers at each stage in their careers.

***Deferred Retirement Option Plan:*** A Deferred Retirement Option Plan ("DROP") is a feature in a defined benefit plan, which allows a participant eligible to retire to make an election to continue working and instead of crediting compensation and additional years of service for plan purposes, the benefit as of the date of the DROP is credited to an account that earns interest. Once an individual decides to retire, they receive their pension plus the DROP account credited with earnings either at the actual rate of return or a fixed rate stated in the plan. The Committee is currently exploring the creation of a Deferred Retirement Option Plan ("DROP") for members of MPD and members of the Fire and Emergency Medical Services Department (FEMS).

***Civilianization:*** The hard work and dedication of MPD's civilian employees is essential to the daily operations and overall success of the Department. In critical support functions such as analyzing crime data, researching new police tools, writing policy, and keeping the fleet functioning, civilians improve the effectiveness and efficiency of the Department in countless ways. As Chief Newsham noted during the Committee's budget oversight hearing:

"Civilianization is important because it allows our officers to focus on operational functions that require police powers, while often bringing in technical expertise that our officers do not have."

To meet the immediate hiring needs, the proposed FY 2018 budget includes \$2.6 million for the civilianization of 25 positions. The FY 2018 budget also proposes \$2.9 million for 22 positions in the Department of Forensic Sciences ("DFS"). At DFS, the funding will enable the Lab to convert 22 temporary scientist positions to full-time employees. In turn, this will support 23 MPD officers returning to operations in MPD.



Below is a table summarizing the number of civilians hired in Fiscal Years 2015, 2016, and 2017, to date. The table also summarizes the number of civilian separations in Fiscal Years 2015, 2016, and 2017, to date.

**Table 3: Civilian Hires and Separations, Fiscal Years 2015-2017**

<b>Overall Stats</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17 (thru 03/31)</b>
Starting strength	461	512	575
Separations	37	71	27
Total hires	88	134	70
Ending / Current strength	512	575	618

<b>Civilianization Stats</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>
Hired to Date	61	47	16
Target Total	61	47	16

*Source: Metropolitan Police Department*

The Committee has allocated funding for ten new civilian employees. These ten positions, in addition to the conversion of 22 positions at DFS, will enhance agency operations by allowing officers in these positions to return to their sworn duties. Additionally, it will ensure that individuals with the requisite expertise are filling these positions.

**Senior Police Officer Program:** During Council Period 21, the Committee moved Bill 21-0852, the “Senior Police Officer Emergency Act of 2016”.<sup>41</sup> The emergency legislation created the Senior Police Officer (“SPO”) Program by amending the Chief of Police’s existing authority to rehire retired officers without jeopardy to the officers’ retirement benefits by allowing the Chief to rehire retired detectives and sergeants at higher pay grades. Permanent legislation was incorporated into Bill 21-0724, the “Omnibus Public Safety and Justice Amendment Act of 2016”.<sup>42</sup>

Applicants for the SPO program must complete an assessment process. The Human Resources Department evaluates the person’s prior performance and completes an Internal Affairs and disciplinary history check.<sup>43</sup> If the candidate

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<sup>41</sup> See, Bill 21-0852, the “Senior Law Enforcement Officer Emergency Act of 2016”, available at <http://lims.dccouncil.us/Download/36360/B21-0852-SignedAct.pdf>.

<sup>42</sup> See, Bill 21-0724, the “Omnibus Public Safety and Justice Amendment Act of 2016”, available at <http://lims.dccouncil.us/Download/35725/B21-0724-SignedAct.pdf>.

<sup>43</sup> See, MPD’s Submitted Performance Oversight Responses, located at [http://dccouncil.us/files/user\\_uploads/budget\\_responses/JPS\\_Performance\\_Oversight\\_Responses\\_2017\\_MPD\\_Part1.pdf](http://dccouncil.us/files/user_uploads/budget_responses/JPS_Performance_Oversight_Responses_2017_MPD_Part1.pdf).

advances, their former Commander and Bureau Assistant Chief are asked to provide an SPO recommendation.<sup>44</sup> An approval memo is submitted through the chain of command, which includes the Human Resources Director, Assistant Chief—Professional Development Bureau, and the Chief of Police.<sup>45</sup> Finally, a decision is made on whether or not to approve the candidate for an SPO decision.

As currently enacted, the program is set to expire on October 12, 2019. Since the enactment of the emergency legislation, the Department has hired 12 Detectives Grade I and 48 Sergeants. Retaining officers who have institutional knowledge of the Department is essential for training the next generation of sworn officers. However, the DC Police Union has expressed concern about the availability of mid-career retention incentives. As Matthew Mahl, Chair of the DC Police Union, noted in his written testimony regarding the program:

“Retirement is a natural life step and the fruits of retirement are well deserved after 25 or more years of service to this city. Your more serious problem is keeping the non-retiring members with the Department. These are your 5, 10, 15 year members. While we value our retiring members’ experience and the lessons they can impart on the next generation; we have to maintain the initiatives that will foster the growth of the members we will have for the next 5, 10, and 15 years”.<sup>46</sup>

The Committee recommends that the Department consider additional incentives targeted at mid-career officers and ensure that any incentives implemented by the Department include opportunities for professional growth and advancement. Along this line of reasoning, the Committee recommends striking the Mayor’s proposed Title III, Subtitle F, the “Retired Police Officer Redeployment Amendment Act of 2017”, which would have extended the sunset on the Department’s authority to three years after the effective date of the act, in addition to allowing senior police officers to continue working for the Department for five years.

***Arrest Diversion Program:*** The budget provides \$970,544 to launch a new arrest diversion program to support individuals in crisis due to problems associated with substance abuse, mental health, or homelessness. As Chief Newsham noted during the Department’s budget oversight hearing:

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<sup>44</sup> *Id.*

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

<sup>46</sup> *Committee on the Judiciary Public Hearing on Bill 21-0827, the “Senior Law Enforcement Officer Amendment Act of 2016”* (October 17, 2016) (written testimony of Matthew Mahl, Chairman, DC Police Union), <http://lims.dccouncil.us/Download/35725/B21-0724-CommitteeReport1.pdf>.

“Comprehensive harm reduction strategies can help to move some of these issues from the law enforcement arena to the public health and services realm where they belong.”<sup>47</sup>

The program is intended to satisfy the requirements of Section 105 of the NEAR Act – the Community Crime Prevention Team Program – although its structure is different.<sup>48</sup> This Section of the NEAR Act establishes a pilot program that requires MPD to pair mental health clinicians and housing outreach specialists from the Department of Behavioral Health (“DBH”) and Department of Human Services (“DHS”) with police officers to identify potential improvements in policing training or procedure, and identify and serve individuals with unmet needs who frequently interact with the police. It is the Executive’s intention to develop intervention strategies by service agencies with expertise in these areas, and the Mayor’s Errata Letter recommends transferring the funds to the Department of Behavioral Health (“DBH”). MPD will then work with partners in the criminal justice system to establish the parameters of the diversion program. The Committee supports the intent of this proposal and recommends that the program include mental health providers co-responding with officers. The Committee also recommends that the Department consider implementation of the Law Enforcement Assisted Diversion Program, which is a pre-booking diversion program that has achieved success in Seattle Washington, Sante Fe, New Mexico, Albany, New York, Portland, Oregon, Fayetteville, North Carolina, and Huntington, West Virginia.<sup>49</sup>

***Initiatives Addressing Missing Youth:*** Recently, MPD’s Youth and Family Services Division began aggressively using social media to generate public attention surrounding missing youth. Mayor Bowser subsequently released six new initiatives to address the District’s response to missing youth. On March 24, 2017,<sup>50</sup> the following MPD-related initiatives were announced by the Mayor:

- ***Increase the Number of MPD Officers Assigned to Children and Family Services Division:*** MPD will increase officer staffing of the Children and Family Services Division. The newly assigned officers will share the responsibility of locating youth who have been reported missing. Additional officers may also be provided through the Senior Police Officer Program and the detailing of officers from other divisions.

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<sup>47</sup> *Metropolitan Police Department: Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 12, 2017) (written testimony of Peter Newsham, Acting Chief of Police, Metropolitan Police Department).

<sup>48</sup> An analysis of the “Neighborhood Engagement Achieves Results Act of 2015” is included in the budget chapter for the Deputy Mayor for Public Safety and Justice.

<sup>49</sup> See, <https://www.leadbureau.org/>.

<sup>50</sup> See, “Bowser Administration Announces Six New Initiatives to Address Missing Young People in Washington, DC”, available at <https://mayor.dc.gov/release/bowser-administration-announces-six-new-initiatives-address-missing-young-people-washington>.

- ***Expansion of the MPD Missing Persons Webpage and Social Media Messaging to Include Case Catalog with Broader Information:*** The current MPD Missing Persons website includes a tally of cases and very general information on each open case which is compiled into a Critical Missing flyer. As of March 24, 2017, the updated MPD site will share more information about missing youth including: the circumstances of the case (e.g., abduction or the youth left home/school/other), the MPD officer assigned to the case, and more images of the youth. When the child is located, the date will be noted on the website.

The Committee is pleased with these initiatives, as they increase MPD's coordinated outreach efforts to locate missing youth and provide community members with additional information on the status of missing youth.

***Community Policing in the Department:*** Modern policing requires police departments to be committed to working closely with the communities they serve to establish trust and respect. It also requires departments to understand the unique needs of the communities they serve while adapting to the ever-evolving needs of law enforcement. As then-Interim Chief Newsham noted during the Committee's November 3, 2016, public oversight roundtable on the State of MPD:

"The residents of the District are entitled to have a police department that is professional, responsive, empathetic, and most importantly, trusted."<sup>51</sup>

The Committee is pleased with MPD's efforts to expand its community policing initiatives in FY 2017. In 2016 alone, the patrol districts estimated that they reached more than 50,000 youth and adults through events such as National Night Out, Beat the Street, movie nights, Halloween Safe Haven, holiday parties, Senior Bingo and Play Streets. During the winter holiday season, the Department hosted Shop with a Cop and Heroes and Helpers, in which more than 200 youth partnered with an MPD officer for holiday shopping. The Patrol Division continues to host community bike rides with residents.

The Department continued its efforts through the Community Engagement Academy, which allows a diverse group of interested community members the ability to learn firsthand about police operations and provide comments and recommendations on police and community interactions. This initiative helps to strengthen police and community relations through education, awareness, and discussion. During 2016, more than 90 members participated, and the initiative is ongoing throughout 2017.

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<sup>51</sup> *The State of the Metropolitan Police Department: Crime, Community Policing, & Selecting the Next Chief of Police Public Oversight Roundtable before the Committee on the Judiciary* (November 3, 2016) (written testimony of Peter Newsham, Chief of Police, Metropolitan Police Department).

Finally, each Patrol District, and the Special Liaison Unit, has persons assigned as outreach coordinators. The outreach coordinator is responsible for overcoming the language access barriers in services offered by MPD, identifying crime trends that are unique to the community, and educating the community on public safety issues and reporting practices. The Committee supports these initiatives and looks forward to the implementation of new initiatives in FY 2018, while cautioning that true community policing involves much more than Department-sponsored events. The Committee recommends that the Department continue to evolve its community policing strategy based on the recommendations included in the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing.<sup>52</sup>

**Use of Force Reengineering:** On January 28, 2016, the D.C. Auditor released a report entitled, *"The Durability of Police Reform: The Metropolitan Police Department and Use of Force, 2008-2015"*.<sup>53</sup> The review was conducted by The Bromwich Group, led by Michael R. Bromwich, who previously served as Monitor for a Memorandum of Agreement ("MOA") between the District and the Department of Justice initiated by former Mayor Anthony Williams and former Chief of Police Charles Ramsey, and in effect from 2001 to 2008. Due to time and resources, the report focused on the adequacy of MPD's use of force policies; MPD's use of force investigations; the operations of MPD's Use of Force Review Board ("UFRB"); MPD's systems for dealing with at-risk officers; and the operations of MPD's Office of Risk Management ("ORM"), the Department's internal oversight entity. In addition, the report reviewed three officer-involved fatal shooting cases and examined issues related to the alleged use—and potential abuse—of charges for alleged assaults on police officers. The review concluded that the Department and its overall policies on use of force "continues to be consistent with best practices in policing" and with the provisions of the earlier MOA.

At MPD's budget oversight hearing, Chief Newsham noted that the Department is rolling out training on newly established use of force principles, policies, and training to emphasize necessity and proportionality in response. The Committee looks forward to reviewing the changes that the Department will make, as they will help protect the safety of both the public and police officers while aligning practices and procedures with evolving legal standards for use of force.

**Violent Crime:** In 2016, there were fewer serious violent crimes—defined as homicide, sex abuse, assault with a dangerous weapon, and robbery—than in at least a decade. At the same time, over the past decade, the District's population grew by

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<sup>52</sup> See, "Final report of the President's Task Force on 21<sup>st</sup> Century Policing", available at [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf).

<sup>53</sup> See, "The Durability of Police Reform: The Metropolitan Police Department and Use of Force, 2008-2015", available at [http://www.dcauditor.org/sites/default/files/Full%20Report\\_2.pdf](http://www.dcauditor.org/sites/default/files/Full%20Report_2.pdf).

more than 15 percent, and violent crime decreased by 27 percent.<sup>54</sup> Additionally, there were 7 percent fewer violent crimes in 2016 than the previous low in 2014.<sup>55</sup> This includes a 17 percent decline in homicides and a 13 percent drop in robberies, which decreased in every police district.<sup>56</sup> Property crimes also decreased by 4 percent, including a 17 percent drop in burglary and 14 percent reduction in motor vehicle theft.<sup>57</sup>

**Tables 4 & 5: Violent and Property Crime Totals, 2006-2016**

***Violent Crime Totals: 2006-2016***

<b>Violent Offense</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Homicide	169	181	186	144	131	108	88	104	105	162	135
Sex Abuse	155	142	156	134	149	174	259	302	321	346	346
Robbery	3,997	4,447	4,402	4,390	4,017	4,207	4,304	4,085	3,296	3,447	3,000
Assault with a Dangerous Weapon	3,418	3,195	2,843	2,625	2,615	2,213	2,312	2,323	2,490	2,432	2,278

***Property Crime Totals: 2006-2016***

<b>Property Crime</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Burglary	3,958	3,913	3,751	3,670	4,212	3,948	3,689	3,375	3,182	2,547	2,122
Theft/Other	8,849	8,598	9,031	9,238	9,044	10,206	12,515	12,938	14,666	14,109	14,087
Theft from Motor Vehicle	7,792	7,633	8,968	8,602	6,978	7,839	9,502	10,166	11,406	11,175	10,837
Arson	51	46	44	58	44	39	35	35	26	18	6

*Source: Metropolitan Police Department*

The Department suggests that the significant reduction in robberies can be attributed to the Robbery Intervention Task Force. In December 2015, MPD launched a multi-agency task force to focus on robbery sprees that were happening across the city. The Task Force targets offenders by attempting to quickly respond to robbery sprees or patterns as they develop. This past summer saw 21% fewer robberies than the same period in 2015, and 15% fewer robberies than in 2014.<sup>58</sup>

<sup>54</sup> *Metropolitan Police Department: Performance Oversight Hearing before the Committee on the Judiciary & Public Safety* (March 2, 2017) (written testimony of Peter Newsham, Acting Chief of Police, Metropolitan Police Department).

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Supra*, Note 55.

<sup>58</sup> *Id.*

The Department also continued its Summer Crime Initiative (“SCI”), which focused on 7 Police Service Areas with high rates of violent crime and with indicators of family instability and economic challenges: PSAs 602, 603, 604, 702, 703, 706 and 708. The SCI, which ran from mid-April to mid-September, focused operational resources in these areas while working with partner agencies to assist in an effort to reduce violent crime. When comparing May 1 – August 31, 2016, with the same time period in 2015, violent crime in the collective focus areas decreased 22%, and overall crime decreased 3%.<sup>59</sup> Additionally, robberies in target areas decreased 41%, assaults with dangerous weapons decreased 16%, and burglaries decreased 32%.<sup>60</sup>

***Sector Policing Model:*** On January 3, 2017, MPD deployed the patrol sector model. Under this model, each patrol district is divided into three sectors, with a sector being an informal grouping of PSAs. Each sector is led by a captain, who will report directly to their respective district commanders. Sector captains are responsible for their assigned areas 24 hours a day, seven days a week. Lieutenants share responsibility for overseeing the PSAs and personnel in their sector on any given shift. Officers and sergeants continue to be assigned to their current PSAs under the sector model. While the implementation of the sector model included slight changes to the Fifth and Sixth District’s PSA boundaries, it did not alter MPD operations. The Committee supports the implementation of the sector model, as it allows the Department to better support operations. Additionally, as eligibility for retirement in command ranks continues to grow, it provides the Chief of Police with an opportunity to cultivate managers and assess Sector Captains for command staff positions.

***Restructuring the Patrol Services and School Safety Bureau:*** Effective April 23, 2017, the Patrol Services and School Safety Bureau were divided into two bureaus: Patrol Services North and Patrol Services South. The Patrol Services North (“PSN”) Bureau is comprised of the Second, Third, Fourth, and Fifth Police Districts, and the Patrol Services South (“PSS”) Bureau is comprised of the First, Sixth, and Seventh Police Districts. Each bureau is led by a Patrol Chief who will provide command leadership for patrol operations. Assistant Chief Lamar Greene now serves as the Patrol Chief of the PSN Bureau, and Assistant Chief Robert Contee serves as the Patrol Chief of the PSS Bureau. As part of this restructuring, MPD’s School Safety Branch will move under the Investigative Services Bureau. The Committee is pleased with these changes, as it will provide additional support for MPD’s patrol services operations. Additionally, the Committee applauds Assistant Chief Diane Groomes for her outstanding service as Assistant Chief of the Patrol Services and School Safety Bureau and congratulates her on her retirement from the Department.

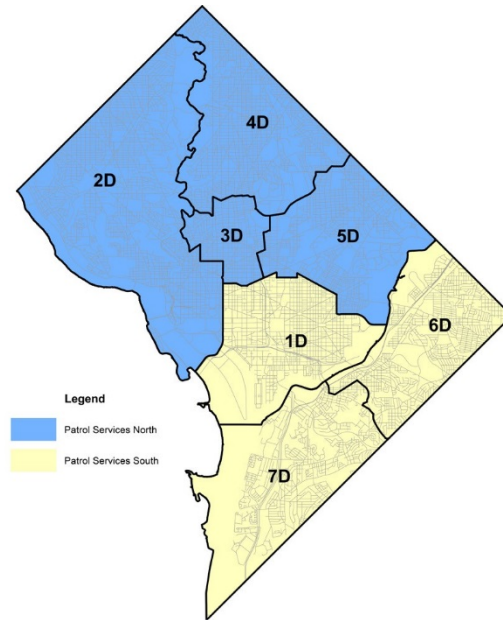
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<sup>59</sup> See, MPD’s FY16-17 Performance Oversight Responses, located at [http://dccouncil.us/files/user\\_uploads/budget\\_responses/JPS\\_Performance\\_Oversight\\_Responses\\_2017\\_MPD\\_Part1.pdf](http://dccouncil.us/files/user_uploads/budget_responses/JPS_Performance_Oversight_Responses_2017_MPD_Part1.pdf).

<sup>60</sup> *Id.*



### **Boundaries of the Patrol Services North and South Bureaus**



*Source: Metropolitan Police Department*

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

In October 2014, MPD launched Phase I of the Body-Worn Camera Program, focusing on the selection of a model. On June 29, 2015, MPD launched Phase II, with 400 cameras distributed to officers in the Fifth and Seventh Police Districts. This deployment was designed by national researchers who are analyzing the impact of body-worn cameras on citizen complaints and use of force. In Mid-March of 2016, MPD began the Phase III rollout of the cameras. By June 30, 2016, more than 1,200 body-worn cameras had been deployed. This phase of deployment was designed by researchers to analyze the impact of body-worn cameras on citizen complaints, use of force, and other measurable outcomes. In December 2016, MPD completed the rollout of its body-worn cameras to the second half of patrol members and some specialized units. The cameras were purposely deployed to only half of the officers in order to study the effectiveness of the cameras. As a result, the impact of cameras on policing can be compared to the control group of members who were not issued cameras. The



Committee looks forward to the results of the study, which is scheduled to be released later this year.

The Committee is pleased that the Department has fully deployed body-worn cameras. However, the Committee is concerned with the Department's current ability to respond to FOIA requests. MPD had difficulty finding a reliable and qualified vendor. In March of 2016, the first redaction vendor MPD used went out of business and stopped all work. MPD subsequently published a Request for Information ("RFI"), which closed in February of 2016. MPD received five responses from the RFI. The price quotes ranged from \$15 per minute to \$2.3 million for the first year. MPD proceeded to move forward with three vendors: PRI Management, Blue Sky and QueTel. QueTel responded to the RFI, and MPD found the other two through a search. After six months of working with these vendors, MPD was only able to release 23 videos publically. MPD recently identified a redaction vendor and as of February 2017, the Department has released 57 redacted videos and paid \$30,773. The Committee has allocated \$600,000 for body-worn camera redactions in FY 18. Given MPD's ability to obtain 57 redacted videos with a little over \$30,000, the allocated funding for FY18 should cover the costs associated with redaction. The Committee will closely monitor MPD's Body-Worn Camera program to ensure that it meets its programmatic and budgetary objectives.

***Inaugural Review:*** During his confirmation hearing, Chief Newsham testified that MPD is in the process of conducting an internal review of the actions described in the Police Complaints Board's ("PCB") post-Inauguration report.<sup>61</sup> There were two concerns illustrated in OPC's monitoring of Franklin Square Park: 1) that some arrests may not have been carried out according to the Standard Operating Procedures ("SOPs"); and 2) that less than lethal weapons were used indiscriminately and without adequate warnings in certain circumstances. Given these concerns, OPC recommended that an independent consultant be appointed to investigate and examine all aspects of MPD's actions on January 20, 2017. OPC further recommended that the SOP for Handling First Amendment Assemblies be reviewed and updated to include that warnings should be given, when practical, for all uses of less than lethal weapons in a crowd control situation, and that there should be written guidance on the proper deployment and use of each less than lethal weapon.

As noted in the Committee Report for PR22-0144, the "Chief of the Metropolitan Police Department Peter Newsham Confirmation Resolution of 2017", the Committee strongly encouraged MPD to follow the recommendation of PCB and engage in an independent review of all aspects of MPD's actions on Inaugural

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<sup>61</sup> See, Report and Recommendations of the Police Complaints Board, "OPC Monitoring of the Inauguration January 20, 2017", available at <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inaguration%20Protest%20Monitoring%20Report%20FINAL.pdf>.

Weekend, January 20-21, 2017.<sup>62</sup> The Committee is reallocating \$150,000 for OPC to conduct an independent review. In doing so, the Department and the public will have an impartial assessment of its current strategies and whether the Department is following applicable best practices.

**c. Mayor's Proposed Fiscal Year 2018-2023 Capital Budget**

**Proposed Capital Budget Summary**

The Mayor's Fiscal Year 2018-2023 proposed capital budget includes capital allotments for the Metropolitan Police Department as follows:

- Project No. BRM10 (ADA Upgrades (1D Sub and 4D Sub) MPD Stations: \$1,750,000 in FY 2018;
- Project No. BRM09 (Evidence Impound Lot Renovation): \$3,850,000 in FY 2019;
- Project No. PL110 (MPD Scheduled Capital Improvements): \$2,000,000 in FY 2018, \$2,000,000 in FY 2019, \$2,750,000 in FY 2020, \$3,000,000 in FY 2021, \$3,000,000 in FY 2022, and \$1,500,000 in FY 2023;
- Project No. EPI20 (Disaster Recovery): \$1,850,000 in FY 2018; and
- Project No. PEQ22 (Specialized Vehicles – MPD): \$7,000,000 in FY 2018 through FY 2022 and \$7,195,000 in FY 2023.

**Table 6: MPD Scheduled Capital Improvements and Status Report (Fiscal Years 2017-18)**

***FY 2018***

<b>Title</b>	<b>Project Description</b>	<b>Project Status</b>
1D	Replacement of Barrier Force Entry System (3) (FY'16 Carryover Project)	FY18
2D	Detectives Office Renovations	FY18
4D	Roof Replacement/Exterior Envelope Stabilization	FY18
7D	Roof Replacement/Stabilization	FY18
FLEET	Exterior Lighting and Pavement stabilization (FY'16 Carryover Project)	FY18
PSSB	Replacement of Barrier Force Entry System (2) (FY'16 Carryover Project)	FY18
PSSB	Interior Lighting Upgrade	FY18

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<sup>62</sup> See, Committee on the Judiciary & Public Safety Report on PR22-0144, the “Chief of the Metropolitan Police Department Peter Newsham Confirmation Resolution of 2017”, available at <http://lims.dccouncil.us/Download/37511/PR22-0144-CommitteeReport1.pdf>.

***FY 2017***

<b>Title</b>	<b>MPD Scheduled Capital Improvements</b>	<b>Project Status</b>
7D	7D MDF/IDF Upgrades	COMPLETE
4D	Cooling Tower, Security Lighting Upgrades, Water Infiltration	COMPLETE
5D	Security Lighting Upgrades, Water Infiltration, Police Bike Storage	COMPLETE
3D	Roll Call/Report Writing/Detectives Office Renov./Ext Lighting	In Progress
PSSB	Station Security Ballistic Upgrades	COMPLETE
Harbor	Station Security Ballistic Upgrades	COMPLETE
5D	Replacement of Barrier Force Entry Systems (1)	COMPLETE
4D	Replacement of Barrier Force Entry Systems (2)	COMPLETE
4D Sub	Officials/Sergeants Office Renovations/Security Lighting Upgrades	In Progress
1D Sub	Roll Call/Report Writing/Security Lighting Upgrades	In Progress
ECD	Exterior Iron Security Fence Upgrades Evidence Impound Lot	Insufficient Funding
PSSB	Roof Replacement/Repairs/Upgrades	In Progress
PSSB	Basement Water Proofing/Stabilization of Parking Area	In Progress
7D	Roof Replacement/Stabilization	Insufficient Funding

**Committee Analysis and Comments**

The Committee is pleased with the allocation of funding for external station upgrades. However, the Committee is concerned with the lack of funding for additional substation upgrades. According to a report released by the Office of the Inspector General last year, MPD's three substations lack wheelchair ramps and accessibility features, which limits public and employee access for those individuals with certain disabilities.<sup>63</sup> The Committee recommends that MPD work with the Department of General Services to create a timeline for completion of these necessary upgrades.

**2. COMMITTEE RECOMMENDATIONS**

**a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the Metropolitan Police Department, as proposed by the Mayor, with the following modifications:

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<sup>63</sup> See, OIG No. 16-I-0075, "Inspection of MPD Station and Substation Building Conditions", available at <http://app.oig.dc.gov/news/view2.asp?url=release10%2F16-I-0075+MPD+stations+final+report+%28for+web%29+9-1-2016%2Epdf&mode=release&archived=0&month=00000&agency=75>.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

1. *Reduce* CSG 41 (Contractual Services – Other), Program 100C (Chief of Police), Activity 130C (Office of Research and Analytical Services), by \$275,000 to transfer the recurring local funds associated with the Concealed Pistol Licensing Review Board to the Deputy Mayor for Public Safety and Justice.
2. *Reduce* CSG 40 (Other Services and Charges), Program AMP1 (Agency Management), Activity 1085 (Customer Service), by \$970,544 to transfer the recurring local funds to the Department of Behavioral Health to fund the Community Crime Prevention Team Program required by Section 105 of the Neighborhood Engagement Achieves Results Amendment Act of 2015 (D.C. Law 21-0125), as recommended in the Mayor’s Errata Letter.
3. *Reduce* CSG 41 (Contractual Services – Other), Program AMP1 (Agency Management), Activity 1040 (Information Technology), by \$232,320 in recurring local funds, allocating \$600,000 for body-worn camera redactions.
4. *Reduce* CSG 40 (Other Services and Charges), Program 1001 (Patrol Services Bureau), Activity 1500 (Patrol Districts) by \$800,000 in recurring local funds, allocating \$900,000 for loan repayment and tuition assistance in the Police Officers Retention Program and \$1,000,000 for a new six-month housing assistance program to recruit sworn officers to join the Department and reside in the District.
5. *Increase* CSG 41 (Contractual Services – Other), Program AMP1 (Agency Management), Activity 1040 (Information Technology), by \$200,000 in one-time local funds for new CCTV cameras in target PSAs, including PSAs 104, 105, 106, 308, and 507.
6. *Recognize* \$800,000 in vacancy savings: \$400,000 in CSG 11 (Regular Pay – Continuing Full-Time), Program 1001 (Patrol Services Bureau), Activity 1500 (Patrol Districts), and \$400,000 in CSG 11 (Regular Pay – Continuing Full-Time), Program 2001 (Investigative Services Bureau), Activity 2600 (Criminal Investigations Division): *total PS reduction = \$800,000*.
7. *Delete* 15 new vacant civilian FTEs in the amount of \$1,542,330, including salary and fringe, allocating 10 new civilians and 35 new cadets – an investment of \$2,442,058 in 45 new positions.

**b. Fiscal Years 2018-2023 Capital Budget Recommendations**

The Committee recommends adoption of the FY 2018-2023 capital budget for the Metropolitan Police Department, as proposed by the Mayor.

**c. Policy Recommendations**

1. The Committee recommends that MPD review all Police Complaints Board (“PCB”) recommendations issued since the beginning of 2015 and assess whether current policies and procedures should be revised based on these recommendations. The PCB has issued ten policy recommendations since 2015, including a recommendation that the Department assess training on tactical communication, verbal de-escalation, and stress management.<sup>64</sup> A thorough review of these recommendations will allow the Department to reassess its current policies and ensure that it is operating under best practices.
2. In addition to the initiatives mentioned in the chapter, the Committee recommends that MPD consider additional outreach efforts relating to missing girls. Currently, MPD has several initiatives targeted towards engaging youth, including Youth Creating Change (“YCC”). YCC launched in 2014 and assists young adults ages 15-19 with developing leadership and community development skills. The Department also has a Junior Cadet Program, which works with 125 students at five participating elementary schools to provide lessons on safety, civics, history, life skills development, and academic achievement. A targeted outreach program for young women and girls has the capacity to improve the District’s coordinated response to missing youth.
3. With the assistance of the Office of Unified Communications (“OUC”), the Office of the District of Columbia Auditor (“ODCA”) did a limited analysis of the average time patrol officers spend on calls for service. Based on their review of data from one week in August 2015, ODCA found officers spent an average of 22% of their time on calls for service, a lower proportion of time than the amount of time spent by patrol officers in a handful of other studies.<sup>65</sup> This raises the question of how the remainder of patrol time is spent. The ODCA recommended that MPD undertake a comprehensive time utilization study to see whether their limited review is an accurate picture and a factor that should be taken into account in assessing the need for additional police officers. The Committee echoes the recommendation of the ODCA and encourages MPD to complete this study in FY 2018.

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<sup>64</sup> See, “Report and Recommendations of the Police Complaints Board: Language and Conduct” (November 28, 2016), available at [https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/LanguageConduct.Proposal.FINAL\\_.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/LanguageConduct.Proposal.FINAL_.pdf).

<sup>65</sup> See, AU22-0004, “Findings of the MPD Patrol Services Bureau”, available at <http://lims.dccouncil.us/Download/37333/AU22-0004-Introduction.pdf>.

**P. OFFICE OF CAMPAIGN FINANCE**

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

The mission of the Office of Campaign Finance (“OCF”) is to regulate and provide public disclosure of the conduct, activities, and financial operations of candidates, political committees, legal defense committees, and constituent service and statehood fund programs to maintain public trust in the integrity of the election process and government service. OCF is organized into three major divisions which operate under the direction of the Office of the Director: the Public Information and Resources Management Division (“PIRM”); the Reports Analysis and Audit Division (“RAAD”); and the Office of the General Counsel (“OGC”). During an election year, proper execution of OCF’s duties are critical, particularly with respect to auditing filings and ensuring compliance with the District’s campaign finance laws.

OCF processes and facilitates the public disclosure of financial reports of candidates and committees, which are required by law to be filed with the agency; performs desk reviews and develops statistical reports and summaries of financial reports; encourages voluntary compliance by providing information and guidance on the application of the District’s campaign finance laws through educational seminars, interpretative opinions, and the agency’s website; and enforces the laws through audits, investigations, and the informal hearing process.

**b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor’s Fiscal Year 2018 proposed budget for the Office of Campaign Finance is \$2,908,335, an increase of \$74,872, or 2.6%, from its FY 2017 approved budget of \$2,833,463. This funding supports 30.0 FTEs, which represents no change from the current level. The Mayor’s proposed budget for OCF is comprised of entirely local funds.

**Committee Analysis and Comments**

**Agency Activities:** During FY 2017, OCF monitored the financial reporting of the candidates and political committees who participated in the November 8, 2016, General Election. OCF also resumed its monthly onsite education seminars and has scheduled webinars to offer further instruction on reporting requirements. OCF additionally held mandatory training conferences for newly registered candidates and treasurers of committees.

In FY 2017, OCF continued to enforce reporting requirement violations and invoked informal and formal hearings to address violations. A total of 115 reporting entities were referred to the OCG for the failure to file, timely file the report of receipts and expenditures, or for failure to comply with audit requests for additional information. The OCG issued 197 notices of hearing, which, in many instances, resulted in the submission of the missing reports or audit information. The OCG conducted 47 informal hearings and issued 113 orders. Fines in the total amount of \$65,375 were imposed in 44 matters, which resulted in payments in 5 cases of \$5,775 and reduced payments in 9 cases of \$41,250. OCF filed 40 petitions before the Board of Elections to enforce the payment of outstanding fines in the total amount of \$58,950.

In addition, RAAD conducted 727 desk reviews of all financial reports filed during FY 2016. These desk reviews resulted in the issuance of 174 requests for additional information, which notified reporting entities of the specific deficiencies found in their financial reports and the action required for compliance. The responses to 66 requests for additional information were due in FY 2017. The division referred several matters to the OGC for the failure to respond.

To better monitor the activities of reporting entities, and to further promote compliance with the reporting requirements, RAAD also conducts random periodic audits. During FY 2016, RAAD issued 21 periodic audit reports of candidates and principal campaign committees active in the 2015 and 2016 election cycles, political action committees, continuing committees, and the constituent services program. In each instance, RAAD found the auditees to be in substantial compliance with the Campaign Finance Act. This division additionally completed one investigative audit, 4 full field audits of the campaign operations of candidates newly elected to public office in the November 2014 general election and the April 2015 special election, and one full field audit of an inaugural committee.

***Campaign Finance Reform and Transparency Amendment Act of 2013:***

In response to numerous changes to the District's campaign finance laws in the "Campaign Finance Reform and Transparency Act of 2013" (effective February 22, 2014, and applicable January 31, 2015), OCF must now ensure that all filers are able to file financial disclosures online. The agency must additionally publish all information submitted under the Act online within 24 hours. Due to these changes, OCF found it necessary to enhance its electronic filing system and redesign its e-filing applications and website. As a consequence of improvements and upgrades, the annual maintenance costs for the e-filing and disclosure system have substantially increased. At the Committee's budget oversight hearing, Director Collier-Montgomery testified that the proposed funding for FY 2018 of \$126,000 for the system will fully fund the projected costs.

During FY 2016, the agency created a new “affiliated entity” search on its website to enable the public to search contributions by business entities, where the filer has listed all of the affiliated entities of the business contributor that have also contributed to the filer. In the agency’s responses to the Committee’s performance oversight questions, it noted that affiliated entities of business contributors were only listed in 27 instances, out of the 378 business donors to political action committees from February 1, 2015, through December 31, 2016. This number is extremely low, and the Committee strongly urges the agency to intensify its efforts to promote compliance with this reporting requirement. The agency noted that in FY 2017, it will ensure that filers understand the requirement, including by creating, on its e-filing application, a pop-up when business contributor data is entered to remind the filer that affiliated entities share the same contribution limits and to list all entities.

***Pending Campaign Finance Legislation:*** The Campaign Finance Reform and Transparency Emergency Amendment Act of 2016, effective December 24, 2016, established new contribution limitations for political action committees and increased the financial reporting dates for political action committees and independent expenditure committees. To fully implement this act, OCF modified its e-filing applications to cover new report dates and to recognize the contribution limit to political action committees during nonelection years. OCF will use its education programs, pre-notification filer program, and social media platforms to provide clear instructions on these changes. The Committee intends to pass a permanent version of this legislation later in the year.

Chairperson Allen also introduced Bill 22-0107, the “Campaign Finance Reform Amendment Act of 2017”, in February of this year. The bill would require principal campaign committees to retire all debts within six months after an election. Additionally, the bill would require committees and candidates to obtain consent before using an individual’s likeness in campaign literature, advertisements, websites, or social media. Along with several other campaign finance-related measures, the bill will be the subject of a hearing before the summer recess.

***Auditing Procedures:*** During OCF’s budget oversight hearing, members of the public criticized OCF’s auditing process—specifically, that the process does not provide voters with relevant information about candidates in a timely manner. This issue, along with questions regarding chain of custody of documents, has been the subject of recent news articles. In response to this criticism, Director Collier-Montgomery informed the Committee that OCF’s goal is to release audit reports in a timely manner for the public, but the agency must also ensure the release of a complete and accurate report. Director Collier-Montgomery believes that OCF’s practices are consistent with the policy of the Federal Elections Commission, which does not impose timeframes for issuing audit reports and does not issue preliminary audit findings prior to the finality of the report. She also informed the Committee that OCF includes a listing of all ongoing audits from the date of initiation and the



issuance of final audit reports in its monthly production of reports to the Board of Elections—and these are published on the OCF website. The Committee appreciates Director Collier-Montgomery’s responses and recommends that OCF closely examine their existing procedures to determine whether new procedures could be implemented to facilitate the process and keep the public better informed. The Committee is currently engaging OCF in ongoing discussions on this topic and plans to continue to conduct oversight of the agency’s auditing procedures in a public hearing prior to the Council recess.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends approval of the FY 2018 operating budget for the Office of Campaign Finance, as proposed by the Mayor.

### **b. Policy Recommendations**

1. The Committee recommends that OCF intensify its efforts to promote compliance with the “business contributor” rule.
2. The Committee recommends that OCF continue to review its auditing process and determine if the agency’s current procedures are best practices.

## Q. OFFICE OF HUMAN RIGHTS

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

The mission of the Office of Human Rights (“OHR”) is to eradicate discrimination, increase equal opportunity, and protect human rights in the District. OHR investigates and resolves complaints relating to discrimination in employment, housing, places of public accommodation, and educational institutions, pursuant to the following: the D.C. Human Rights Act of 1977 (“HRA”), the Youth Bullying Prevention Act of 2012, the Unemployed Anti-Discrimination Act of 2012, the Fair Criminal Record Screening Amendment Act of 2014, the Reproductive Health Non-Discrimination Amendment Act of 2014, the Protecting Pregnant Workers Fairness Act of 2014, the D.C. Family and Medical Leave Act, the D.C. Parental Leave Act, and Titles VII and VIII of the Civil Rights Act of 1964.

Under the HRA, there are nineteen protected categories in the District: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, victim of an intra-family offense, family responsibilities, familial status, disability, genetic information, political affiliation, matriculation, source of income, and place of residence/business.

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

OHR operates through the following three programs: (1) ***Equal Justice***, (2) ***Commission on Human Rights***, and (3) ***Office of Human Rights (Agency Management)***. The first, Equal Justice, provides education and awareness, and investigates, adjudicates, and provides compliance services to people who live, work, or conduct business in the District so that they are informed of, and may have timely resolution of, discrimination complaints. The program contains the following eight activities: (1) intake; (2) mediation; (3) investigations; (4) fair housing; (5) research and compliance; (6) public education; (7) bullying prevention oversight; and (8) language access oversight. The Commission on Human Rights provides adjudication services through an administrative hearing conducted before an Administrative Law Judge or a panel of commissioners. The Commission can issue injunctive relief and award damages to individuals who live, work, or conduct business in the District. Finally, the Agency Management program provides administrative support.

**b. Mayor's Proposed Fiscal Year 2018 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor's Fiscal Year 2018 proposed budget for the Office of Human Rights is \$4,330,611, a decrease of \$89,614, or 2%, over the FY 2017 approved budget of \$4,420,225. The proposed budget supports 39.0 FTEs, representing no change from the FY 2017 approved level.

***Local Funds:*** The Mayor's proposed local funds budget is \$4,000,511, a decrease of \$57,764, or 1.4%, over the FY 2017 approved local funds budget of \$4,058,275. This funding supports 37 FTEs, representing an increase of 0.35 FTEs, or .9%, over the FY 2017 approved level of 36.65 FTEs.

***Federal Resources:*** The Mayor's proposed federal resources budget is \$330,100, an increase of \$8,150, or 2.5%, over the FY 2017 approved federal resources budget of \$321,950. The funding supports 2 FTEs, a decrease of 0.35 FTEs, or 14.9%, over the FY 2017 approved level of 36.65 FTEs. The federal resources budget is composed entirely of federal grant funds.

***Intra-District Funds:*** The Mayor's proposed intra-District funds budget is \$0, representing a \$40,000 decrease over the FY 2017 approved intra-District funds budget.

**Committee Analysis and Comments**

***Agency Activities:*** In FY 2016, OHR received 2,048 inquiries, docketed 664 cases, mediated 776 cases, and closed 824 cases. 467 cases were closed through mediation at a total of \$3.9 million in settlements. 84% of all docketed cases alleged employment discrimination, of which 65% alleged a violation of the Fair Criminal Record Screening Act ("FCRSA"). Specifically relating to FCRSA, there were 704 inquiries in FY 2016, representing a 44% increase from FY 2015. 364 were docketed, and 211 resulted in settlements of \$214,664.

***Language Access Program:*** The Language Access Program was created to eliminate language-based discrimination, enabling District residents, workers, and visitors to receive equivalent information and services from the District government, regardless of what language they speak. Program staff supports all District agencies that offer language access services as needed. D.C. Public Charter Schools, the Department of General Services, Department of Health Care Finance, Office of Administrative Hearings, and Office of the Attorney General's Child Support Services

Division became “entities with major public contact” that must comply with the Language Access Act of 2004.<sup>66</sup>

In FY 2016, OHR conducted language access field tests at 17 agencies, with 92% of in-person testers receiving language access assistance in 7 languages.

- Testers received language assistance in 43% (45% in FY 2015) of the telephone tests and 92% (88% in FY 2015) of the in-person tests.<sup>67</sup>
- Testers received no language assistance in 57% (55% in FY 2015) of the telephone tests and 8% (12% in FY 2015) of the in-person tests.
- Testers received language assistance through a telephonic interpreter in 52% (47% in FY 2015) of tests.
- Testers received language assistance from bilingual employees in 10% (14% in FY 2015) of tests. Bilingual employees provided assistance in Spanish, French, and Amharic.

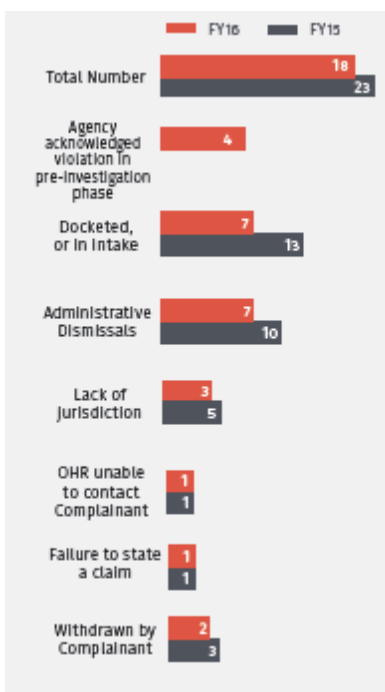
The agency also assisted 20 covered entities in appointing a Language Access Point of Contact, including the Board of Elections; Department of Forensic Sciences; Corrections Information Council; Office of Police Complaints; Office of the Attorney General; Office of the Chief Medical Examiner; and Office of Victim Services and Justice Grants. OHR received 18 complaints alleging a LAA violation in FY 2016, 4 of which were resolved during the pre-investigation process with non-compliance findings, 7 of which were assigned for full investigation, and 7 were either withdrawn or dismissed. Of the 6 determinations issued by the agency in FY 2016, 5 contained noncompliance findings: at the Metropolitan Police Department, Department of Health, and Department of Motor Vehicles. In FY 2016, 4,585 District employees received language access compliance training.

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<sup>66</sup> Language Access Act of 2004, effective April 20, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

<sup>67</sup> District of Columbia Office of Human Rights Language Access Program Annual Compliance Review, 2016 (May 4, 2017), [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/LAAR\\_2016\\_Final\\_050417.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/LAAR_2016_Final_050417.pdf).

**Table 1: Comparison of FY 2015 to FY 2016 Complaints Filed**



*Source: Office of Human Rights*

The agencies under the Committee's jurisdiction received the following language access scores:

**Table 2: FY 2016 Agency Language Access Act Compliance Scores**

<i>Agency</i>	<i>Score</i>
DOC	9/12 (down from 11/12)
FEMS	6/12 (up from 4/12)
HSEMA	8/12 (up from 7/12)
MPD	9/14 (up from 8/14)
OUC	14/14 (was 12/12)
OAG CSSD	12/12

*Source: Office of Human Rights*

***Protecting Pregnant Workers Fairness Act:*** The Committee is concerned that the FY 2018 budget as proposed does not contemplate a Memorandum of Understanding with DOES to enforce the Protecting Pregnant Workers Fairness Act. In fact, an MOU is not yet executed for FY 2017. The Committee does not believe that DOES has the same expertise in this area as does OHR. The Committee recommends that OHR execute the MOU with urgency and reassume jurisdiction over the cases.

The Committee looks forward to working with the agency to resolve this issue permanently.

***Citywide Youth Bullying Prevention Program:*** 100% of District agencies and 95% of Local Education Agencies (“LEAs”) have compliant bullying prevention policies, although only 50% of LEAs have a compliant bullying prevention policy on their websites, and 81% submitted incident data.<sup>68</sup>

In FY 2016, the program engaged on several critical issues, including participation on panels hosted by the Anti-Defamation League and the Capital Area Muslim Bar Association about anti-Muslim incidents in schools; the publishing of a final rulemaking to implement the Youth Bullying Prevention Act of 2012;<sup>69</sup> and a partnership with OSSE and Child Trends to focus on school climate and violence prevention in schools through the Safe School Certification Program. The joint OHR/Child Trends report reviewed the anti-bullying programs, activities, services and policies and the current status of bullying in the District, and provided recommendations for improvements. In the 2015-2016 school year, District schools reported 499 incidents of bullying, and 68% of schools that reported discipline as a result of bullying used exclusionary forms like out-of-school suspensions.<sup>70</sup>

***Ban the Box in Housing:*** In late 2016, the Council passed the Fair Criminal Record Screening for Housing Act of 2016, effective April 7, 2017 (D.C. Law 21-269; 64 DCR 3980),<sup>71</sup> subject to appropriations. The Committee’s proposed FY 2018 budget includes a transfer from the Committee on Business and Economic Development to fully fund the bill. The Committee looks forward to working with OHR on the bill when it takes effect in October.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the Office of Human Rights, with the following modifications:

1. *Increase* FTEs by 5 to fund the Fair Criminal Record Screening Amendment Act of 2016 (D.C. Law 21-0259), and create 5 new positions with the accompanying local funds as follows:

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<sup>68</sup> See, Youth Bullying Prevention in the District of Columbia: School Year 2015-2016 Report, [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/YBP%20Biennial%20Report%202016\\_Rev\\_03082017.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/YBP%20Biennial%20Report%202016_Rev_03082017.pdf).

<sup>69</sup> Youth Bullying Prevention Act of 2012 (D.C. Law 19-167; 59 DCR 11422).

<sup>70</sup> *Id.* at iii.

<sup>71</sup> Fair Criminal Record Screening for Housing Act of 2016, effective April 7, 2017 (D.C. Law 21-269; 64 DCR 3980), <http://lims.dccouncil.us/Download/35646/B21-0706-Enrollment.pdf>.

- a. Intake Specialist: create a new position in Program 2000 (Equal Justice Program), Activity 2010 (Intake): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$64,160 and CSG 14 (Fringe Benefits – Current Personnel), by \$13,986: *total PS increase = \$78,146*
  - b. Intake Specialist: create a new position in Program 2000 (Equal Justice Program), Activity 2010 (Intake): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$64,160 and CSG 14 (Fringe Benefits – Current Personnel), by \$13,986: *total PS increase = \$78,146*
  - c. Investigator: create a new position in Program 2000 (Equal Justice Program), Activity 2030 (Investigations): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$80,757 and CSG 14 (Fringe Benefits – Current Personnel), by \$17,605: *total PS increase = \$98,363*
  - d. Investigator: create a new position in Program 2000 (Equal Justice Program), Activity 2030 (Investigations): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$80,757 and CSG 14 (Fringe Benefits – Current Personnel), by \$17,605: *total PS increase = \$98,363*
  - e. Mediator: create a new position in Program 2000 (Equal Justice Program), Activity 2020 (Mediation): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$80,757 and CSG 14 (Fringe Benefits – Current Personnel), by \$17,605: *total PS increase = \$98,363*
2. *Increase* CSG 40 (Other Services and Charges), Program 2000 (Equal Justice Program), Activity 2070 (Public Education) by \$30,000 to fund the training and outreach costs of the Fair Criminal Record Screening Amendment Act of 2016 (D.C. Law 21-0259).

**b. Policy Recommendations**

1. The Committee recommends that the agency update the Committee monthly on the status of its case backlog.
2. The Committee recommends that the agency execute an MOU with DOES to assume jurisdiction over the enforcement of the Protecting Pregnant Workers Fairness Act. The Committee will work with the agency to draft legislation to resolve the issue on a permanent basis.

## **R. OFFICE OF POLICE COMPLAINTS**

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

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

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

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s Fiscal Year 2018 budget proposal for the Office of Police Complaints is \$2,450,802, an increase of \$1,614, or 0.1%, over the FY 2017 approved budget of \$2,449,188. The proposed budget supports 24 FTEs, a decrease of .25 FTEs. The FY 2018 budget is composed entirely of local funds.

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

***Complaint Activity:*** FY 2016 was another year of significant advancement for the District’s citizen complaint program. In FY 2016, OPC personnel assisted 1,448 individuals who contacted the agency to inquire about filing a complaint. Of that number, 438 community members filed a formal complaint. These new complaints, when combined with the 140 complaints that were already open at the beginning of the fiscal year, resulted in the agency addressing a total of 578 complaints over the year. At the end of FY 2016, 110 cases remained open at OPC; this number reflected the lowest caseload carry-over since OPC’s inception in 2001.

One of the top priorities for the agency in FY 2015 was to decrease the time it took to resolve a police complaint. OPC continued this effort in FY 2016, and for the first time since FY 2009, 70% of OPC investigations were completed within six months. The Committee is extremely pleased with OPC’s diligent efforts to reduce both the number of open cases and the diligence with which investigations are completed. As indicated in the tables below, OPC closed 468 complaints in FY 2016 and finished the year with 110 open complaints.



**Table 1: Disposition of Formal Complaints, FY 2014 – FY 2016**

<b><i>Disposition</i></b>	<b><i>FY 2014</i></b>	<b><i>FY 2015</i></b>	<b><i>FY 2016</i></b>
Adjudicated	8	11	30
Dismissed	265	306	216
Successfully Mediated or Conciliated	29	43	37
Withdrawn by Complainant	21	15	16
Administrative Closures	29	50	76
Referred to MPD	77	84	76
Referred to Other Police Agency	13	17	17
<b>Total Formal Complaints Closed During Fiscal Year</b>	<b>442</b>	<b>526</b>	<b>468</b>

*Source: Office of Police Complaints*

**Table 2: Number of Pending Complaints at Each Fiscal Year End,  
FY 2014 – FY 2016**

	<b><i>FY 2014</i></b>	<b><i>FY 2015</i></b>	<b><i>FY 2016</i></b>
<b>Total Complaints Remaining Open at End of Fiscal Year</b>	259	140	110

*Source: Office of Police Complaints*

Additionally, it is important to highlight that OPC enhanced its internal operations to improve the complaint program. In FY 2016, OPC launched an electronic complaint form which provides community members with the opportunity to file a complaint electronically through the agency's website or through their personal mobile device and attach any necessary videos or documents to their complaint. In FY 2016 quarters three and four, after the e-form launch, OPC received an average of 54 complaints per quarter through the e-form, while complaints received through mail, fax, and email decreased.

Finally, it is important to highlight the success of OPC's mediation program. Mediation allows a complainant and subject officer or officers to have a confidential conversation about the events leading to the complaint with the goal of coming to a mutually agreed-upon resolution of the complaint. After each mediation, OPC asks the participants to complete a survey about their experience in the mediation process. In FY 2016, 95 percent of surveyed community members and 94 percent of surveyed officers found the mediator very helpful or helpful—this reflects an increase from 92 percent in FY 2015 – and 87 percent found the mediation session process to be very

satisfactory or satisfactory. The chart below highlights OPC's success in mediating complaints in FY 2016.

**Fiscal Year 2016 Factual Overview**

- 74 complaints referred for mediation
- 59 mediation sessions held
- 37 of the 59 mediations resulted in an agreement that resolved the complaint—a 63% success rate
- Mediations accounted for 13 percent of all cases resolved by the agency

*Source: Office of Police Complaints*

This trend in rapid investigation and complaint resolution has continued into FY 2017. In the first half of FY 2017, 305 formal complaints were filed with the agency. At the end of the second quarter of FY 2017, OPC closed approximately 80 percent of its investigations in less than 180 days, and many complaints were resolved in much shorter time periods. The Committee applauds OPC for its continued improvement of the citizen complaint process.

***Policy Recommendations:*** In 2016, OPC published three reports: (1) “21<sup>st</sup> Century Policing” (September 30), (2) “Ensuring MPD Policies and Procedures are Current” (November 18), and (3) “Language and Conduct” (November 28). The first report examined the “Final Report of The President’s Task Force on 21<sup>st</sup> Century Policing”, which was issued in May 2015, and evaluated MPD’s current operations with the Task Force’s recommendations in mind. In the report, the Police Complaints Board (“PCB”) recommended that MPD build upon existing initiatives and create new initiatives aimed at mutual respect between police and the community. Additionally, PCB recommended that MPD should continue to develop new ways to engage the community on issues of importance through social media. The second report examined the issue of standardizing the review of MPD policies and procedures and ensuring a schedule for them to be reviewed and updated. The third report examined MPD’s current policies and procedures related to language and conduct and suggested that MPD assess whether new training should be implemented for all officers, or whether tactical communication, verbal de-escalation, stress management, or other training would better fit the Department’s communication and interaction training needs.

In 2017, OPC published an additional three reports: (1) “Notice of Infraction for Excessive Idling” (January 3), (2) “OPC Monitoring of the “Women’s March” January 21, 2017” (February 27), and (3) “OPC Monitoring of the Inauguration

January 20, 2017” (February 27). The first report examined allegations made against several officers related to an unlawful Notice of Infraction (“NOI”) for excessive idling of the complainant’s personal vehicle under Section 2418.3 of Title 18 of the District of Columbia Municipal Regulations (“DCMR”). The report recommended that MPD issue an updated circular that discusses the exception for private passenger vehicles, issue a teletype requiring Section 2418.3 of Title 18 of the DCMR and the exceptions be read at roll call, and develop new training for officers.

The second report analyzed MPD’s interactions with Women’s March participants pursuant to OPC’s monitoring authority under the First Amendment Rights and Police Standards Act.<sup>72</sup> The report commended MPD for collaborating with Women’s March organizers to facilitate their exercise of First Amendment rights.

The third report analyzed MPD’s interactions with protesters on Inauguration Day. OPC deployed eleven members of its staff to monitor MPD’s interactions with protesters. One member of the Police Complaints Board also monitored MPD’s interactions. There were two concerns illustrated through OPC’s monitoring of Franklin Square Park: (1) that some arrests may not have been carried out according to the Standard Operating Procedures (“SOP”), and (2) that less than lethal weapons were used indiscriminately and without adequate warnings in certain circumstances. Given these concerns, OPC recommended that an independent consultant be appointed to investigate and examine all aspects of MPD’s actions on January 20, 2017. The Committee supports this recommendation and believes that a review should be conducted for all events that occurred during the Inaugural weekend. The Committee also notes that if OPC is selected to conduct this review, additional funding will be necessary for the agency to accomplish this task, particularly given the significant video and documentary evidence associated with the weekend’s events.

***Community Outreach:*** To increase public awareness about the services that OPC provides, the agency conducts a host of outreach efforts. During FY 2016, the agency conducted more than 30 outreach events and activities throughout the District with at least one event held in each of the District’s eight wards. This year, the agency provided more outreach to the immigrant community and individuals with limited English proficiency, including participating in a “Know Your Rights” fair at Briya Public Charter School and a community services fair at Washington English Center. Finally, OPC engaged in the Student Interactive Training Program, which promotes positive interactions between youth and the police through role-play exercises. OPC presented to and conducted trainings at Dunbar High School, Eastern Senior High School, School Without Walls High School, American University, American University Washington College of Law, and the University of Maryland College Park.

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<sup>72</sup> D.C. Code § 5-331.01-337.01 (2015).

The Committee looks forward to additional outreach efforts planned by the agency in FY 2018.

***Requirements under the “Neighborhood Engagement Achieves Results Amendment Act of 2016”:*** The “Neighborhood Engagement Achieves Results Amendment Act of 2016” (“NEAR Act”)<sup>73</sup> increased the statutory authority of OPC in order to improve civilian oversight in the District and enhance community-police relations. This increased authority includes: (1) an additional 45 days in which individuals can file complaints with OPC; (2) expanded jurisdiction over the complaint process; (3) auditing citizen complaints referred to MPD or DCHAPD; (4) referring officers for additional training; and (5) reporting on MPD’s use of force, serious injury, and in-custody death incidents. The Committee allocated additional funding in the agency’s FY 2017 budget for a Research Analyst position. That position has since been filled and will allow OPC to better analyze trends in complaints and police activity. The Committee looks forward to the analyses that will be produced by the agency. The Committee is concerned with the 69% increase in complaints since the beginning of this fiscal year, however, the agency did not request any additional funding for FY 2018. The Committee will closely monitor the agency’s performance metrics to ensure that it can meet its programmatic and budgetary priorities.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends approval of the FY 2018 operating budget for the Office of Police Complaints, as proposed by the Mayor, with the following modification:

1. *Increase* CSG 41 (Contractual Services – Other), Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$150,000 in one-time local funds for an independent review of the actions of the Metropolitan Police Department during the 2017 Inaugural Weekend.

### **b. Policy Recommendations**

1. The Committee recommends that OPC conduct an analysis of current trends in complaints. As noted above, complaints have increased by 69% since the beginning of the fiscal year. While the agency noted during its budget oversight hearing that the uptick in complaints may be attributed to a myriad of factors, the Committee believes that conducting a thorough assessment will provide more insight into the recent increase.

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<sup>73</sup> See, Bill 21-0360, the “Neighborhood Engagement Achieves Results Act of 2015”, available at <http://lims.dccouncil.us/Download/34496/B21-0360-SignedAct.pdf>.

2. The Committee also recommends that OPC conduct an analysis of all policy recommendations that the PCB has issued since 2015 and assess which recommendations have been implemented by the Metropolitan Police Department. The Committee believes this analysis will provide a helpful review of the recommendations issued over the past two years and allow the Committee to further assess MPD's compliance with these recommendations.

**S. OFFICE OF THE ATTORNEY GENERAL**

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

The mission of the Office of the Attorney General (“OAG”) is to enforce the laws of the District of Columbia, provide legal services to the District government, and independently and objectively pursue the public interest.

OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District’s behalf, has sole jurisdiction over juvenile prosecutions, and represents the District in a variety of administrative hearings and other proceedings. In addition, OAG is responsible for advising the Executive Office of the Mayor, the Council, and various Boards and Commissions; and for determining the legal sufficiency of proposed legislation, regulations, and commercial transactions. In all, the Attorney General supervises the legal work of approximately 280 attorneys and an additional 342 administrative/professional staff.

**b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

The Mayor’s Fiscal Year 2018 proposed budget for the Office of the Attorney General is \$99,781,049, an increase of \$8,034,173, or 8.8%, over the FY 2017 approved budget of \$91,746,876. The proposed budget supports 624 FTEs, an increase of 30.5 FTEs, or 5.1%, from the FY 2017 approved level of 593.5 FTEs.

***Local Funds:*** The Mayor’s FY 2018 proposed local funds budget is \$61,913,285, an increase of \$454,025, or 0.7%, over the FY 2017 approved local funds budget of \$61,459,260. This budget would support 425 FTEs, an increase of 19.4 FTEs, or 4.9%, over the FY 2017 approved level of 405.6 FTEs.

***Special Purpose Revenue Funds:*** The Mayor’s FY 2018 proposed special purpose revenue funds budget is \$4,208,741, an increase of \$2,360,008, or 127.7%, over the FY 2017 approved special purpose revenue funds budget of \$1,848,733. This budget would support 6.7 FTEs, an increase of 4 FTEs, or 141.1%, over the FY 2017 approved level of 2.7 FTEs.

***Federal Grant Funds:*** The Mayor’s FY 2018 proposed federal grant funds budget is \$23,039,547, an increase of \$469,097, or 2.1%, over the FY 2017 approved local funds budget of \$22,570,450. This budget would support 152 FTEs, an increase of 0.2 FTEs, or 0.1%, over the FY 2017 approved level of 151.8 FTEs.

***Private Donations:*** The Mayor’s FY 2018 proposed private donations budget is \$539,030, an increase of \$82,799, or 18.1%, over the FY 2017 approved private

donations budget of \$456,231. This budget would support 8 FTEs, an increase of 1 FTEs, or 14.3%, over the FY 2017 approved level of 7 FTEs.

***Intra-District Funds:*** The Mayor’s FY 2018 proposed intra-District funds budget is \$3,785,467, an increase of \$733,274, or 24%, over the FY 2017 approved intra-District funds budget of \$3,052,193. This budget would support 25 FTEs, an increase of 2.5 FTEs, or 11.1%, over the FY 2017 approved level of 22.5 FTEs.

### **Committee Analysis and Comments**

***Agency Budget Priorities:*** OAG framed its FY 2018 budget request around three themes:

1. Providing for the safety of District residents;
2. Protecting at-risk residents; and
3. Making OAG a first-in-class public law firm.

Along those themes, OAG requested a total enhancement of an additional \$2,962,177 and 28 FTEs, arguing that the agency is a “net revenue-generating agency, contributing over \$597 million to the District in Fiscal Year 2016 – far exceeding the cost to run the agency.” The Committee supports a number of the agency’s enhancement priorities and will accept two wage theft attorneys from the Committee on Labor & Workforce Development and one environmental attorney from the Committee on Transportation & the Environment.

Additionally, the Committee is funding Section 302 of the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21-238, 64 DCR 3959), which was passed subject to appropriations, and would establish “a pilot program, in collaboration with community partners, to provide victim-offender mediation as an alternative to the prosecution of juveniles in cases deemed appropriate by the Attorney General”. Funding for the subtitle requires three attorneys. The Committee is pleased that OAG is embracing a restorative justice-based prevention and intervention approach to juveniles who come into contact with the Office and looks forward to working collaboratively on this initiative.

The Committee additionally includes a new subtitle in Section IV of the report that would raise the cap of the Litigation Support Fund from \$3 million to \$5 million and create a new Consumer Restitution Fund to hold monies recovered under the District’s consumer protection statutes. *See* Section IV for an in-depth summary.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the Office of the Attorney General, as proposed by the Mayor, with the following modifications:

1. *Increase* FTEs by 3, and create 3 new positions with the accompanying recurring local funds as follows to fund the Victim-Offender Mediation Pilot Program required by Section 302 of the Comprehensive Youth Justice Amendment Act of 2016 (D.C. Law 21-0238):
  - a. Attorney: create a new position in Program 6100 (Public Safety Division), Activity 6113 (Office of Division Deputy): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$123,335 and CSG 14 (Fringe Benefits – Current Personnel) by \$25,160: *total PS increase = \$148,495*
  - b. Attorney: create a new position in Program 6100 (Public Safety Division), Activity 6113 (Office of Division Deputy): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$123,335 and CSG 14 (Fringe Benefits – Current Personnel) by \$25,160: *total PS increase = \$148,495*
  - c. Attorney: create a new position in Program 6100 (Public Safety Division), Activity 6113 (Office of Division Deputy): *increase* CSG 11 (Regular Pay – Continuing Full-Time) by \$123,335 and CSG 14 (Fringe Benefits – Current Personnel) by \$25,160: *total PS increase = \$148,495*
2. *Increase* FTEs by 2, and create 2 new positions with the accompanying recurring local funds as follows:
  - a. Wage Theft Attorney: create a new position in Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): *increase* CSG 11 (Continuing Pay – Regular Full-Time) by \$112,716 and CSG 14 (Fringe Benefits – Current Personnel) by \$22,994: *total PS increase = \$135,710; increase* CSG 20 by \$3,500: *total NPS increase = \$3,500*
  - b. Wage Theft Attorney: create a new position in Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): *increase* CSG 11 (Continuing Pay – Regular Full-Time) by \$112,716 and CSG 14 (Fringe Benefits – Current Personnel) by \$22,994: *total PS increase = \$135,710; increase* CSG 20 by \$3,500: *total NPS increase = \$3,500*

### *Capital Budget Recommendations*

1. *Reduce* the available allotment balance for Project No. EN701C (Office Equipment & Fleet Upgrades) by \$40,000 and convert that amount into operating funds.



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

**1. COMMITTEE ANALYSIS AND COMMENTS**

**a. Agency Mission and Overview**

The mission of the Office of the Chief Medical Examiner (“OCME”) is to ensure that justice is served and that the health and safety of the public is improved by conducting quality death investigations and certifications 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 residents of the District and the metropolitan region. Forensic services include: forensic investigation of certain deaths (those occurring as a result of violence, as well as those that occur unexpectedly, without medical attention, in custody, or pose a threat to public health); review of deaths of specific populations; grief counseling; performance of a full range of toxicological examinations; cremation approvals; and public disposition of unclaimed remains.

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

**b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

**Proposed Operating Budget Summary**

The Mayor’s Fiscal Year 2018 proposed operating budget for OCME is \$12,160,208, an increase of \$225,390, or 1.9%, over the approved FY 2017 budget of \$11,934,818. The proposed budget would support 92.0 FTEs, an increase of 6 FTEs, or 7.0%, from the FY 2017 approved level of 86.0 FTEs.

***Local Funds:*** The FY 2018 proposed local funds budget is \$11,445,208, representing an increase of approximately \$23,554, or 0.2%, over the FY 2017 approved budget of \$11,422,664. This proposed local funds budget supports 86.0 FTEs, representing a 4.9% increase from the FY 2017 approved level of 82.0 FTEs.

***Intra-District Funds:*** The FY 2018 proposed intra-District funds budget is \$715,000, an increase of \$202,846, or 39.6%, over the FY 2017 approved budget of \$512,154. This budget supports 6.0 FTEs, an increase of 2 FTEs, or 50%, over the FY17 approved level of 2.0 FTEs. These 2 new FTEs would support the Male Survivor’s Advisory Board in collaboration with the Office of Victim Services and Justice Grants (1.0 FTE) and provide forensic toxicology testing services associated

with Driving Under the Influence in collaboration with the District Department of Transportation (1.0 FTE).

### **Committee Analysis and Comments**

***Operations:*** In 2016, OCME investigated 6,395 cases, representing a 10% increase in total investigations and a 17% increase in accepted cases over 2015. OCME visited 850 scenes and performed 892 full autopsy examinations in 2016, which represents a 30% increase in scenes and a 20% increase in autopsies.

***NAME Accreditation:*** In FY 2016, OCME achieved full accreditation by the National Association of Medical Examiners (“NAME”) through February 16, 2021. In order to achieve accreditation, the agency prepared for two years by completing a self-assessment, working with the Office of the Inspector General to perform an independent audit, updating their standard operating procedures, preparing the physical facility, and conducting training for staff. The inspection included a walk-through of the physical facility and review of office practices, policies, and procedures.

***Death Investigations:*** Approximately 60% of OCME’s cases require a Death Investigator to conduct a scene visit. This includes scene assessment, body examination, and circumstance evaluation. As of late February 2017, 12 out of the 13 members of the investigative team were certified by the American Board of Medicolegal Death Investigators. During FY 2016, OCME also created the Medical Examiner Transport Team (“METT”) to move body transport services in-house. This team also conducts fleet maintenance, decedent intake and release, fatality management response logistics, post-mortem radiology and identification, supply inventory and tracking, and mortuary quality assurance and control processing. The services of the METT have reduced response times from 45 to 25 minutes. The proposed FY 2018 budget increases staffing of this team to 12 members, which will make the team fully staffed and allow OCME to handle all decedent transport in-house.

***Forensic Toxicology Lab:*** The lab tests almost 1,400 cases each year, which includes nearly 8,600 specimens. The breakdown of the caseload in the lab includes 60% of cases supporting the autopsy and post-mortem case load, 30% of cases supporting Driving Under the Influence (“DUI”) testing for law enforcement, and approximately 10% supporting testing for Drug Facilitated Sexual Assaults.

During FY 2016, OCME made improvements to the District’s Breath Alcohol Testing and Calibration Program, which included hiring a new Breath Program Manager and ensuring that all of MPD’s Breathalyzers and the mobile unit have been certified and remain continuously monitored. The agency also played a key role in the Department of Health’s emergency Synthetic Drug Surveillance Initiative by facilitating the testing of more than 460 specimens from live patients in hospitals

who had potentially overdosed on synthetic cannabinoids. This testing helped the agency understand the breadth of this type of drug use and showed that the groups most affected were in their mid- to late-30's, with increases in overdoses during the summer months.

***Quality Control/Records Management:*** During FY 2016, OCME focused on case and inventory management, document management, and professional career development as quality initiatives. The agency is looking to meet International Standards for its overall operations and within the toxicology division within the next three years. OCME staff has completed trainings to learn to comply with these international standards, and the agency developed quality assurance and quality control procedures for all agency programs. The agency also updated its electronic document management system by investing in document control system software. During the next fiscal year, the agency is planning ways to update the existing medical examiner case file system.

***Public Health & Safety Surveillance:*** In FY 2016, the newly staffed Data Fusion Center evaluated mortality statistics in critical areas. This included analysis of opioids, homicides, myocarditis, accidental drowning, deaths in custody, homeless/hypothermia, public dispositions, infant mortality, and traffic mortalities. Because of the Data Fusion Center, OCME uncovered critical information related to these subjects, including the 102% increase in fatal opioid overdoses between 2014 and 2016.

***Fatality Review:*** OCME supports two fatality review committees, the Child Fatality Review Committee ("CFRC") and the Developmental Disabilities Review Committee ("DDRC"). In FY 2016, the CFRC conducted monthly multidisciplinary case reviews of the sudden deaths of infant and youth homicides. The CFRC also decided to make changes to its recommendation process in order to improve its support to the most vulnerable populations in the District. The Committee supports the agency's work in drafting legislation to create a Maternal Mortality Review Committee to investigate, examine, and make policy recommendations regarding pregnancy-associated and pregnancy-related maternal deaths in the District and of all District residents. During the Committee's budget oversight hearing, the agency shared that funding in the Mayor's proposed budget is sufficient to support such a committee.

***Fatality Management:*** In FY 2016, the agency held the first city-wide Fatality Management Symposium and Exercise. At this event, the agency conducted a full scale fatality management exercise to a complex coordinated attack, with all resources, personnel, communications, equipment, and high-level executives taking part. This event helped with both training and relationship building between the agencies.

***Budget Support Act:*** Title III, Subtitle C, of the FY18 Budget Support Act of 2017 – the “Chief Medical Examiner Amendment Act of 2017” – would require OCME to serve as the lead agency for the District’s mass fatality management and mass fatality incident response. OCME would be required to create a District mass fatality management response plan and could enter into mutual aid agreements with states or local jurisdictions within the national capital region or with the federal government for the purpose of mass fatality management or mass fatality incident response. This subtitle is analyzed in more depth in Section IV(A)(5) of this report.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 budget for the Office of the Chief Medical Examiner, as proposed by the Mayor.

### **b. Policy Recommendations**

1. The Committee recommends that the Executive introduce legislation to create a Maternal Mortality Review Committee within OCME.
2. The Committee recommends that OCME continue to closely monitor opioid use in the District.

## U. OFFICE OF UNIFIED COMMUNICATIONS

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

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

OUC’s executive officers include a Deputy Director, Public Information Officer, General Counsel, and Financial Officer. Additionally, OUC’s staff is comprised of 311 Call Center Team Leaders, 311 Call Service Specialists, 311 Customer Service Representatives, Assistant Watch Commanders, Universal Call Takers, and Dispatchers.

The **911 Operations division** develops and enforces policy directives and standards regarding public safety communications. The **311 Operations division** processes city service requests and handles telephone reporting of specific crimes. The **Technology Operations division** operates and maintains public safety voice radio technology and oversees all land and mobile radio systems tied to the response network. The **Transcription and Quality division** provides audio transcribing for the Metropolitan Police Department, the Fire and Emergency Medical Services Department, and the 311 Operations division. **Agency Management** administers programs supporting the call center and public safety communications. In addition, Agency Management oversees the employee performance management system, new employee training, and in-service training for OUC personnel. **Agency Financial Operations** provides comprehensive and efficient financial management services to, and on behalf of, District agencies.

#### b. Mayor’s Proposed Fiscal Year 2018 Operating Budget

##### Proposed Operating Budget Summary

The Mayor’s Fiscal Year 2018 proposed budget for the Office of Unified Communications is \$48,941,375, representing a decrease of \$1,119,731, or 2.2%, over the FY 2017 approved budget of \$50,061,106. The proposed budget would support 367 FTEs, representing an increase of 24.7 FTEs, or 7.2%, from the FY 2017 approved level of 342.3 FTEs.

**Local Funds:** The Mayor’s proposed FY 2018 local funds budget is \$32,885,550, representing an increase of \$960,994, or 3%, over the FY 2017 approved

local funds budget of \$31,924,556. This budget would support 361 FTEs, representing an increase of 24.7 FTEs, or 7.3%, from the FY 2017 level of 336.3 FTEs.

***Special Purpose Revenue Funds:*** The Mayor's proposed FY 2018 special purpose revenue funds budget is \$15,356,809, a decrease of \$2,454,330, or 13.8%, from the FY 2017 approved special purpose revenue funds budget of \$17,811,139. This budget would not support any FTEs, representing no change from the FY 2017 approved level.

***Intra-District Funds:*** The Mayor's proposed budget FY 2018 intra-District funds budget is \$699,016, representing an increase of \$373,605, or 114.8%, from the FY 2017 approved budget of \$325,411. This budget would support 6.0 FTEs, representing no change from the FY 2017 approved level.

### **Committee Analysis and Comments**

***Agency Activities:*** In FY 2016, the agency conducted an assessment of operations with a goal of growing into a leading Public Safety Answering Point ("PSAP"). Through the assessment, Director Holmes determined that the agency was in need of a formalized quality assurance and control program, in addition to enhanced training opportunities, and she created the agency's new Office of Professional Standards and Development. Director Holmes stated at the Committee's performance oversight hearing that staff have "been able to shave off critical seconds from our 911 call to dispatch time. In total, we have reduced about 14 seconds off call to queue, and 12 seconds off queue to dispatch." The Committee is impressed with the commitment and talent of the agency's staff, and this is a significant accomplishment.

The Committee is pleased that the agency is again shoring up its operations and dedicating much needed resources to the District's 911/311 system. In particular, the Committee supports the agency's collaboration with the Department of Employment Services through DOES' LEAP Academy. OUC's FY 2018 budget proposes to bring on 28 LEAP Academy FTEs permanently for the 311 system. In the Committee's performance oversight hearing, Director Holmes stated her belief that the LEAP employees specifically "have been responsible for decreasing customer hold time, shrinking call abandoned rates, and for increasing the number of calls answered within 90 seconds or less." Even more impressive are the reductions in average wait times, from 6 minutes in July 2016 to 1 minute 5 seconds in January 2017. The potential 311 to 911 career path will also be rewarding to employees who wish to advance.

**Table 1: Average Answer Time for 911 and 311 Calls, FY 2016 and FY 2017,  
as of February 12, 2017**

<b>FY 2016</b>	<b>911 Avg. Answer Time (Avg. Wait Dur.)</b>	<b>311 Avg. Answer Time (Avg. Wait Dur.)</b>
Oct 2015	00:00:01	00:02:06
Nov 2015	00:00:01	00:03:08
Dec 2015	00:00:01	00:02:59
Jan 2016	00:00:02	00:03:54
Feb 2016	00:00:01	00:02:39
Mar 2016	00:00:01	00:03:52
Apr 2016	00:00:02	00:03:27
May 2016	00:00:03	00:04:12
Jun 2016	00:00:03	00:06:01
Jul 2016	00:00:04	00:06:14
Aug 2016	00:00:02	00:04:26
Sep 2016	00:00:03	00:02:49
<b>FY 2017 (through 2/12/17)</b>	<b>911 Avg. Answer Time (Avg. Wait Dur.)</b>	<b>311 Avg. Answer Time (Avg. Wait Dur.)</b>
Oct 2016	00:00:03	00:01:27
Nov 2016	00:00:03	00:01:32
Dec 2016	00:00:02	00:01:16
Jan 2017	00:00:01	00:01:04
Feb 2017	00:00:03	00:00:29

*Source: Office of Unified Communications*

*BSA Subtitle:* As discussed in detail in Section IV of the Committee’s report, OUC has expressed challenges with identifying funds for what it views as long overdue investments in the agency. As a result, the agency has turned increasingly to E-911 fees to subsidize its local funds budget. This is not a sustainable option. While the Committee strongly support the agency’s desire to make up for lost time in terms of hiring and improvements, the Committee would like to engage the agency

in a more comprehensive consideration of the needs of a modern 911 system with 1.5 million 911 calls in 2015.

**c. Mayor's Proposed Fiscal Years 2018-2023 Capital Budget**

The Mayor's Fiscal Years 2018-2023 proposed capital budget includes capital allotments for the Office of Unified Communications as follows:

- Project No. DCCUC (911/311 Dispatch Consoles): \$4,000,000 in FY 2019;
- Project No. UC304 (911/311 Radio Critical Infrastructure): \$4,900,000 in FY 2018, \$1,900,000 in FY 2019, and \$4,900,000 in FY 2020;
- Project No. AFC02 (IT Hardware 911/311 Systems): \$800,000 in FY 2020, \$300,000 in FY 2021, \$300,000 in FY 2022, and \$300,000 in FY 2023;
- Project No. DWB02 (IT Software (911/311 Applications)): \$750,000 in FY 2019, \$750,000 in FY 2020, \$750,000 in FY 2021, \$250,000 in FY 2022, and \$250,000 in FY 2023;
- Project No. UC302 (MDC Replacement for MPD & FEMS): \$9,500,000 in FY 2020;
- Project No. UC303 (MPD/FEMS Radio Replacement): \$5,000,000 in FY 2020, \$7,200,000 in FY 2021, \$6,750,000 in FY 2022, and \$6,750,000 in FY 2023; and
- Project No. CERCE (UCC Electrical Reconfiguration): \$1,800,000 in FY 2019.

**2. COMMITTEE RECOMMENDATIONS**

**a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Office of Unified Communications, as proposed by the Mayor.

**b. Mayor's Proposed Fiscal Years 2018-2023 Capital Budget**

The Committee recommends adoption of the FY 2018 capital budget for the Office of Unified Communications, as proposed by the Mayor.

**c. Policy Recommendations**

1. The Committee supports OUC's efforts to average 90 seconds from call to dispatch as the key performance indicator recommends.
2. The Committee recommends that the agency work collaboratively with the Committee to consider the sustainability of the current 911 fee structure.



COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

3. The Committee recommends that OUC continue to work with the Department of Consumer and Regulatory Affairs to increase that agency's 311 functionalities.
4. The Committee recommends that OUC work with FEMS to develop and promote a targeted outreach strategy to educate District residents about 911 misuse.

## V. OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

### 1. COMMITTEE ANALYSIS AND COMMENTS

#### a. Agency Mission and Overview

The Office of Victim Services and Justice Grants' ("OVSJG") mission is to develop, fund, and coordinate programs that improve public safety; enhance the administration of justice; and create systems of care for crime victims, youth, and their families in the District. The agency operates through the following programs:

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

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

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

The ATJ funds are granted by the District to the D.C. Bar Foundation, which developed and administers the Access to Justice Grants Program. The Program was established to increase representation in civil legal services, and in particular, for

underserved communities. In FY 2016, the D.C. Bar Foundation awarded 28 grants to organizations such as the Children's Law Center, D.C. Law Students in Court, Bread for the City, the Legal Aid Society for the District of Columbia, and Legal Counsel for the Elderly. The D.C. Bar Foundation also provided 35 lawyers with educational loan repayment assistance in FY 2016.

**b. Mayor's Proposed Fiscal Year 2018 Operating Budget**

The Mayor's Fiscal Year 2018 budget proposal for the Office of Victim Services and Justice Grants is \$39,842,546, a \$1,211,596, or 3.1%, increase from the FY 2017 approved budget of \$38,630,950. This funding supports 16.0 FTEs, an increase of 1.98 FTEs, or 14.1%, over the FY 2017 approved level of 14.02 FTEs.

***Local Funds:*** The Mayor has proposed a local funds budget of \$23,935,300, an increase of \$503,996, or 2.2%, from the FY 2017 approved local funds budget of \$23,431,304. This funding supports 11 FTEs, an increase of 0.4 FTEs, or 3.6%, from the FY 2017 approved level of 10.6 FTEs.

***Special Purpose Revenue Funds:*** The Mayor has proposed a special purpose revenue funds budget of \$1,836,675, an increase of \$39,159, or 2.2%, over the FY 2017 approved special purpose revenue funds budget of \$1,797,516. This budget supports 2.0 FTEs, an increase of 1.24 FTEs, or 1.6%, over the FY 2017 level of 0.76 FTEs.

***Federal Resources:*** The Mayor has proposed a federal resources budget of \$14,070,571, a \$668,441, or 5%, increase over the FY 2017 approved federal resources budget of \$13,402,130. This funding supports 3.0 FTEs, an increase of 0.36 FTEs, or 13.6%, over the FY 2017 approved level of 2.64 FTEs. The federal resources budget is composed entirely of federal grant funds.

**Proposed Operating Budget --Programmatic Level**

***Agency Management:*** The Mayor has proposed a budget for the agency management division of \$436,119, which is comprised entirely of local funds. This funding supports 3 FTEs, an increase of 0.51 FTEs over the FY 2017 approved level.

***Justice Grants Administration:*** The Mayor has proposed a budget of \$10,311,679, representing an increase of \$81,484 from the FY 2017 approved funding level of \$10,230,195. In local funds, this program is seeing a decrease of \$111,104, which is offset by an increase of \$192,588 in federal grant funds. This program supports 6 FTEs, a decrease of 1 FTE from FY 2017.

***Access to Justice:*** The Mayor has proposed a budget of \$5,027,835, representing no change from the FY 2017 approved funding level. This program does not support any FTEs.

***Office of Victim Services:*** The Mayor has proposed a budget of \$24,066,913, representing an increase of \$1,089,415 from the FY 2017 approved funding level of \$22,977,497. In local funds, this program is seeing an increase of \$574,404, in addition to an increase of \$475,854 in federal grant funds and an increase of \$39,159 in special purpose revenue funds. However, CSG 50 (Subsidies and Transfers), which contains this program's grant funds, is level in local funds from FY17. The increase of \$574,404 is primarily due to the new funds supporting the private security camera incentive program. The Office of Victim Services program supports 7.0 FTEs, an increase of 2.5 FTEs from FY 2017.

### **Committee Analysis and Comments**

For the first time in two fiscal years, there were no significant cuts to the Office of Victim Services and Justice Grants in the Mayor's proposed budget. The FY 2018 proposed budget includes a total of approximately \$24 million for victim services programs, \$10.3 million for justice grants programs, \$5 million for the Access to Justice Initiative, and \$436,000 for agency administration. As funding for each of these programs is separate and distinct, they will be discussed individually below.

***Office of Victim Services:*** OVSJG supports some of the most vulnerable District residents, including victims of domestic violence, sexual assault, homicide, child abuse, and assault. Through its funding, local service providers work to provide safe temporary transitional housing for victims of domestic violence, improve sexual assault trauma services and counseling, and maintain outreach programs to area teens and residents. It is one of the few grant-making entities in the District government, particularly with respect to crime prevention, intervention, and response programming. On the next page is a chart highlighting OVSJG grantees in FY 2017:

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
Fiscal Year 2018 Budget Report

**Table 1: Fiscal Year 2017 OVSJG Victim Services Grantees**

<i>Victim Services Grant Programs and Initiatives</i>				
<i>Funding Source</i>				
<i>Crime Victim Assistance Grant Program (VOCA)</i>	<i>Services*Training*Officers*Prosecution (S*T*O*P) Violence Against Women Formula Grant (VAWA)</i>	<i>Office for Victims of Crime Vision 21 Initiative (Victim Legal Network)</i>	<i>Other Federal Funds</i>	<i>Local Funds</i>
Ayuda	Ayuda	Amara Legal Center, Inc.	Office for Victims of Crime Supporting Male Survivors of Violence	Amara Legal Center
D.C. Volunteer Lawyers Project	Government of the District of Columbia/DC Courts	Ayuda	Medstar Washington Hospital Center	Asian Pacific American Legal Resource Center
District Alliance for Safe Housing	D.C. Office of the Attorney General	Legal Aid Society of the District of Columbia	Office of the Chief Medical Examiner	Asian/Pacific Islander Domestic Violence Resource Project
FAIR Fund, Inc. (FAIR Girls)	Metropolitan Police Department	Network for Victim Recovery of D.C.	Wendt Center for Loss and Healing	Atlas Fitness
Legal Aid Society of the District of Columbia			Office for Victims of Crime Vision 21 Initiative – Victim Legal Network	Ayuda
Network for Victim Recovery of D.C.			Amara Legal	Break the Cycle
Safe Shores – The Children’s Advocacy Center			Ayuda	CARECEN
The Women’s Center			Legal Aid Society of the District of Columbia	Children's National Medical Center
Wendt Center for Loss and Healing			Network for Victim Recovery of DC	Collaborative Solutions for Communities
			Office on Violence Against Women - GTEAP	Community Connections
			D.C. Forensic Nurse Examiners	Council for Court Excellence
			D.C. SAFE	D.C. Center Anti-Violence Project
				D.C. Forensic Nurse Examiners
				D.C. Office of the Attorney General
				D.C. Rape Crisis Center
				D.C. SAFE
				Deaf Abused Women’s Network

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

				Department of Forensic Sciences
				District Alliance for Safe Housing
				D.C. Coalition Against Domestic Violence
				Finn Partners
				HER Resiliency Center
				House of Ruth
				La Clinica del Pueblo
				MedStar Washington Hospital Center
				Men Can Stop Rape
				My Sister's Place
				National Center for Victims of Crime
				Office of the Chief Medical Examiner
				Prince George's Hospital Center
				Ramona's Way
				The Person Center
				The Women's Center
				Whitman Walker

*Source: Office of Victim Services & Justice Grants*

**Performance Management Initiative:** In FY 2015, OVSJG updated its Performance Management Initiative (“PMI”) in partnership with its victim services grantees. The PMI is meant to standardize data across grantees in order to better assess services provided and identify strengths and opportunities for growth. On a quarterly basis, victim services grantees report on a set of data measures, including the number of victims served, the number of victims receiving each type of service provided, the age of the victims, and the Ward residence of victim. Additionally, grantees report outcome measures on standard outcomes based on the type of service provided (e.g. crisis intervention, housing, legal services).

At the Committee’s FY 2016 performance oversight hearing, there was overwhelming testimony from grantees about their capacity to comply with the updated requirements of the PMI. In response to feedback from grantees, OVSJG updated their Grants Management Policies and Procedures to ensure that grantees had an understanding of grant requirements and the funding and grants management process. The agency also convened meetings to review the PMI Outcome Measures with victim service grantees. Based on those meetings and direct input from grantees, OVSJG made numerous changes to the measure to decrease the burden on grantees and increase the utility of the data. The agency also awarded

nearly \$281,000 in funding to assist victim service providers in building their capacity to report PMI data and hired a consultant to work with each grantee directly.

The Committee applauds OVSJG for improving its efforts to assist victim services grantees with their collection and reporting on PMI Data. However, several grantees raised concerns about how programs are categorized—from “high performing” to “high risk”—during the agency’s FY 2017 performance oversight hearing. The Committee recommends that OVSJG conduct a training session for grantees to explain the categories of grant performance and how to improve performance if categorized as a “high risk” grantee. Several grantees also expressed concern about the agency’s use of Survey Monkey for data collection. Therefore, the Committee also recommends that OVSJG explore options for streamlining the data collection process.

**Hospital-Based Violence Intervention Program:** The Crisis Continuum Project, as launched in April 2016, was originally a partnership of Medstar Washington Hospital Center, DC Forensic Nurse Examiners, The Wendt Center for Loss and Healing, and the Network for Victim Recovery DC. Medical forensic nurses respond on-site through the MedStar Washington Hospital Center Trauma Department to criminally-related “Code Yellows”, which are medical traumas caused by a criminal act and loosely described as homicides and attempted homicides. The activities of the Crisis Continuum Project intersect with a federally funded project for supporting male survivors of violence, Project Change, which is coordinated by OVSJG. Together, these complimentary projects are the components of what are now referred to simply as the hospital-based violence intervention program. The additional identified partners on the project include Howard University Hospital, Prince George’s Hospital Center, Community Connections, The Latin American Youth Center, Men Can Stop Rape, The Office of the Chief Medical Examiner, and SUNY Buffalo (the project evaluator). Below is a chart reflecting the type of services provided for individuals through the program in FY 2016 and FY 2017, to date.

**Table 2: Services Provided by the Hospital-Based Violence Intervention Program, FY 2016 and FY 2017, As of April 6, 2017**

Type of Service	FY 2016 Number of Victims <sup>74</sup>	FY 2017 Number of Victims
Medical forensic care	174	123 (as of 4/6/17)
Crisis intervention	147	76 (as of 4/6/17)

*Source: Office of Victim Services Justice Grants*

OVSJG anticipates making approximately \$2.3 million in grant awards to support the hospital-based violence intervention program in FY 2018. This funding includes a combination of federal funding, local funding, and funding from the Crime Victims Assistance Fund. The Committee is pleased with OVSJG's strategy for addressing a crucial gap in comprehensive, holistic, and vertical services for victims of crime that are not victims of intimate partner violence or sexual assault. Moreover, the Committee looks forward to OVSJG's exploration of partnerships with additional medical facilities in FY 2018.

**Address Confidentiality:** On April 28, 2017, Chairman Mendelson, at the request of the Mayor, introduced Bill 22-0266, the "Victim Services Omnibus Amendment Act of 2017".<sup>75</sup> This legislation would establish an Address Confidentiality Program to be administered by OVSJG. This program would protect the confidentiality of the actual address of a victim of domestic violence, a sexual offense, stalking, or human trafficking, who has to relocate as a result of the suffered offense. As this bill has just been introduced, the Committee looks forward to reviewing and assessing the proposed legislation and its implementation to protect survivors of domestic violence, sexual assault, stalking or human trafficking. Chairperson Allen had already introduced similar legislation, B22-0037, the "Voter Address Confidentiality Amendment Act of 2017", on which the Committee held a hearing in April 2017.

**Sexual Assault Victims Rights Amendment Act of 2017 ("SAVRAA"):** The Sexual Assault Victims' Rights Amendment Act of 2014, or "SAVRAA", gives survivors the right to have an advocate present at any: 1) forensic medical, evidentiary, or physical examination; 2) initial interview at the hospital; 3) subsequent in-person interview with law enforcement related to the sexual assault; and 4) point during the hospital visit.<sup>76</sup> It also places strict requirements on the

<sup>74</sup> FY 2016 numbers reflect services provided from the Project launch in April 2016.

<sup>75</sup> See, Bill 22-0266, the "Victim Services Omnibus Amendment Act of 2017", available at <http://lims.dccouncil.us/Download/38006/B22-0266-Introduction.pdf>.

<sup>76</sup> See, Bill 21-0417, the "Sexual Assault Victims' Rights Amendment Act of 2014", available at <http://lims.dccouncil.us/Download/29573/B20-0417-SignedAct.pdf>.



processing of sexual assault kits and biological specimens to ensure timely results and access for survivors. Notably, SAVRAA created a new position for an Independent Expert Consultant required to: 1) review training for all personnel and advanced training for MPD's Sexual Assault Unit detectives; 2) internal policies and procedures related to sexual assault, including standard operating procedures and general orders; 3) complaints and feedback from the public; and 4) a random sample of case files. SAVRAA also formalizes a best practice from other jurisdictions – the Sexual Assault Response Team, or “SART”. The SART is a partnership of public and private agencies charged with coordinating a high-quality, multidisciplinary, victim-centered response to sexual assault cases. Lastly, SAVRAA established a Task Force to study nationally recognized best practices and develop recommendations on enumerated questions.

On April 3, 2017, Chairman Mendelson, at the request of Mayor Bowser, introduced Bill 22-0417, the “Sexual Assault Victims’ Rights Amendment Act of 2017”.<sup>77</sup> This legislation amends the “Sexual Assault Victims’ Rights Amendment Act of 2014” to expand the right of a sexual assault survivor to have a sexual assault advocate present at: 1) any in-person interview with law enforcement related to the sexual assault; 2) initial interview with a prosecutor; and 3) subsequent in-person interview with a prosecutor. The legislation also requires law enforcement to ensure that a sexual assault victim advocate is offered to the sexual assault survivor before the commencement of any in-person interview. Moreover, the bill requires prosecutors to provide a reason to a survivor for their decision not to prosecute and creates a new prohibition on the removal of a person’s clothing without consent. It also expands the definition of a sexual assault victim to include any person who is at least 12 years old. The Committee will move forward with a hearing before the summer recess.

Anticipated funding for FY 2018 for SAVRAA activities includes implementation of the advocate credentialing process, the establishment of a youth hotline, the implementation of a victim feedback process, implementation of the PERK tracking database, support of the SART, and a dedicated OVSJG staff position to work specifically on sexual assault program and policy development. These activities reflect either “Sexual Assault Victims Rights Amendment Act of 2014” legislative mandates or non-legislative recommendations of the SAVRAA Task Force. If the “Sexual Assault Victims Rights Amendment Act of 2017” is enacted as introduced, there will be additional costs associated with full implementation, including the expansion of the advocacy series, the production and distribution of a standard brochure to sexual assault victims at any system point of entry, and storage

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<sup>77</sup> See, Bill 22-0222, the “Sexual Assault Victims’ Rights Amendment Act of 2017”, available at <http://lims.dccouncil.us/Download/37806/B22-0222-Introduction.pdf>.

of PERKs for the duration of the statute of limitations.<sup>78</sup> The Committee is pleased that OVSJG has anticipated these potential costs in its FY 2018 budget.<sup>79</sup>

***Initiatives on Address Missing Youth:*** Recently, the Metropolitan Police Department's ("MPD") Youth and Family Services Division began aggressively using social media to generate public attention surrounding missing youth. Subsequently, Mayor Bowser released six new initiatives to address the District's response to missing youth. On March 24, 2017,<sup>80</sup> the following OVSJG-related initiatives were announced by the Mayor:

- *Establishment of the Missing Persons Evaluation and Reconnection Resources Collaborative:* The Child and Family Services Agency ("CFSA"), OVSJG, and identified community-based organizations will assist MPD with instituting a comprehensive evaluation of youth who are found or return home to assess the circumstances surrounding their departure and provide any additional support services that are necessary for the health and well-being of the youth and their family.
- *OVSJG and CFSA Lead Working Group:* The directors of OVSJG and CFSA will lead a working group to analyze missing youth cases, assess trends, and manage resources requests.
- *Deputy Mayor for Health and Human Services (DMHHS) and OVSJG Grant Support for Non-Profits Addressing Runaway Youth:* OVSJG and the Office of the DMHHS will identify and promote grant funding for advocacy and community-based organizations.

The Committee supports these initiatives, as they will improve the District's coordinated response to missing youth. The Committee would like OVSJG to provide regular updates on the progress of the working group, particularly as it relates to any identifiable trends in missing youth cases.

***DC Victim Hotline:*** The FY 2018 budget maintains support for the D.C. Victim Hotline. The hotline serves as a single point of entry for crime victims in all eight wards, and provides free confidential support, information, and referrals for victims of crime in the District via phone, text, and chat. Since the hotline launched in FY 2016, calls, texts, and chats have consistently increased. In FY 2016, the Hotline served 443 victims, and in the first two quarters of FY 2017, the Hotline

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<sup>78</sup> See, OVSJG FY 2018 Budget Follow-Up Letter, on file with the Committee.

<sup>79</sup> *Id.*

<sup>80</sup> See, "Bowser Administration Announces Six New Initiatives to Address Missing Young People in Washington, DC", available at <https://mayor.dc.gov/release/bowser-administration-announces-six-new-initiatives-address-missing-young-people-washington>.

provided services to 918 victims.<sup>81</sup> The Committee applauds OVSJG for the success of the hotline and looks forward to the agency's continued outreach and marketing efforts to assist victims of crime in the District.

**Crime Victims Assistance Fund:** The Crime Victims Assistance Fund ("CVAF") is a non-lapsing, interest-bearing fund. The funds from the CVAF come directly from the Crime Victims Compensation Fund. At the end of each fiscal year, 50 percent of the balance in the Crime Victims Compensation Fund is transferred to the Crime Victims Assistance Fund without fiscal year limitation for outreach activities designed to: 1) increase the number of crime victims who apply for such direct compensation payments, including victims of sexual assault, domestic violence, or child abuse (abuse counseling, health and mental health services, child advocacy centers, emergency housing, emergency child care, transportation, hospital-based informational and referral services, and family support); and 2) improve the intake, assessment, screening, and investigation of reports of child abuse and neglect and domestic violence.<sup>82</sup> The CVAF is administered by OVSJG.<sup>83</sup>

The FY 2017 beginning CVAF fund balance was \$4,744,856, and the agency has obligated approximately \$1.3 million as of May 1, 2017.<sup>84</sup> Spending from the CVAF over the past several fiscal years, as noted below, has included funding for the implementation of the "Sexual Assault Victims Rights Amendment Act of 2014".

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<sup>81</sup> *Office of Victim Services Justice Grants Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 12, 2017) (written testimony of Michelle Garcia, Executive Director, Office of Victim Services Justice Grants).

<sup>82</sup> D.C. Official Code § 4-515.01(d)(1), (d)(2).

<sup>83</sup> D.C. Official Code §4-515.01(a).

<sup>84</sup> *See*, OVSJG FY 2018 Budget Follow-Up Letter, on file with the Committee.

**Table 3: Funding Use in the Crime Victims Assistance Fund,  
Fiscal Years 2014-2017**

<i><b>Fiscal Year</b></i>	<i><b>Amount Used</b></i>	<i><b>Purpose</b></i>
2014	\$100,000	The funding was used for the ASKDC app and website. ASK DC is a project between Men Can Stop Rape and OVSJG. Men Can Stop Rape empowers men and boys to use their strength to create cultures free from violence.
2015	\$31,208	The funding was used for the ASK/UASK redeployment. In Fiscal Year 2015, OVSJG intentionally did not spend a larger amount so that it could have funds for SAVRAA improvements in Fiscal Year 2016.
2016	\$770,798	This obligated funding is being used for the Crisis Continuum Project, Elder Abuse Project, a toolkit for helping service providers work with teen and adolescent victims, the D.C. SANE program, outreach for the victim hotline, and a violence prevention program in collaboration with Men Can Stop Rape and Kelly Miller Middle School. OVSJG anticipates the following in Fiscal Year 2016: \$150,000 for a database to coordinate domestic violence housing services, \$200,000 for a youth-oriented sexual assault hotline, \$50,000 for a curriculum to credential sexual assault advocates, \$100,000 for a homicide fatality review manager at the OCME, and \$100,000 for a PERK tracking project with DFS. OVS also intends to fund some personnel for SART support and a consultant to coordinate the DV Fatality Review Board out of the CVAF in Fiscal Year 2016.
2017	\$1,362,332	Grants have been made to Medstar Washington Hospital Center, Men Can Stop Rape (ASK/UASK), and Prince George's Hospital Center. Additionally, funds have been awarded for the development of a victim's guide to the DC criminal justice system, the development of a Physical Evidence Recovery Kit (PERK) tracking system, and the development of the sexual assault advocate credentialing program. Funding is also obligated for the SAVRAA Independent Consultant and the consultant providing support to the Domestic Violence Fatality Review Board. CVAF funding will also support a Grants Management Specialist position when filled.

*Source: Office of Victim Services & Justice Grants*

The Committee is pleased that OVSJG has allocated funding for the development of a victim's guide to the District's criminal justice system and the hospital-based violence intervention program, as they will improve the District's response to victims of crime.

***Justice Grants Administration:***

FY 2018 Justice Grants Administration funding totals \$10,312,000. JGA funding is comprised of \$6,537,000 in local funds, of which \$1,155,374 represents funding within a non-lapsing fund for the Show Up, Stand Out ("SUSO") program. The projected federal budget is \$3,775,000.

OVSJG testified that in FY 2018, the federal grant portfolio and awards will include: The Byrne Justice Assistance Grant, Title II Juvenile Justice Formula

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY  
*Fiscal Year 2018 Budget Report*

Funding, the Residential Substance Abuse Treatment (“RSAT”) for State Prisoners Grant, and the Paul Coverdell Forensic Science Improvement Grant. The Byrne Grant supports all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs. The Title II grants support efforts to develop more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs targeted at juvenile delinquency and programs to improve the juvenile justice system. Below is a chart highlighting OVSJG Justice Grants Programs and Initiatives grantees.

**Table 4: Fiscal Year 2017 OVSJG Justice Grants Grantees**

<i>Justice Grant Programs and Initiatives</i>				
<i>Funding Source</i>				
<i>Title II – Juvenile Justice &amp; Delinquency Prevention (OJJDP)</i>	<i>Edward Byrne Memorial Justice Assistance Grant (JAG)</i>	<i>Coverdell Forensic Science Improvement Grant Program</i>	<i>Show Up. Stand Out</i>	<i>Local Funds</i>
Criminal Justice Coordinating Council	ACCESS Inc.	Department of Forensic Sciences	Boys Town Washington DC, Inc.	Collaborative Solutions for Communities
Department of Human Services	Community Family Life Services	Office of the Chief Medical Examiner	Catholic Charities	Communities In Schools of the Nation’s Capital
Multicultural Career Intern Program	Corrections Information Council		Choice Research Associates	Community Connections, Inc.
United Planning Organization	Department of Behavioral Health		Collaborative Solutions for Communities	Community Family Life Services
Urban Ed, Inc.	Department of Corrections		East River Family Strengthening Collaborative, Inc.	Free Minds Book Club & Writing Workshop
	Justice Research and Statistics Assn, Inc.		Edgewood/Brookland Family Support Collaborative	House of Ruth
	Lorton Art Program		Far Southeast Family Strengthening Collaborative	Jubilee Housing, Inc.
	Open City Advocates		Finn Partners	Thrive DC
	The Washington City Orphan Asylum		Georgia Avenue Family Support Collaborative	University Legal Services (Jail and Prison Advocacy Project)
	University Legal Services			Voices for a Second Chance

*Source: Office of Victim Services & Justice Grants*

**Show Up, Stand Out:** The Justice Grants budget includes more than \$5 million in local dollars dedicated to truancy reduction. A portion of this funding continues to support SUSO, which reduces the rate of unexcused absences for students in selected elementary and middle schools across District Public and Public Charter Schools by eliminating barriers to school attendance. For School Year 2016-

2017, SUSO has received 3,122 student referrals, as of April 20, 2017.<sup>85</sup> The program targets students with five to nine unexcused absences by addressing behavioral, financial, and health challenges prior to Child and Family Services Agency (“CFSA”) and/or court involvement. Now in its fifth school year of operation, SUSO has increased to 81 programs (54 elementary and 27 middle school programs), at 57 DC public schools and ten charter schools.<sup>86</sup> In FY 2018, the agency plans to expand to additional elementary schools and for the first time, truancy reduction funds will be made available to support high school truancy reduction programs. OVSJG anticipates making one of five awards for a total of \$500,000 for high-school truancy reduction. The Committee commends the agency for their innovative efforts to reduce truancy through SUSO and is pleased that the program is expanding to high schools in FY 2018.

**Private Security Camera Incentive Program:** The Private Security Camera Incentive Program, administered by OVSJG, creates a rebate for residents, businesses, nonprofits, and religious institutions to purchase and install security camera systems on their property and register them with the Metropolitan Police Department. The program provides a rebate of up to \$200 per camera, with a maximum rebate of up to \$500 per residential address and \$750 for all other addresses. The camera system must have been purchased and installed on the property after September 22, 2015, and before all available funds are expended. The allocated funding for this program is \$500,000. This program is intended to help deter crime and assist law enforcement with investigations. The legislation related to this program also requires the Mayor to send a monthly report to the Council that includes the following information:

1. The total number of rebates issued;
2. The total number of private security cameras funded;
3. The number of rebates issued in each police service area;
4. The number of rebates issued in each priority area;
5. The number of times MPD requested footage from a rebate recipient, and whether the request was granted or denied by the rebate recipient;
6. The number of times that footage from a private security camera contributed to a successful arrest by MPD, including a breakdown by offense; and
7. An analysis of the Program's implementation and plans for future expansion, if any.<sup>87</sup>

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<sup>85</sup> See, OVSJG FY 2018 Budget Follow-Up Letter, on file with the Committee.

<sup>86</sup> *Office of Victim Services Justice Grants Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 12, 2017) (written testimony of Michelle Garcia, Executive Director, Office of Victim Services Justice Grants).

<sup>87</sup> See, Bill 21-360, the “Neighborhood Engagement Achieves Results Act of 2015”, available at <http://lims.dccouncil.us/Download/34496/B21-0360-SignedAct.pdf>.

As of January 31, 2017, 1,556 rebates have been issued, and a total of 4,172 cameras have been funded.<sup>88</sup> The Committee is pleased with the reports received thus far and looks forward to additional reports that will include forward-thinking approaches to prevent crime in the District.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Office of Victim Services & Justice Grants, as recommended by the Mayor, with the following modifications:

#### **Local Funds**

1. *Increase* CSG 50 (Subsidies and Transfers), Program 3000 (Access to Justice), Activity 3010 (Access to Justice), by \$4,781,000 in recurring local funds, of which \$281,000 shall be used for the Access to Justice Initiative and \$4,500,000 shall be used to fund the Committee's new Budget Support Act subtitle, the "Expanding Access to Justice Amendment Act of 2017", to create an initiative to provide civil legal counsel in eviction cases.
2. *Increase* CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants Administration), Activity 2010 (Grant Management), by \$100,000 in one-time local funds to fund grants for nonprofits who use book groups, creative writing, and peer support for District youth incarcerated as adults.

### **b. Policy Recommendations**

1. The Committee recommends that OVSJG explore funding additional grants that target reentry services. With the creation of the newly formed Reentry Action Network ("RAN"), which connects client-centered reentry services providers to exchange knowledge and strengthen services, this is an opportune time for OVSJG to explore additional grants in this area. The Committee further recommends that these grants mirror the priorities of the RAN, which include:
  - Access to quality and culturally competent mental health services;
  - Safe and affordable housing; and

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<sup>88</sup> See, Private Security Camera Incentive Program Report-February 2017, available at [https://ovsig.dc.gov/sites/default/files/dc/sites/ovsjg/service\\_content/attachments/Private%20Security%20Camera%20Program%20Report%20-%20February%202017.pdf](https://ovsig.dc.gov/sites/default/files/dc/sites/ovsjg/service_content/attachments/Private%20Security%20Camera%20Program%20Report%20-%20February%202017.pdf).

- Coordination of care.<sup>89</sup>
2. For the second year in a row, the Committee recommends that OVSJG conduct and provide to the Committee an analysis of local fund availability for grant-funding and grant-making efforts in similarly situated jurisdictions. The stability of grantees is largely dependent on the availability of funding. Given the current national climate, the availability of adequate funding is in extreme jeopardy. Without adequate funding, grantees cannot successfully implement their programmatic goals. This, in turn, affects the continuum of care for victims and survivors in the District. By conducting a cross-comparison of local fund availability, OVSJG may gain more insight on how to ensure grantee stability.
  3. The Committee recommends that OVSJG provide additional funding for victim services providers who work with marginalized communities. The District is home to diverse communities with distinct needs who may not access mainstream services due to cultural or linguistic barriers. Many of these survivors have little trust in system-based providers and seek services from culturally specific community-based programs that understand their multifaceted needs. By increasing funding for these providers, the District will be able to reach more survivors who require specific expertise and highly qualified professionals to address their complex needs.
  4. With a focus on victims of crime, and particularly stalking, sexual assault, and domestic violence, the Committee recommends that OVSJG conduct a review of personally identifiable information made publicly available by District agencies, as well as whether that information can be made private based upon a request from the individual.

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<sup>89</sup> See, *Office of Victim Services Justice Grants Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 12, 2017) (written testimony of Tara Libert and Paula Thompson, Co-Chairs, DC Reentry Action Network).



## **W. SENTENCING COMMISSION**

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

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

The mission of the District of Columbia Sentencing Commission (“SC”) 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 SC provides analysis of sentencing trends and guideline compliance to the public to assist in identifying sentencing patterns of felony convictions.

The SC comprises 17 members, with 12 voting members and 5 non-voting members. The membership includes judges, attorneys, criminal justice professionals, and residents, many of whom have substantial day-to-day experience and expertise with the District’s voluntary sentencing guidelines. The 12 voting members include one appointed by the Mayor of the District of Columbia, one appointed by the Council of the District of Columbia, and one appointed by the Chief Judge of the District of Columbia Superior Court. Among the SC’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 for the District of Columbia, and judges of the Superior Court.

#### **b. Mayor’s Proposed Fiscal Year 2018 Operating Budget**

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

The Mayor’s Fiscal Year 2018 proposed budget for the Sentencing Commission is \$1,178,839, an increase of \$92,295, or 8.5%, from the FY 2017 approved level of \$1,086,544. The proposed budget supports 6.0 FTEs, which represents no change from the current fiscal year level. The budget is composed entirely of local funds.

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

***Completion of Sentencing Guideline Evaluation Project:*** The Commission has the ongoing mandate of ensuring that the Sentencing Guidelines continue to meet the statutory goals of consistency, certainty, and adequacy of punishment. As a means of monitoring the effectiveness of the Sentencing Guidelines, the Commission has focused on improving how it obtains, stores, and tracks

sentencing data. Given that the Sentencing Guidelines have been enacted for just over ten years, the Commission deemed it appropriate to undertake a comprehensive assessment of whether the Sentencing Guidelines are achieving their intended goals.

With the development and implementation of the agency's new data system – GRID/GSS – completed, the Commission was able to undertake a systematic assessment of the Sentencing Guidelines. The Guideline Evaluation Project examined sentencing trends pre-and-post Guidelines to gain a better understanding of the changes in sentencing policies and practices in the District. The two-year study was completed in December 2016, and the full Commission approved the release of the study on February 7, 2017. The Commission subsequently released the finalized results of the study on March 31, 2017.

The first section includes a comparison of pre-guideline sentencing practices, under the indeterminate and determinate structures, with sentencing under the Guidelines. Comparisons include offender demographics, offense categories, and sentences imposed. The second section presents an analysis of sentencing patterns under the guidelines on the Master and Drug grids, including average length and type of sentences imposed and a distribution of sentences within grid boxes. The final section identifies a number of recommendations for further research and analysis by the SC based upon the findings presented to improve the effectiveness of the Sentencing Guidelines. Major findings from the study include:

1) *The Evaluation Report determined that the Guidelines are operating as intended.*<sup>90</sup>

- More than 92% of sentences imposed complied with the type and length of sentence recommended under the Guidelines.
- Offenders with extensive criminal records and those who have committed serious and violent crimes are predominately sentenced to prison.
- Judges are frequently giving suspended prison terms and probation for non-violent, low risk offenders, who are viewed as good candidates for rehabilitation.
- Since the implementation of the Guidelines, criminal history has had a significant effect on the type and length of sentence imposed.

2) *The Guidelines provide certainty, consistency, and adequacy of punishment.*<sup>91</sup>

- As the severity of the offense increases, the likelihood of receiving a prison sentence increases.
- Individuals with similar criminal histories receive similar sentences when sentenced for the same offense.

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<sup>90</sup> See, <https://scdc.dc.gov/service/guidelines-evaluation-report>.

<sup>91</sup> *Id.*

- In 97.8% of cases where the Guidelines recommend a term of incarceration, a prison sentence is imposed.
- There was no significant change in the likelihood of receiving a prison sentence following the enactment of the Guidelines.
- On average, the prison sentences under the Guidelines are 18% shorter than before the implementation of the Guidelines.
- Generally, the demographics of individuals sentenced have not changed since the implementation of the Guidelines.

The Committee is pleased with the findings of the study and looks forward to the Commission's strategy for prioritizing and addressing the recommendations included in the report to continue improving sentencing policy in the District.

***Development of a Security Plan for Agency Data System:*** With the implementation of the agency's data system, the need for effective security controls over the data transferred, stored, and used within the agency became a top priority. During FY 2016, the agency focused on assessing four primary factors related to its data, which included threats, vulnerabilities, likelihoods, and impact. This initial assessment led the agency to explore the creation of a comprehensive security plan. The Information Technology Security Plan developed by the agency in FY 2017 focuses on both the system and data security classification and categorization, while outlining user roles and responsibilities. The plan includes an assessment of both the network and application environments; an OCTO vulnerability assessment; and establishes rules of behaviors for Commission staff that access and use the data system. The Committee applauds the Commission for its forward-thinking approach to mitigating data security issues and threats.

***Creation of a Comprehensive Data Dictionary for GRID/GSS:*** The Commission developed its comprehensive data dictionary at the end of FY 2016 to provide a single, central document containing the definitions, format, and other important details of all data elements shared by the Sentencing Commission. The document not only defines each data element, but provides necessary information about how the Guidelines operate, such as how criminal history scores are determined, what determines a compliant sentence, and other useful information. The Commission posted the completed Data Dictionary on its website in January 2017. The Committee supports the agency's publication of the Data Dictionary, as it will increase transparency and understanding of the District's sentencing data.

***Metropolitan Police Department (MPD) Arrest Feed Project:*** During the agency's performance oversight hearing on February 16, 2017, Director Tombs-Souvey indicated that the Commission was working on an MPD Arrest Feed Project. This project involves creating a new transactional interface between the Sentencing Commission and the Criminal Justice Coordination Council (CJCC) to integrate the newly enhanced MPD arrest data feed. At the current time, MPD is in the process of

expanding its current arrest feed by approximately 400 new data elements, bringing the total number of data elements to around 700. The Sentencing Commission would like to begin consuming the modified MPD arrest feed in 2018, which will allow for any initial data transfer or technical issues to be identified and address by the first round of agencies scheduled to consume this data. The Commission requested \$920,000 in capital funding for this project. Given the enormity of the request, the Committee is unable to fund the request in its budget. The Committee therefore recommends that the Executive identify funding for the completion of this project, as it will assist in streamlining arrest feed data from MPD.

## **2. COMMITTEE RECOMMENDATIONS**

### **a. Fiscal Year 2018 Operating Budget Recommendations**

The Committee recommends adoption of the FY 2018 operating budget for the Sentencing Commission, as proposed by the Mayor.

### **b. Policy Recommendations**

1. The Committee recommends that the Sentencing Commission seek input from judges, prosecutors, and defense attorneys regarding their use and perception of the Sentencing Guidelines. This recommendation, which was included in the Commission's Guideline Evaluation Study, would allow the District to have a better understanding of what factors judges, prosecutors, and defense attorneys consider when determining what they believe is an appropriate sentence. Additionally, it would allow the District to further assess the adequacy of the Sentencing Guidelines and identify areas for reform.
2. The Committee also recommends that the agency consider conducting an educational series on sentencing in the District of Columbia. These series could provide an analysis of a particular topic, such as mandatory-minimum sentencing in the District of Columbia. In hosting these series, the agency could provide another opportunity for practitioners and residents to learn more about the Sentencing Guidelines.

### **III. FY 2018 LOCAL BUDGET AND FEDERAL PORTION ACTS RECOMMENDATIONS**

On Tuesday, April 4, 2017, Chairman Phil Mendelson introduced, on behalf of Mayor Muriel Bowser, the “Fiscal Year 2017 Revised Budget Request Emergency Adjustment Act of 2017” (Bill 22-0239), the “Fiscal Year 2018 Federal Portion Budget Request Act of 2017” (Bill 22-0241), and the “Fiscal Year 2018 Local Budget Act of 2017” (Bill 22-0242). The Committee does not make any recommendations at this time on these measures.

#### **IV. FY 2018 BUDGET SUPPORT ACT RECOMMENDATIONS**

On Tuesday, April 4, 2017, Chairman Mendelson introduced, on behalf of the Mayor, Bill 22-0244, the “Fiscal Year 2018 Budget Support Act of 2017”. The bill contains ten subtitles on which the Committee has provided comments.

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

The Committee provides comments on the following subtitles of the “Fiscal Year 2018 Budget Support Act of 2017”:

1. Title I, Subtitle A. Use of Official Vehicles During an Emergency Amendment Act of 2017.....
2. Title I, Subtitle C. Unjust Conviction and Imprisonment Compensation Amendment Act of 2017.....
3. Title III, Subtitle A. DFS Laboratory Fund Establishment Act of 2017 .....
4. Title III, Subtitle B. DFS Laboratory Testing and Expert Witness Fees Establishment Act of 2017.....
5. Title III, Subtitle C. Chief Medical Examiner Amendment Act of 2017 .....
6. Title III, Subtitle D. Affordable Emergency Transportation and Pre-Hospital Medical Services Amendment Act of 2017.....
7. Title III, Subtitle E. Emergency and Non-Emergency Telephone Calling Systems Fund Amendment Act of 2017.....
8. Title III, Subtitle F. Retired Police Officer Redeployment Amendment Act of 2017 .....
9. Title III, Subtitle G. Neighborhood Engagement Achieves Results Amendment Act of 2017.....
10. Title IV, Subtitle B. Child and Youth, Safety and Health Omnibus Amendment Act of 2017.....

**1. TITLE I, SUBTITLE A. USE OF OFFICIAL VEHICLES DURING AN EMERGENCY AMENDMENT ACT OF 2017.**

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

D.C. Code § 50-204 (Section 3602 of D.C. Law 13-172, the Restrictions on the Use of Official Vehicles Act of 2000) generally prohibits officers and employees of the District government from being provided with an official vehicle unless the officer or employee uses the vehicle only in the performance of their official duties. “Official duties” only includes travel between the officer or employee’s residence and workplace (1) for an officer or employee of MPD who resides in the District or is designated by the Chief; (2) at the discretion of the Fire Chief for an officer or employee of FEMS who resides in the District and is on call 24 hours per day; (3) the Mayor; (4) the Chairman; (5) at the discretion of the Chief Medical Examiner for an OCME employee who resides in the District and is on call 24 hours per day; (6) at the discretion of the Director of HSEMA for an officer or employee of HSEMA who resides in the District and is on call 24 hours per day; and (7) at the discretion of the Director of DOC for a DOC officer or employee who resides in the District and is on call 24 hours per day.

However, subsection (e) provides that during an emergency declared pursuant to § 7-2304, the Mayor may authorize an officer or employee to use an official vehicle only under the following circumstances: (1) in the performance of their duties; (2) to conduct official business; or (3) to travel between their residence and workplace when the use of the vehicle is necessary for that officer or employee to assist the District in responding to the emergency. Permission to use the vehicle expires when the declared emergency expires. The Mayor must then submit a report to the Council no later than 30 days after the end date of the emergency listing specific information for the officers or employees who used an official vehicle.

This subtitle would amend subsection (e)(1) to allow officers or employees to also use official vehicles during “emergency circumstances”, defined as “unusual circumstances that present a threat to the health, safety, or welfare of the public or property”. The subtitle also either intentionally or inadvertently rewrites the paragraph to remove the requirements that officers or employees can only use the vehicle (1) in the performance of their duties, or (2) to conduct official business, instead authorizing the use for travel between their residence and workplace when necessary to assist the District in responding to the emergency circumstances.

The subtitle additionally modifies paragraph (2) of that subsection to provide that if the officer or employee who takes the vehicle home is not on duty when the emergency circumstances end, they can take the vehicle from their residence to work or any location specified by the agency when they next return to work.

**b. Committee Reasoning**

The Committee notes that this proposed subtitle is not germane to the budget. That said, the Committee recommends that the subtitle be stricken for other reasons. The Financial Services and General Government Subcommittee of the Senate Committee on Appropriations' appropriations bill annually contains a provision that restricts the use of official vehicles by District government officers and employees. Section 805 of the Consolidated Appropriations Act, 2017 (H.R. 244), restates the District's law with regard to the blanket prohibition with exceptions only for certain agencies' employees, the Mayor, and the Chairman.



## **2. TITLE I, SUBTITLE C. UNJUST CONVICTION AND IMPRISONMENT COMPENSATION AMENDMENT ACT OF 2017.**

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

This subtitle would create a cap on compensation the District provides to individuals who have been wrongfully convicted and sentenced for a felony. Compensation would be limited to \$200,000 per year of incarceration, \$40,000 for each year served on parole or probation or as a registered sex offender, and \$10,000 for housing, transportation, subsistence, re-integrative services, and mental and physical health care. Current law – the District of Columbia Unjust Imprisonment Act of 1980 (D.C. Law 4-143; D.C. Official Code § 2-421 *et seq.*) – permits any individual unjustly convicted of and subsequently imprisoned for a criminal offense in the D.C. Code to present a claim for damages against the District. There is no cap on the compensation that a judge may award, although punitive damages are prohibited. Federal law maintains a cap of \$50,000 per year of incarceration or \$100,000 per year for any plaintiff who was unjustly sentenced to death (28 U.S.C. § 2513(e)).

The subtitle would provide that individuals seeking damages would administratively present a claim to the District's Office of Risk Management within three years after the date the individual received a certificate of innocence from a court. The Chief Risk Officer would then make a determination on the petition within 45 days after the date the petition was submitted.

### **b. Committee Reasoning**

The Committee appreciates that the Executive and the Office of the Attorney General are concerned about (1) the financial impact of the lack of a cap, (2) the extent to which the District government is involved in the underlying fact patterns of recent cases (although the Committee is not convinced that this is the case in every fact pattern in which a settlement has been reached thus far), and (3) preventing those who have been unjustly imprisoned from having to relive their imprisonment in court. However, this proposed subtitle should not move through the Budget Support Act, given the subject matter and the complexity of administering such a compensation process. The Committee also did not have any public witnesses testify at its budget oversight hearing on the Office of the Attorney General regarding the proposed subtitle and would like to fully engage stakeholders – including those who would be most directly affected – through a hearing on a permanent bill. At present, the Committee is also not convinced of immediate financial harm to the District such that a hearing on a permanent bill could not proceed in the normal course. The Committee therefore joins the Committee on Labor and Workforce Development in recommending that the subtitle be stricken and instead move the permanent legislation.

### **3. TITLE III, SUBTITLE A. DEPARTMENT OF FORENSIC SCIENCES ESTABLISHMENT AMENDMENT ACT OF 2017.**

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

This subtitle would amend the Department of Forensic Sciences Establishment Act of 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*) to create a non-lapsing special fund to be used to fund Department laboratories, including services, materials, non-grant funded research, equipment, laboratory staff, and trainings of Department staff. The proposed special fund would hold revenues transferred from the United States Department of Homeland Security for the BioWatch Program.<sup>92</sup> and all other revenue from fees received for services that the Department's laboratory provides.

Proposed Title III, Subtitle B, the “DFS Laboratory Testing and Expert Witness Fees Establishment Act of 2017”, was also referred to the Committee for comments – in this case, jointly with the Committee on Transportation and the Environment. That Committee will make recommendations only as to the fees for environmental testing in order for this Committee to combine both subtitles in *this* subtitle and comment on the fees for expert witness testimony. The “DFS Laboratory Testing and Expert Witness Fees Establishment Act of 2017” would amend the Department's rulemaking authority in D.C. Code § 5-1501.15(a) to permit the Department to issue rules including fee schedules for (1) environmental testing services provided by laboratories of the Department, and (2) “services related to the cost of expert witness testimony that is provided by employees of the Department to entities not listed in section 7(b) [of the Act], which shall be reasonably related to the cost of providing expert testimony, the cost of any travel, and the cost of related administrative functions”. The entities listed in section 7(b) are District agencies, including MPD, OCME, OAG, DOH, and FEMS, and the United States Attorney for the District of Columbia. Notably, the Public Defender Service for the District of Columbia is not included.

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

The Committee recommends inclusion of both subtitles, with modifications. Regarding the creation of a special fund, the Committee believes that it is necessary that the Department be able to retain these funds without sweepage based upon non-Departmental operational or programmatic exigencies. The Committee also recommended that this subtitle be included in the FY 2017 Budget Support Act.

Regarding the authority to issue rules providing for fee schedules, it is not clear that the Department does not already currently possess this authority, and therefore

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<sup>92</sup> The BioWatch program, operated by the U.S. Department of Homeland Security in coordination with local and state laboratories, is an early detection and warning program for biological attacks.

the Committee, in amending this section of the Code, expresses its intent that the two fee schedules permitted are inclusive, and not exclusive, of other subjects on which the Department may promulgate rules. On the substance of the proposed subtitle, the Committee is concerned that the language would require the defense to pay for services related to the cost of providing expert testimony, travel, and related administrative functions, but not the prosecution. As Laura Hankins, General Counsel for the Public Defender Service, noted in a letter to the Committee, “Charging only defendants for costs related to expert testimony leaves the clear impression that DFS is a prosecutorial arm of the government and that its time is better spent by and must be preserved for delivering specific answers that favor the prosecution”.<sup>93</sup>

The Committee, therefore, amends the proposed language to provide that the Department may charge fees of this type in two situations: (1) regarding services the Department did not provide pursuant to section 7(a) or (b) of the organic act, or (2) when the employee would not be testifying as an expert in a criminal case in a District of Columbia court. This will permit the Department to charge fees in civil cases in or out of the District if it did not provide forensic science services and in criminal cases where the Department did not provide forensic science services and the case is not in a District court.

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

Sec. 3001. States the short title.

Sec. 3002. (a) Establishes a special fund at the Department of Forensic Sciences to be used to fund Department laboratories, including the funding of services, materials, non-grant funded research, equipment, laboratory staff, and trainings of Department staff. The revenues in the Fund will come from the federal BioWatch program and fees charged by the Department. The money deposited in the Fund, and interest earned, shall not revert to the General Fund at the end of a fiscal year or any other time and shall be continuously available without regard to fiscal year limitation.

(b) Allows the Department to charge fees for reasonable costs related to expert witness testimony provided by Department employees except when the testimony is regarding services the Department provided pursuant to section 7(a) or (b) of the Act or when the employee would be testifying as an expert in a criminal case in a District of Columbia court.

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

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<sup>93</sup> Letter from Laura Hankins, General Counsel for the Public Defender Service for the District of Columbia, to Chairperson Allen. On file with the Committee.

Sec. 3001. Short title.

This subtitle may be cited as the “Department of Forensic Sciences Establishment Amendment Act of 2017”.

Sec. 3002. The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*), is amended as follows:

(a) A new section 7a is added to read as follows:

“Sec. 7a. Department Laboratory Fund.

“(a) There is established as a special fund the Department of Forensic Sciences Laboratory Fund (“Fund”), which shall be administered by the Director in accordance with subsection (c) of this section.

“(b) Revenue from the following sources shall be deposited in the Fund:

“(1) Annual revenue transferred from the United States Department of Homeland Security for the BioWatch program; and

“(2) Revenue from fees collected for forensic science services provided by the Department.

“(c) Money in the Fund shall only be used to fund the expenses of the Department’s laboratories, including the funding of services, materials, non-grant funded research, equipment, laboratory staff, and trainings of Department staff.

“(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

(b) Section 16(a) (D.C. Official Code § 5-1501.15(a)) is amended to read as follows:

“(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act, including:

“(1)(A) A fee schedule for environmental testing services provided by the Department, which may account for the provision of bulk services;

“(B) The fee schedule established pursuant to paragraph (1) of this subsection may be applied on a sliding scale based on a recipient’s ability to pay for the services; and

“(2) A fee schedule for reasonable costs related to expert witness testimony that is provided by Department employees to entities not listed in section 7(b), including the cost of any preparation, travel, and related administrative functions; provided that that no fee shall be charged for costs related to expert witness testimony by Department employees:

“(A) Regarding services the Department provided pursuant to section 7(a) or (b); or

“(B) When the employee would be testifying as an expert in a criminal case in a District of Columbia court.”.

**4. TITLE III, SUBTITLE B. DFS LABORATORY TESTING AND EXPERT WITNESS FEES ESTABLISHMENT ACT OF 2017.**

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

See the subtitle above.

**b. Committee Reasoning**

The Committee recommends combining this subtitle with the “DFS Laboratory Fund Establishment Act of 2017”. See the subtitle above.

**5. TITLE III, SUBTITLE C. CHIEF MEDICAL EXAMINER AMENDMENT  
ACT OF 2017.**

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

This subtitle would amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 (D.C. Law 13-172; D.C. Official Code § 5-1041 *et seq.*) to designate OCME as the lead District agency for mass fatality management and incident response. OCME currently acts as such. It requires OCME to create a District mass fatality management response plan and permits the agency to enter into, request, or provide assistance under mutual aid agreements to jurisdictions within the national capital region or with the federal government for mass fatality management or response purposes. A “mass fatality” is defined under the subtitle as “a situation resulting in more human remains to be investigated, recovered, and examined than can be managed using District resources, or any other exceptional circumstance that results in the inability to process human remains under routine conditions”. The subtitle, as amended, would also define OCME’s authority to enter into mutual aid agreements with financial implications, and as such, it is germane to the budget.

**b. Committee Reasoning**

The Committee recommends inclusion of this subtitle, with modifications. As noted above, OCME currently assumes these functions.

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

Sec. 3021. States the short title.

Sec. 3022. (a) Amends the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1401 *et seq.*), by adding a new section to designate the Office of the Chief Medical Examiner as the District’s lead agency for mass fatality management and response.

(b) Requires the Chief Medical Examiner to develop a mass fatality management response plan.

(c) Allows the Chief Medical Examiner to enter into, request, or provide assistance under mutual aid agreements under certain circumstances and with financial and legal review.

(d) Adds definitions for “mass fatality incident” and “mass fatality management”.

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

Sec. 3021. Short title.

This subtitle may be cited as the “Chief Medical Examiner Amendment Act of 2017”.

Sec. 3022. The Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1401 *et seq.*), is amended by adding a new section 2907a to read as follows:

“Sec. 2907a. Mass Fatality Management and Response.

“(a) The OCME shall serve as the lead agency for the District’s mass fatality management and mass fatality incident response.

“(b) The CME shall create a District mass fatality management response plan.

“(c)(1) The CME may enter into, request, or provide assistance under mutual aid agreements with states or local jurisdictions within the national capital region or with the federal government for the purpose of mass fatality management or mass fatality incident response; provided that any financial obligation created is consistent with the limitations imposed by D.C. Code § 47-355.02, *et seq.*, as determined by the General Counsel of OCME after consultation with the Office of the Attorney General and the Office of the Chief Financial Officer.

“(2) The CME may enter into mutual aid agreements which create financial obligations for the District if there is clear legal and budgetary authority to do so, as determined by the General Counsel of OCME after legal sufficiency review



by the Office of the Attorney General and budgetary authority review by the Office of the Chief Financial Officer.

“(3) Any requests by the CME for federal assistance shall be coordinated with the Mayor’s authorized representative, designated pursuant to 44 CFR § 206.41(d);

“(d) For the purposes of this section, the term:

“(1) “Mass fatality incident” means a situation resulting in more human remains to be investigated, recovered, and examined than can be managed using District resources, or any other exceptional circumstance that results in the inability to process human remains under routine conditions.

“(2) “Mass fatality management” means the training of and cooperation among governmental and nongovernmental agencies, organizations, associations, and other entities to ensure the accomplishment of the following in mass fatality incidents:

“(A) The proper recovery, handling, identification, transportation, tracking, storage, and certification of cause and manner of death of victims; and

“(B) Facilitating access to mental and behavioral health services to family members, responders, and survivors.”.

**6. TITLE III, SUBTITLE D. AFFORDABLE EMERGENCY TRANSPORTATION AND PRE-HOSPITAL MEDICAL SERVICES AMENDMENT ACT OF 2017.**

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

This subtitle would amend the Access to Emergency Medical Services Act of 1998, effective September 11, 1998 (D.C. Law 12-145; D.C. Official Code § 31-2801 *et seq.*), to require a health insurer, hospital, medical services corporation, or health maintenance organization to reimburse the District for the cost of emergency ambulance and pre-hospital medical services at rates established by the District. The subtitle also establishes the Fire and Emergency Medical Services Department EMS Reform Fund for the purpose of reform and improvement of the delivery of emergency medical services in the District.

**b. Committee Reasoning**

According to the Department, for each patient transported by FEMS or AMR – the Department’s third party provider – an electronic patient care report (“ePCR”) is generated by the ambulance crew.<sup>94</sup> These reports are then electronically transmitted to the Department’s ambulance billing contractor, Intermedix (“IMX”), once every 24 hours. After receiving an ePCR, IMX creates a patient account for each transport. During the first 30 days after creating a patient account, IMX identifies or verifies patient and insurance information, which includes attempting to make contact with each patient by mail or phone. During FY 2016, 119,328 patient transports were completed. For these FY 2016 patient accounts, IMX identified 101,078 (or 85%) with some form of insurance coverage. Medicaid and Medicare program plans were the most common insurers, with 82,998 (or 70%) of patient transports covered by either or both public insurance programs. Billed charges for these accounts totaled \$56,955,695.

After insurance claims are filed, most insurance programs pay within 90 days of the filing date. The Department anticipates a 20% claim denial rate, often for lack of “medical necessity”. Unpaid charges that could be collected but were not were \$11.9 million in FY 2016, of which \$1.9 million were from private insurance. The Department, still anticipating a 20% claim denial rate, estimates that enactment of this subtitle would generate \$983,000.

29 DCMR § 567.1 provides the relevant emergency ambulance fee schedule:

1. Basic Life Support Unit Transportation Fee: \$428 per patient;

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<sup>94</sup> Narrative description of proposed subtitle by the Fire and Emergency Medical Services Department. On file with the Committee.

2. Advanced Life Support Unit Transportation Fee: \$508 per patient;
3. Advanced Life Support – Level 2 Unit Transportation Fee: \$735 per patient;  
and
4. Total Mileage Transportation Fee: \$6.55 per mile traveled per patient.

The Committee appreciates the difficulties faced by the Department in recovering from patients and their insurers. However, this subtitle, given the complexity of the billing process and the lack of input by insurers in the Department's budget oversight hearing, is more appropriate for a Committee hearing than inclusion in the Budget Support Act. The Committee has scheduled a hearing on the bill on June 8 and looks forward to working with the Department to consider the permanent legislation. That said, the Committee is unable to identify sufficient funds to strike the subtitle, and it therefore moves the subtitle forward with the intention to work collaboratively with the Department and the insurers prior to first reading if the Committee of the Whole is unable to identify funds to strike the subtitle.

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

Sec. 3031. States the short title.

Sec. 3032. Amends section 3 of the Access to Emergency Medical Services Act of 1998, effective September 11, 1998 (D.C. Law 12-145; D.C. Official Code § 31-2802), to require health insurers, hospitals, medical services corporations, and health maintenance organizations to reimburse for emergency ambulance services and pre-hospital medical care and transport delivered by FEMS and the Department's third party provider.

Sec. 3033. Amends section 502 of the Revenue Act of 1978, effective April 19, 1977 (D.C. Law 1-124; D.C. Official Code § 5-416), to create a new special fund to capture new fees generated as a result of the subtitle to be used for the purpose of reform and improvement of the delivery of emergency medical services in the District.

Sec. 3034. Provides the applicability clause.

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

Sec. 3031. Short title.

This subtitle may be cited as the "Affordable Emergency Transportation and Pre-Hospital Medical Services Amendment Act of 2017."

Sec. 3032. Section 3 of the Access to Emergency Medical Services Act of 1998, effective September 11, 1998 (D.C. Law 12-145; D.C. Official Code § 31-2802), is amended by adding a new subsection (e) to read as follows:

“(e) All health insurers, hospitals or medical services corporations, and health maintenance organizations shall reimburse for pre-hospital medical care and transport delivered by the Fire and Emergency Medical Services Department (“Department”) or a third-party contracted by the District to provide such services pursuant to section 1(b) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401(b)), at the fee rate authorized by the Council pursuant to section 502 of the Revenue Act of 1978, effective April 19, 1977 (D.C. Law 1-124; D.C. Official Code § 5-416(a)).”

Sec. 3033. Section 502 of the Revenue Act of 1978, effective April 19, 1977 (D.C. Law 1-124; D.C. Official Code § 5-416), is amended by adding a new subsection (c) to read as follows:

“(c)(1) There is established as a special fund, the Fire and Emergency Medical Services Department EMS Reform Fund (“Fund”), which shall be administered by the Fire and Emergency Medical Services Department in accordance with this subsection.

“(2) The Fund shall consist of revenue from the following sources:

“(A) Revenue from fees collected under section 2802(e) of the Affordable Emergency Transportation and Pre-Hospital Medical Services

Amendment Act of 2017, as approved by the Committee on the Judiciary and Public Safety on May 18, 2017 (Committee Print of Bill 22-244; D.C. Official Code § 31-2802(e)); and

“(B) Revenue that is in excess of the Fiscal Year 2016 revenue collected in accordance with this section.

“(3) The Fund shall be used for the purpose of reform and improvement of the delivery of emergency medical services in the District of Columbia.

“(4)(A) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

Sec. 3034. Applicability.

This subtitle shall apply to all health benefit plans issued or renewed in the District 90 or more days after the effective date of this subtitle.

## 7. TITLE III, SUBTITLE E. EMERGENCY AND NON-EMERGENCY TELEPHONE CALLING SYSTEMS FUND AMENDMENT ACT OF 2017.

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

This subtitle would amend the Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), to impose an additional 50-cent per room or suite, per night, tax on hotels.

### b. Committee Reasoning

The funds expected to be generated from the increase – approximately \$4.2 million in FY 2018 – would be deposited into the Emergency and Non-Emergency Number Telephone Systems Calling Fund, administered by the Office of Unified Communications, and to be used “solely to defray technology and equipment costs directly incurred by the District of Columbia and its agencies and instrumentalities in providing a 911 system and direct costs incurred by wireless carriers in providing wireless E-911 service.”<sup>95</sup>

The Fund is not allowed to be used to “defray personnel costs[... or] nonpersonal costs related to overhead, including energy, rentals, janitorial services, security, or occupancy costs.”<sup>96</sup> Fund revenues come from a monthly fee imposed on all local exchange carriers, including wireline carriers, wireless carriers, and interconnected Voice Over Internet Protocol (“VoIP”) service providers. The fee is set by statute and is calculated based on each individual telephone line sold or leased in the District, at the rates below:

**Table 1: Emergency and Non-Emergency Number Telephone System Assessments**

<i>Service</i>	<i>Fee</i>
Wireline local exchange service	\$0.76 per exchange access line in the District
	\$0.62 per Centrex line in the District
	\$0.62 per private branch exchange station in the District
Wireless telephone exchange service	\$0.76 per telephone number with a District billing address
Interconnected VoIP service	\$0.76 for each line, trunk, or path that can access, connect with, or interface with 911 service based on primary place of use
Prepaid wireless	2.0% of the sales price per retail transaction occurring in the District

<sup>95</sup> D.C. Official Code § 34-1802 (b-2).

<sup>96</sup> *Id.* at § (b-1), (b-2).

The Committee does not support the proposed subtitle but is unable to identify the necessary funds to strike it. The Committee recommends that the Committee of the Whole identify the necessary funds in the out years. The agency has not budgeted for this subtitle in FY 2018.

By statute, the Office of the Chief Financial Officer (“OCFO”) is required to audit the Fund annually and submit its report to the Mayor and Council, with the audit encompassing the following: (1) the assets, liabilities, fund balance, revenue, and expenditures of the Fund; (2) a detailed accounting of the Fund’s expenditures; (3) recommendations to improve the financial management processes of the Fund; (4) identification of any Fund expenditures that are not permitted under law; (5) recommendations to improve the language of the Fund’s enabling statute to reflect best practices; and (6) any other information deemed important by the Chief Financial Officer.<sup>97</sup> The OCFO is also required to transmit to the Mayor and Council quarterly reports summarizing the income and expenditures of the Fund.<sup>98</sup> To the Committee’s knowledge, such reports are not currently produced or submitted to the Council, although an annual report is submitted by the Office of the Inspector General (“OIG”).

OIG’s most recent report, issued on February 14, 2017,<sup>99</sup> found that the fund balance had decreased in FY 2016 by \$1.8 million, or 17%, due to increased expenditures and usage of fund balance. The Fund balance at the end of FY 2016 was \$10,067,597, in FY 2015 was \$12,387,578, and in FY 2014 was \$14,708,881. Notably, the report lists some expenditures from the Fund by the agency as supplies (\$58,328 in FY 2016), travel (\$7,216), tuition reimbursement (\$174,285), and furniture and fixtures (\$18,129) – arguably in violation of the statute’s authorized expenditures (see Table 2 below). In FY 2016, revenue in the Fund actually increased by \$1,022,079 due to an increase in the number of wireless and wirelines as more consumers are using wireless telephones – not indicating level revenues, as alleged by OUC.

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<sup>97</sup> *Id.* at § (d)(1)(B).

<sup>98</sup> *Id.* at § (e).

<sup>99</sup> See, Government of the District of Columbia E911/E11 Fund financial statements for the Fiscal Years ended September 30, 2016, and 2015 (OIG No. 17-1-09UC) (Feb. 14, 2017), available at <http://app.oig.dc.gov/news/view2.asp?url=release10%2FOIG+No%2E+17-1-09UC+FY+2016+E911-E311+Fund+Financial+Statements%2Epdf&mode=release&archived=0&month=20171&agency=0>.

**Statements of Revenues, Expenditures, and Changes in Fund Balance  
FY 2016 and FY 2015**

**Statements of Revenues, Expenditures, and Changes in Fund Balance  
For the Fiscal Years Ended September 30, 2016 and 2015**

	2016	2015
<b>Revenue:</b>		
Wireline, Wireless, and VOIP User Fees	\$ 11,849,114	\$ 10,791,246
Prepaid Wireless and Internet User Fees	595,519	630,588
<b>Total Revenue</b>	<b>12,444,633</b>	<b>11,421,834</b>
<b>Expenditures :</b>		
Supplies	58,328	39,018
Telephone, Teletype, Telegram, ect.	1,860,493	1,387,924
Travel	7,216	1,895
Maintenance & Repairs - Auto	12,715	4,190
Professional Services	4,888,731	3,523,720
Contractual Services	868,276	1,429,175
IT Training	7,137	20,400
Tuition Reimbursement	174,285	102,369
IT Hardware Maintenance	62,372	75,221
IT Software Maintenance	4,926,282	5,554,821
IT Assessment	190,455	194,534
Furniture & Fixtures	18,129	135,842
Equipment & Machinery	7,987	60,973
Other Equipment	42,344	43,800
IT Hardware Acquisitions	620,349	733,497
IT Software Acquisitions	1,081,767	494,726
<b>Total Expenditures</b>	<b>14,826,866</b>	<b>13,802,105</b>
<b>Excess of Revenue Over Expenditures</b>	<b>(2,382,233)</b>	<b>(2,380,271)</b>
<b>Other Financing Sources (Uses)</b>		
Transfer from the District General Fund	-	46,136
Interest Income	62,252	12,832
<b>Total Other Financing Sources (Uses)</b>	<b>62,252</b>	<b>58,968</b>
<b>Net Change in Fund Balance</b>	<b>(2,319,981)</b>	<b>(2,321,303)</b>
<b>Beginning Fund Balance, at October 1</b>	<b>12,387,578</b>	<b>14,708,881</b>
<b>Ending Fund Balance, at September 30</b>	<b>\$ 10,067,597</b>	<b>\$ 12,387,578</b>

*Source: Office of the Inspector General*

The Committee believes that OUC is depleting the Fund balance largely in order to pay for increasing costs relating to the District's 911 system – and notably,



also 311, which is not the intent behind the statute. These demands on our system should be supported by local funds, not fees assessed on users. The subtitle's specific proposal to assess these fees on only hotels is not comprehensive or sustainable due to the agency's gradual depletion of the Fund balance. The Committee would gladly work with OUC to reconsider the statute comprehensively, as the Committee supports the much needed investments the agency is making in our long-neglected 911/311 system.

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

Sec. 3041. States the short title.

Sec. 3042. (a) Amends the Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), to add a definition for "hotel".

(b) Conforming change.

(c) Imposes a 50 cent per night, per room or suite, tax on hotels.

(d) Conforming change.

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

Sec. 3041. Short title.

This subtitle may be cited as the "Emergency and Non-Emergency Telephone Calling Systems Fund Amendment Act of 2017".

Sec. 3042. The Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), is amended as follows:

(a) Section 602 (D.C. Official Code § 34-1801) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “Hotel” means a building or part of a building in which habitable rooms or suites are reserved exclusively for transient guests who rent the rooms or suites on a daily basis.”.

(b) Section 603(a) (D.C. Official Code § 34-1802(a)) is amended by striking the phrase “a tax imposed” and inserting the phrase “taxes imposed” in its place.

(c) Section 604 (D.C. Official Code § 34-1803) is amended as follows:

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

“(a-1) There is imposed upon all hotels a tax of \$0.50 per room or suite rental, per night.”.

(2) Subsection (b) is amended to read as follows:

“(b)(1) As prescribed by the Mayor by rule, each local exchange carrier and each hotel shall submit the tax imposed, respectively, under subsection (a) or (a-1) of this section.

“(2) The form that the Mayor prescribes by rule to be used in a tax submission shall be filed with the Office of Tax and Revenue.”.

(3) Subsection (c) is amended by striking the word “tax” and inserting the word “taxes” in its place.

(4) Subsection (d) is amended by striking the word “carrier” and inserting the phrase “carrier and hotel” in its place.

(d) Section 605a (D.C. Official Code § 34-1805) is amended by striking the word “tax” and inserting the word “taxes” in its place.

## **8. TITLE III, SUBTITLE F. RETIRED POLICE OFFICER REDEPLOYMENT AMENDMENT ACT OF 2017.**

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

This subtitle would amend D.C. Code § 5-761 to extend MPD's authority to rehire retired police officers for an additional three years from the effective date of the "Fiscal Year 2018 Budget Support Act of 2017". It would also amend D.C. Code § 5-761 to allow rehired retired officers to serve in their positions for no more than five years.

The rehiring of retired police officers, also known as the Senior Police Officer ("SPO") Program, began in 2016. During Council Period 21, the Committee moved Bill 21-0852, the "Senior Police Officer Emergency Act of 2016".<sup>100</sup> This emergency legislation created the SPO Program by amending the Chief of Police's existing authority to rehire retired detectives and sergeants at higher pay grades without jeopardy to their retirement benefits. Permanent legislation was incorporated into Bill 21-0724, the "Omnibus Public Safety and Justice Amendment Act of 2016".<sup>101</sup> Bill 21-0724 also included a sunset provision requiring the SPO Program to end on October 12, 2019.

### **b. Committee Reasoning**

The Committee recommends that this subtitle be stricken. As noted above, the SPO Program is scheduled to continue until October 12, 2019. While the Committee understands the importance of retaining institutional knowledge, the Department has not provided any justification for extending this program at this time. Moreover, the Department has noted that the effects of the retirement bubble are trending downwards. The average monthly attrition rate for sworn officers increased from 25.9 in FY 2014 to 34.5 per month in FY 2015, and then began to decrease, with 32.3 in FY 2016, to 29.7 in the first six months of FY 2017. The Committee echoes the concerns of the DC Police Union that the rehiring of retired officers at higher pay grades has an effect on the professional growth and advancement opportunities of mid-career officers. Lastly, this authority was only just granted to the Department in late September 2016. The Committee would prefer that the Department returned to the Council nearer to the end of the program's sunset to justify its extension. The Committee recommends that MPD consider additional incentives aimed at mid-career officers and ensure that these incentives provide opportunities for professional advancement.

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<sup>100</sup> See, Bill 21-0852, the "Senior Law Enforcement Officer Emergency Act of 2016", available at <http://lims.dccouncil.us/Download/36360/B21-0852-SignedAct.pdf>.

<sup>101</sup> See, Bill 21-724, the "Omnibus Public Safety and Justice Amendment Act of 2016", available at <http://lims.dccouncil.us/Download/35725/B21-0724-SignedAct.pdf>.

## **9. TITLE III, SUBTITLE G. NEIGHBORHOOD ENGAGEMENT ACHIEVES RESULTS AMENDMENT ACT OF 2017.**

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

This subtitle would amend and fund Title I, Subtitle A, and fund Subtitle C of the Neighborhood Engagement Achieves Results Amendment Act of 2016 (“NEAR Act”), effective June 30, 2016 (D.C. Law 21-125; 63 DCR 10570), which establish the Office of Neighborhood Safety and Engagement (“ONSE”) and the Community Crime Prevention Team Program, respectively.

### **b. Committee Reasoning**

On March 1, 2016, the Council unanimously passed the NEAR Act, an omnibus set of public-health based criminal justice reforms. Title I, Subtitle A, established the ONSE, which would be “responsible for the identification, recruitment, and engagement of individuals determined to be at high risk of participating in, or being a victim of, violent criminal activity.” Modeled after a similar successful program in Richmond, California, ONSE would be headed by an Executive Director and envisioned as a public-health centered violence interruption and prevention office that would target a set number of high-risk individuals for wrap-around interventions. This provision was subject to appropriations.

This subtitle now amends Title I, Subtitle A, to redefine the ONSE to include the Community Stabilization Program – currently operated by the Office of the Deputy Mayor for Public Safety and Justice – and the Safer, Stronger DC Community Partnerships Program – operated by a slightly larger team in the Office of the Deputy Mayor for Health & Human Services. As proposed, the subtitle would also have transferred a number of “Roving Leaders” into the ONSE, individuals employed by the Department of Parks and Recreation whose charge is to “prevent, neutralize, and control hostile behavior in youth and youth groups through the development of positive relationships between teens/youth and outreach workers”.<sup>102</sup> This transfer, as envisioned by the Executive in the proposed subtitle and the Errata Letter at 25 FTEs, is not included in the amended subtitle, but the Committee intends to accept 5 vacant Roving Leader FTEs at the Committee of the Whole from the Committee on Transportation & the Environment. The Committee is concerned about the divergent purposes of the Roving Leaders program and the ONSE as envisioned by the Council and based upon the Richmond model. The Roving Leaders are invaluable resources to the District but ideally operate quasi-independently, not necessarily with a focus on high-risk offenders, and unaffiliated with law enforcement. That said, the Committee will work collaboratively with DMPSJ to support the ONSE in terms of personnel and other resources.

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<sup>102</sup> See, Department of Parks and Recreation “DPR Roving Leaders” website, available at <https://dpr.dc.gov/service/dpr-roving-leaders>.

The Committee has also heard concerns about the credibility of the Safer, Stronger DC Community Partnerships team with the communities they serve. That is not to say that their work is anything but exceptional, but only that that may not function as “credible messengers” in the target PSAs because they may not come from those communities or have the backgrounds of those they endeavor to serve. The Committee again expresses its support for the implementation of the Cure Violence model.<sup>103</sup>

However, the Committee supports the Executive in moving the subtitle forward – albeit not entirely with the legislative intent with which it was passed – and will work collaboratively with the new agency and the Deputy Mayor for Public Safety and Justice through oversight to ensure that the new agency is successful as a public-health based violence intervention and prevention entity.

The Committee’s amended subtitle also repeals the subject to appropriations language for both Subtitles A and C, the funding for the latter of which was included in the Metropolitan Police Department’s FY 2018 proposed budget (and which the Committee is transferring to the Department of Behavioral Health at the request of the Mayor).

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

Sec. 3061. States the short title.

Sec. 3062. (a) Amends the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), to transfer the budgets and personnel of the Community Stabilization Program in the Office of the Deputy Mayor for Public Safety and Justice and the Safer, Stronger DC Community Partnerships Program in the Office of the Deputy Mayor for Health and Human Services to the new Office of Neighborhood Safety and Engagement. Sets forth the responsibilities of the ONSE. Requires annual reporting on outcomes. Provides the ONSE with grant making authority and the Mayor with rulemaking authority.

(b) Provides for an Executive Director.

(c) Authorizes the ONSE to provide grants to eligible community organizations out of the Neighborhood Safety and Engagement Fund.

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<sup>103</sup> See, <http://cureviolence.org/>.

(d) Repeals the subject to appropriations clause for Sections 101, 102, 103, and 105.

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

Sec. 3061. Short title.

This subtitle may be cited as the “Neighborhood Engagement Achieves Results Amendment Act of 2017”.

Sec. 3062. The Neighborhood Engagement Achieves Results Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2411) is amended to read as follows:

“(a) There is established an Office of Neighborhood Safety and Engagement (“ONSE”). The ONSE shall include the following programs:

“(1) The Community Stabilization Program, which shall be transferred to the ONSE from the Office of the Deputy Mayor for Public Safety and Justice, along with all functions assigned, authorities delegated, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for the purposes of the program; and

“(2) The Safer, Stronger DC Community Partnerships Program, which shall be transferred to the ONSE from the Office of the Deputy Mayor for Health and Human Services, along with all functions assigned, authorities delegated, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for the purposes of the program.

“(b) The ONSE shall be responsible for:

“(1) Coordinating the District’s overall violence prevention strategy and programs, with a focus on utilizing public health approaches to respond to and prevent violence;

“(2) Identifying, recruiting, and engaging individuals determined to be at high risk of participating in, or being a victim of, violent crime;

“(3) Collaborating with other District agencies and nonprofit organizations to provide immediate wrap-around services to victims and families affected by violent crime;

“(4) Identifying priority neighborhoods and Metropolitan Police Department Police Service Areas (“PSAs”) with high trends of violent crime and connecting residents in those neighborhoods and PSAs to services through a streamlined approach;

“(5) Developing positive relationships with youth and young adults using recreational and other positive behavior reinforcement activities; and

“(6) Coordinating with District agencies and community-based organizations to develop programs that focus on employment and job-training opportunities for individuals residing in priority neighborhoods or PSAs or who are most at risk of participating in, or being a victim of, violent crime, including through the use of financial incentives for participation.

“(c) The ONSE shall be headed by an Executive Director who shall report to the Deputy Mayor for Public Safety and Justice. The Executive Director shall have at least 3

years of relevant experience in criminal justice and public health-based approaches to violence, including matters affecting the deterrence of violent criminal behavior.

“(d) Beginning on January 31, 2018, and by January 31 of each year thereafter, the ONSE shall provide a report to the Mayor and Council that excludes personally identifiable information and includes the following information from the reporting period and in the aggregate:

“(1) The number of individuals successfully recruited and engaged;

“(2) The duration of individuals’ participation;

“(3) The status of participants’ progress; and

“(4) The participants’ age, race or ethnicity, gender, and ward of residence.

“(e) The ONSE shall have grant-making authority for the purpose of providing funds that seek to reduce and prevent violent crime. Grants made pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

“(f) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.”.

(b) Section 102 (D.C. Official Code § 7-2412) is amended to read as follows:

“Sec. 102. Duties of the Executive Director.

“(a) The duties of the Executive Director shall include:



“(1) Identifying individuals who pose a high risk of participating in, or being a victim of, violent crime;

“(2) Recruiting such individuals, as feasible, to participate in programs incorporating mental or behavioral health counseling and that are designed to discourage violent crime;

“(3) Coordinating with District agencies to develop workforce development programming; and

“(4) Producing reports as required under subsection (c) of this section.

“(b)(1) The Executive Director shall ensure that any personally identifiable information that the ONSE collects or maintains concerning existing or potential participants in its programs remains confidential.

“(2) The Executive Director shall regularly conduct assessments and evaluations, to be performed by a qualified research entity, of outcomes for participants in ONSE programs.”.

(c) Section 103 (D.C. Official Code § 7-2413) is amended as follows:

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

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

(ii) Paragraph (3) is amended by striking the phrase “the public; and” and inserting the phrase “public and private entities.” in its place.

(iii) Paragraph (4) is repealed.

(2) Subsection (c)(1) is amended by striking the phrase “stipends to eligible participants” and inserting the phrase “grants to eligible community organizations” in its place.

(d) Section 901(a) is amended to read as follows:

“(a) Sections 104(b)(3) and 204 shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.”.

## **10. TITLE IV, SUBTITLE B. CHILD AND YOUTH, SAFETY AND HEALTH OMNIBUS AMENDMENT ACT OF 2017.**

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

This subtitle would amend the definition of “covered child or youth services provider” in the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), to also include any private entity that is licensed by the District government to provide direct services to children or youth or for the benefit of children or youth, that affect the health, safety, and welfare of children or youth, including individual and group counseling, therapy, case management, supervision, or mentoring. Substantively identical temporary legislation is currently in effect.<sup>104</sup> Section 658(e) of the federal “Child Care and Development Block Grant Act of 2014” requires that the District provide a process by which an applicant may appeal the results of a criminal background check. The District already has a process to appeal a denial of an application for employment with a covered child or youth services provider based on the results of a criminal background check. However, the definition of a “covered child or youth services provider” is inconsistent throughout the statute and does not capture all child development facilities in the District that provide direct services to children that affect the health, safety, and welfare of children – namely, those that are licensed by the District.

### **b. Committee Reasoning**

The Committee recommends inclusion of this subtitle. There are many child care development centers that are private entities licensed by the District. In order to conform to federal law, private entities licensed by the District should also have a process by which applicants may appeal the results of a criminal background check. Amending the definition of “covered child or youth services provider” will ensure that a consistent appeals process is available for applicants to both public and private entities.

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

Sec. 4011. States the short title.

Sec. 4012. (a) Amends the definition of “covered child or youth services provider” in the Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), to clarify that private entities that are licensed by the

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<sup>104</sup> Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2016 (D.C. Law 21-180; 64 DCR 737), expires on August 10, 2017.

District must also perform criminal background checks on applicants under consideration for paid employment or volunteer service.

(b) Adds private entities that are licensed by the District to the list of those positions which each District government agency has designated as subject to the chapter's criminal background check requirements and must submit to the Mayor no later than December 1 of each year.

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

Sec. 4011. Short title.

This subtitle may be cited as the “Child and Youth, Safety and Health Omnibus Amendment Act of 2017”.

Sec. 4012. The Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), is amended as follows:

(a) Section 202(3) (D.C. Official Code § 4-1501.02(3)) is amended by striking the phrase "any private entity that contracts with" and inserting the phrase "any private entity that is licensed by or contracts with" in its place.

(b) Section 206(a) (D.C. Official Code § 4-1501.06(a)) is amended by striking the phrase “including those of private entities that contract with the District to provide direct services to children or youth and that are under the contractual purview of the agency” and inserting the phrase “including those of private entities that are covered child or youth services providers and that are licensed by or under the contractual purview of the agency” in its place.

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

The Committee on the Judiciary & Public Safety recommends that the following new subtitles be added to Bill 22-0244, the “Fiscal Year 2018 Budget Support Act of 2017”:

1. Title --. Subtitle --. Access to Justice Amendment Act of 2017 .....
2. Title --. Subtitle --. Office of Open Government Establishment Amendment Act of 2017 .....
3. Title --. Subtitle --. Office of the Attorney General Litigation Support Fund and Consumer Restitution Fund Amendment Act of 2017 .....
4. Title --. Subtitle --. Subject to Appropriations Amendments .....

**1. TITLE --. SUBTITLE --. ACCESS TO JUSTICE AMENDMENT ACT OF 2017.**

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

On January 10, 2017, Councilmember Kenyan R. McDuffie, along with Chairperson Allen and Councilmembers Bonds, Evans, and Silverman, introduced landmark legislation: Bill 22-0024, the “Expanding Access to Justice Act of 2017”.<sup>105</sup> This subtitle incorporates that bill, which authorizes the DC Bar Foundation (“DCBF”) to adopt policies and procedures, issue requests for proposals, and make grants to designated legal services providers as part of a new series of civil legal counsel in eviction projects.

The providers would represent low-income tenants facing eviction who are at or below 200% of the federal poverty line<sup>106</sup> or eligible for the continuum of care services under the Homeless Services Reform Act of 2005.<sup>107</sup> In identifying legal services providers, DCBF must consider non-profit organizations or clinical programs that are: (1) headquartered in the District and maintain a practice of providing legal services for individuals who cannot afford a licensed legal professional; (2) possess expertise in housing law, landlord-tenant law, or related experience; (3) demonstrate expertise in the legal issues facing low-income residents of the District; and (4) possess adequate infrastructure and expertise to provide consistent, high-quality oversight, training, evaluation, and strategic responses to emerging or changing needs in the client communities served. The subtitle also requires rigorous biannual and annual reporting on the profiles of tenants served, legal outcomes achieved, assessment of unmet legal needs, and recommended future improvements.

The subtitle additionally makes minor amendments to the administration of the Access to Justice Initiative (“ATJ”) and the Loan Repayment Assistance Program (“LRAP”) for District poverty lawyers. These changes include specifying the Office of Victim Services and Justice Grants (“OVSJG”) as the administrator for the ATJ and LRAP funding and increasing the percentage for administrative expenses to be expended by DCBF for both programs, which has not been increased for several years. It also amends the definition of “eligible debt” for LRAP assistance to include other forms of educational debt and removes the lifetime cap of \$60,000 for the LRAP. Finally, the bill adds a new provision to the LRAP to allow a participant who provides adequate notice of voluntary withdrawal from employment to be forgiven for the loan

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<sup>105</sup> See, Bill 22-0024, the “Expanding Access to Justice Act of 2017”, available at <http://lims.dccouncil.us/Download/37180/B22-0024-Introduction.pdf>. Bill 22-0024 is a reintroduced version of Bill 21-0879, the “Expanding Access to Justice Act of 2016”. The Committee on the Judiciary held a hearing on Bill 21-0879 on October 19, 2016.

<sup>106</sup> See, U.S. Department of Health & Human Services 2017 Poverty Guidelines for the 48 Contiguous States and the District of Columbia, available at <https://aspe.hhs.gov/poverty-guidelines/>.

<sup>107</sup> See, D.C. Code § 4-754.01.

through the date of the withdrawal, as long as the participant has completed three or more years in the program. The amendments were made through collaboration with the DCBF.

**b. Committee Reasoning**

**Expanding Access to Civil Legal Services**

Eviction – both a cause and condition of poverty – is directly linked to family and neighborhood instability and can lead to immediate homelessness, the dissolution of support networks, and numerous other collateral consequences. For example, a person who has been evicted may also have difficulty maintaining a job, caring for their health, or keeping their children in school. More than 33,000 eviction cases are filed annually in the District of Columbia. Of those 33,000 cases filed, only 5-10% of tenants have legal representation, while 90-95% of landlords have legal representation.<sup>108</sup> This power imbalance puts tenants at a stark disadvantage that often leads to unjust outcomes, as attorneys can help assert defenses, reach reasonable settlement agreements, and improve housing conditions. In fact, there are numerous studies showing that tenants represented by counsel default less often, negotiate better settlements, and win more often at trial, and these findings are substantiated by a groundbreaking current pilot project in the District.

In 2015, the Legal Aid Society of the District of Columbia, Bread for the City, and Legal Counsel for the Elderly began a pilot “Housing Right to Counsel Project”.<sup>109</sup> This project – a collaborative effort between legal services providers and more than one dozen law firms – focuses on eviction proceedings for tenants living in subsidized housing. While the project represents only 1 in 5 of all eviction cases filed in the District each year, the results further underscore the importance of having legal representation at eviction proceedings:

- Of the represented tenants, only 2% of concluded cases have had a writ of eviction issued and of that, 3% have had a writ executed.<sup>110</sup>
- For unrepresented tenants, 21% of concluded cases result in writs issued and of that, 6% result in writs executed.<sup>111</sup>

Similar findings have been reached in other major cities. The New York City Office of Civil Justice, for instance, released a [report](#) last year showing that a significant rise in the number of low-income tenants who have been able to gain

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<sup>108</sup> Committee on the Judiciary Public Hearing on Bill 21-0879, the “Expanding Access to Justice Act of 2016” (October 19, 2016) (written testimony of Beth Harrison, Supervising Attorney & Project Director, Housing Law Unit, Legal Aid Society of the District of Columbia).

<sup>109</sup> See, <https://www.dcbarr.org/pro-bono/about-the-program/right-to-counsel-project.cfm>.

<sup>110</sup> See, Housing Right to Counsel Pilot Project Results-March 2017, on file with the Committee.

<sup>111</sup> *Id.*

access to city-funded counsel has led to a 24% decline in evictions by city marshals over the last two years.<sup>112</sup> Moreover, legal services providers in the District do not have either public or pro bono resources to represent everyone who comes to their doors in need of representation. The Neighborhood Legal Services Program, which provides free legal information and representation to low-income District residents, had to tell 86 people in July, August, and September of 2016 that they could not represent them in their housing cases due to capacity concerns.<sup>113</sup> This subtitle seeks to address these issues by providing funding for legal services providers to represent individuals most likely to be unrepresented at eviction proceedings.

The subtitle also addresses the District's affordable housing crisis. During the past ten years, the District lost nearly half of its low-cost housing units. The average rent for a one-bedroom apartment in the District now tops out at over \$2,000.<sup>114</sup> Yet, a resident working full-time at the District's minimum wage of \$10.50 can only afford a monthly rent of \$546.<sup>115</sup> Moreover, the waiting list for subsidized housing maintained by D.C. Housing Authority still numbers over 40,000 families, and has been closed for more than three years.<sup>116</sup> Representation saves resources by preventing homelessness and avoiding other collateral strains on the District's social safety net. It also helps to preserve affordable housing by keeping individuals in their homes.

In most civil cases, a person is not entitled to an attorney, even though civil legal proceedings can affect basic human needs. This problem is particularly prevalent in the District, where approximately 20% of residents live in poverty and approximately 33% are low-income.<sup>117</sup> The Committee strongly believes that a right to counsel should attach in civil cases whenever fundamental human needs are at risk. Fundamental human needs include preservation of liberty (incarceration and immigration detention or deportation), housing, safety (protection from domestic violence), family integrity (child custody and visitation), health care, nutrition, education, income (access to public benefits and wages), and a meaningful opportunity to obtain employment. It is the Committee's intent through the subtitle that by demonstrating the empirical value of providing legal counsel in eviction cases through stringent outcomes-based reporting for the program, the District will have more data to enable the Council to take the next step and move closer to establishing

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<sup>112</sup> See, New York City Office of Civil Justice 2016 Annual Report, available at [http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report%20FINAL\\_08\\_29\\_2016.pdf](http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report%20FINAL_08_29_2016.pdf).

<sup>113</sup> Committee on the Judiciary Public Hearing on Bill 21-0879, the "Expanding Access to Justice Act of 2016" (October 19, 2016) (written testimony of Lori Leibowitz, Supervising Attorney & Project Director, Housing Law Unit, Legal Aid Society of the District of Columbia).

<sup>114</sup> *Supra*, note 108.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> See, U.S. Census Bureau, "Preliminary Estimates of Weighted Average Poverty Thresholds for 2007", available at <http://www.census.gov/hhes/www/poverty/threshld/07prelim.html>.



a full right to counsel in all civil cases, thereby stemming the loss of affordable housing and ensuring that all District residents can enjoy the benefits of and fully contribute to the life of the District. The \$4.5 million identified jointly by the Committee on the Judiciary, Committee on Business and Economic Development, and Committee on Transportation and the Environment is far less than what would fully meet the need. For example, New York City's FY 2017 budget includes \$25.8 million in annual funding for legal counsel in eviction cases and will serve 20,000 households each year as part of a larger \$100 million annual city civil legal services budget.

*Access to Justice Initiative and Loan Repayment Assistance Program (LRAP) Amendments*

The proposed subtitle would expand the LRAP's financial assistance to cover all educational debt, rather than just law school debt. This would allow DCBF to streamline its procedures, increase efficiency, and reduce administrative time. It would also reduce the burden of identifying non-law school debt for those participants who have consolidated educational debt. For the average LRAP participant with more than \$150,000 of student loan debt and a monthly student loan payment of \$575, non-law school debt represents less than 6% of that payment.<sup>118</sup>

The current administrative fee for LRAP is 15%, which is insufficient to cover the expenses incurred in administering the program, resulting in DCBF subsidizing this program with its own resources. Despite the DCBF's technological investments and substantial utilization of pro bono resources, the programmatic and financial requirements detailed in the grant agreement have substantially increased the expenses of the program. Therefore, increasing the administrative fee to 20% will allow DCBF to cover the costs associated with programmatic and budgetary audits. This same rationale is applicable for increasing the administrative fee for ATJ from 5% to 10%.

One of the goals of the LRAP is to enable District legal services providers to recruit and retain qualified attorneys. With a lifetime cap of \$60,000, an attorney can reach the cap at the end of five years of service if they receive the maximum LRAP award of \$12,000 per year.<sup>119</sup> Typically, a participant who reaches the lifetime cap has a substantial amount of knowledge and expertise and has been promoted to a supervisory position. Recognizing the importance of retaining this knowledge, expertise, and mentorship within our legal aid community, DCBF has supported those who reach the lifetime cap in the LRAP with funding from their private LRAP, despite the financial strain on the private program. Removing the lifetime cap will eliminate the need to cover individuals in DCBF's private LRAP. Moreover, eliminating the lifetime cap will encourage experienced legal aid attorneys—since it

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<sup>118</sup> See, ATJ and LRAP Amendments Rationale Fact Sheet, on file with the Committee.

<sup>119</sup> *Id.*

takes no fewer than five years to reach the cap—to continue serving low-income District residents.

The District’s LRAP forgiveness policy currently stipulates that anyone who leaves the program during the year must return all funds received within that grant year. For example, if someone leaves the program 10 months into the year, they must repay DCBF for the funding received during those 10 months while continuing to pay their student loans – potentially thousands of dollars. Since very few LRAP participants leave the program to pursue higher-paying opportunities, repaying the LRAP funds while also paying student loans presents a tremendous financial burden. To encourage the District’s legal aid attorneys to remain in their place of eligible employment longer and use the experience they have gained to serve low-income residents, the Committee has revised the policy to allow for pro-rated forgiveness for those who have been in the program for at least three years. Currently, the DCBF administers funds for LRAP on a quarterly basis. The pro-rated forgiveness policy will limit the financial exposure of the participant to the quarter in which they decide to voluntarily withdraw from the program.

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

Sec. 101. States the short title.

Sec. 102. Amends the definition of “eligible debt” for LRAP assistance to include debt unrelated to obtaining a law school degree. Amends ATJ and LRAP to reflect that OVSJG is the administrator for both programs. Increases the percentage for reasonable administrative expenses to be expended by DCBF for both ATJ and LRAP. Removes the lifetime funding cap for LRAP participants. Adds a new provision to LRAP to allow a participant who provides adequate notice of voluntary withdrawal from eligible employment to be forgiven for the loan through the date of voluntary withdrawal from eligible employment, as long as the participant has completed three or more years in the program.

Sec. 201. Defines eligible individuals or groups for purposes of this subtitle and defines the type of proceedings to be covered by designated legal services providers.

Sec. 202. Establishes a Civil Legal Counsel Projects Program to provide counsel to eligible individuals and groups in eviction proceedings. Requires OVSJG to award a grant each year to the Bar Foundation to administer the Program. Requires the Bar Foundation to serve as the grant-managing entity and adopt policies and procedures for the Program.

- Sec. 203. Requires the Bar Foundation to award subgrants to legal services providers who fit specified criteria.
- Sec. 204. Requires the Bar Foundation to complete an annual financial audit of its activities under this subtitle. Requires biannual and annual reporting on the profiles of tenants served, legal outcomes achieved, assessment of unmet legal needs, and recommended future improvements.
- Sec. 205. States that the subtitle will not be construed to negate, alter, or limit any right to counsel in any civil or criminal action or proceeding otherwise provided by District or federal law or regulation.
- Sec. 301. Applicability cause.

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

**TITLE I—AMENDATORY TITLE**

**Sec. 101. Short title.**

This subtitle may be cited as the “Expanding Access to Justice Amendment Act of 2017”.

Section 102. The Access to Justice Initiative Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1601 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 4-1701.01) is amended as follows:

(1) Paragraph (8) is amended by striking the phrase “associated with obtaining a law degree”.

(2) Paragraph (16) is amended by striking the phrase “for law school”.

(b) Section 201 (D.C. Official Code § 4-1702.01) is amended by striking the phrase “The Office of the Deputy Mayor for Public Safety and Justice” and inserting the phrase “The Office of Victim Services and Justice Grants” in its place.

(c) Section 202 (D.C. Official Code § 4-1702.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Deputy Mayor” and inserting the phrase “Office of Victim Services and Justice Grants”.

(2) Subsection (b) is amended by striking the phrase “Deputy Mayor” each time it appears and inserting the phrase “Office of Victim Services and Justice Grants” in its place.

(d) Section 301(D.C. Official Code § 4-1703.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Deputy Mayor” and inserting the phrase “Office of Victim Services and Justice Grants” in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase “Deputy Mayor” and insert the phrase “Office of Victim Services and Justice Grants” in its place.

(B) Strike the phrase “5%” and insert the phrase “10%” in its place.

(e) Section 401 (D.C. Official Code § 4-1704.01) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “Deputy Mayor” and inserting the phrase “Office of Victim Services and Justice Grants” in its place.

(2) Subsection (c) is amended as follows:

(A) Strike the phrase “Deputy Mayor” each time it appears and insert the phrase “Office of Victim Services and Justice Grants” in its place.

(B) Paragraph (2) is amended by striking the number “2012” and inserting the number “2018”.

(C) Paragraph (3) is amended by striking the phrase “15%” and inserting the phrase “20%” in its place.

(f) Section 402(b) (D.C. Official Code § 4-1704.02(b)) is amended by striking the phrase “associated with obtaining a law degree”.

(g) Section 404(c) (D.C. Official Code § 4-1704.04(c)) is amended as follows:

(1) Strike the phrase “Deputy Mayor” and insert the phrase “Office of Victim Services and Justice Grants” in its place.

(2) Strike the phrase “in excess of \$ 60,000, or”.

(h) Section 405 (D.C. Code § 4-1704.05) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “subsection (c)” and inserting the phrase “subsections (c) and (d)”.

(2) A new subsection (d) is added to read as follows:

“(d) For the purposes of this act, a participant who provides adequate notice to the Administrator of voluntary withdrawal from eligible employment shall be forgiven for the loan through the date of the voluntary withdrawal from eligible employment if the participant has satisfied the obligations under sections 403 and 405 for 3 or more years. The participant shall be required to repay the loan from the date of voluntary withdrawal from eligible employment through the end of the calendar year.”.

## TITLE II—CIVIL LEGAL COUNSEL PROJECTS

### Sec. 201. Definitions.

For purposes of this title, the term:

(a) “Bar Foundation” shall have the same meaning as provided in section 101(6) of the Access to Justice Initiative Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1701.01(6)).

(b) “Covered proceeding” means an actual or reasonably anticipated administrative or judicial proceeding in the District of Columbia to evict an eligible individual or group.

(c) “Designated legal services provider” means a non-profit organization or clinical program headquartered in the District of Columbia that provides legal services under this act.

(d) “Eligible individual or group” means a tenant or occupant, or group of tenants or occupants, residing in a rental unit in a housing accommodation in the District of Columbia, whose gross household income falls at or below 200% of the federal poverty guidelines issued by the United States Department of Health and Human Services, or an individual, family, or group of individuals seeking, receiving, or eligible for service from a program covered by section 3 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-754.01).

(e) “Housing accommodation” shall have the same meaning as defined in section 103(11) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(11)).

(f) “Legal services” means representation of an eligible individual or group through the provision of advice or brief services, or representation in a covered proceeding, including limited scope representation.

(g) “Licensed legal professional” means a member of the District of Columbia Bar authorized to practice law, a law student participating in an authorized, attorney-supervised clinical program through an accredited law school in the District of Columbia, or a member of the Bar of another jurisdiction who is legally permitted to appear and represent the specific client in the particular proceeding in the court or other forum in which the matter is pending.

(h) “Rental unit” shall have the same meaning as defined in Section 103(16) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(16)).

Sec. 202. Civil legal counsel projects for eligible individuals or groups in covered proceedings.

(a) There is established the Civil Legal Counsel Projects Program (“Program”) for the purpose of providing counsel to eligible individuals or groups in eviction proceedings.

(b)(1) The Office of Victim Services and Justice Grants shall award a grant each fiscal year to the Bar Foundation for the purposes of the Bar Foundation administering the Program. Payment of the award shall be submitted by October 15th of each fiscal year in the amount specified in an act of the Council.

(2) Paragraph (1) of this subsection shall not be used to supplant funds appropriated under section 301(a) of the Access to Justice Initiative program under the Access to Justice Initiative Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1703.01(a)).

(c) The Bar Foundation shall:

(1) Serve as the grant-managing entity for the Program; and

(2) Adopt policies, procedures, guidelines and requirements for the Program, including policies designed to permit designated legal service providers to limit representation to eligible individuals or groups in covered proceedings.

Sec. 203. Requirements for designated legal service providers.

(a) The Bar Foundation shall only award subgrants to legal services providers that:

(1) Are headquartered in the District of Columbia and maintain a practice of furnishing free legal services to individuals who cannot afford the services of a licensed legal professional;

(2) Possess expertise in housing law, landlord-tenant law, or related experience in representing eligible individuals or groups in covered proceedings;

(3) Demonstrate expertise in recognizing and responding to the multiple legal issues facing low-income residents of the District of Columbia; and

(4) Possess adequate infrastructure and expertise to provide consistent, high-quality oversight, training, evaluation, and strategic responses to emerging or changing needs in the client communities served.



(b) Nothing in this section requires designated legal services providers to serve eligible individuals or groups in covered proceedings beyond the provider's contractual agreement to the Bar Foundation under this title.

Sec. 204. Financial audit and reporting requirements.

(a) The Bar Foundation shall provide the Council of the District of Columbia with:

(1) An annual financial audit of its activities prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards. The audit may be conducted as part of the Bar Foundation's annual audit.

(2) Biannual reporting that includes the following information:

(A) The gender, race, ethnicity, and age of eligible individuals served;

(B) The election ward of residence of eligible individuals served;

(C) The incomes of eligible individuals served;

(D) Legal services provided to eligible individuals; and

(E) A list of designated legal services providers and the amount of funding provided to each, including how the funding is used by each designated legal services provider.

(3) Annual programmatic reporting that includes:

(A) An evaluation of the performance of each designated legal services provider;

(B) The legal outcomes for each eligible individual or group served;

(C) An evaluation of implementation challenges and recommendations for future improvements; and

(D) An assessment of unmet legal needs in the provision of legal services for covered proceedings.

Sec. 205. Other criminal and civil proceedings.

This subtitle shall not be construed to negate, alter, or limit any right to counsel in any civil or criminal action or proceeding otherwise provided by District or federal law or regulation.

**2. TITLE --. SUBTITLE --. OFFICE OF OPEN GOVERNMENT  
ESTABLISHMENT AMENDMENT ACT OF 2017.**

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

The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124), established the Board of Ethics and Government Accountability to administer and enforce the Code of Conduct. Section 207(a) of the Act currently gives the Director of Government Ethics the authority to prepare and submit an annual budget to the Mayor, with approval by the Board of Ethics. This subtitle allows the Director of Open Government to control his or her own budget independently of the Director of Government Ethics.

**b. Committee Reasoning**

The Office of Government Ethics and the Office of Open Government are co-equal and independent offices under the purview of the Board of Ethics. This subtitle gives the Director of the Office of Open Government the authority to prepare and submit the office's own annual budget to the Mayor, with the approval of the Ethics Board.

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

Sec. XXXX. States the short title.

Sec. 2. Amends Section 207(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.07), to give the Director of the Office of Open Government the authority to prepare and submit the Office's own annual budget to the Mayor, with the approval of the Ethics Board.

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

Sec. XXXX. Short title.

This subtitle may be cited as the "Office of Open Government Budget Authority Amendment Act of 2017".

Sec. XXX2. Section 207(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of

2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.07(a)), is amended as follows:

(a) Strike the phrase “The Director of Government Ethics” and insert the phrase “The Director of Government Ethics and the Director of Open Government” in its place.

(b) Strike the phrase “necessary for the operation of the Ethics Board for the year” and insert the phrase “necessary for the operation of their respective offices for the year” in its place.

**3. TITLE --. SUBTITLE --. OFFICE OF THE ATTORNEY GENERAL  
LITIGATION SUPPORT FUND AND CONSUMER RESTITUTION  
FUND AMENDMENT ACT OF 2017.**

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

In the Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015, (D.C. Law 21-36; 63 DCR 1164),<sup>120</sup> the Council established the Litigation Support Fund in the Office of the Attorney General “for the purpose of supporting general litigation expenses associated with prosecuting or defending litigation cases on behalf of the District of Columbia”.<sup>121</sup> Revenues in the Fund are captured from claims or litigation brought by OAG, and when created, were capped at \$1.5 million. The Council raised the cap in the last budget cycle to \$3 million,<sup>122</sup> and OAG is again requesting that the cap be raised to \$5 million, which this subtitle effectuates.

The Committee’s subtitle additionally creates a new Consumer Restitution Fund to establish a mechanism by which OAG can hold revenue from awards of restitution and costs to consumers made under a court order, judgment, or settlement in any action or investigation pursuant to settlements obtained for violations of the District’s consumer protection laws. OAG is currently working with OCFO to pay awards to consumers, and this subtitle formalizes that process.

**b. Committee Reasoning**

OAG argues that the Council’s support for raising the cap of the Litigation Support Fund for FY 2017 has enabled the agency to expand its use of expert witnesses and utilize other litigation tools that are more readily available to the private bar and the federal government, such as jury consultants, expert witnesses, expensive electronic discovery, and related continuing education for its attorneys. OAG further argues that since its work has resulted in recoveries in the amount of \$25 million in FY 2015, \$13.7 million in FY 2016, and \$10.5 million in FY 2017, the agency should be able to retain a portion of those funds and reinvest them in complex litigation. The Committee agrees, and it recommends that the cap be raised to \$5 million.

With the creation of OAG’s Office of Consumer Protection in 2015, the District is increasingly obtaining awards of restitution for the benefit of District consumers harmed by unlawful trade practices. District law currently presents a number of hurdles for the District to easily receive these awards of restitution and then pay them on to consumers. As a result, in the past, OAG has been forced to use third-party claims processors to send payments to consumers, which can be expensive, or

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<sup>120</sup> See, <http://lims.dccouncil.us/Download/33645/B21-0158-Enrollment.pdf>.

<sup>121</sup> D.C. Official Code § 1-306.86b(c).

<sup>122</sup> See, <http://lims.dccouncil.us/Download/33645/B21-0158-Enrollment.pdf>.

rely on the wrongdoer to send payments and then provide an accounting. This subtitle will specifically authorize the District to receive restitution awards for the benefit of consumers and provide authorization and a clearer mechanism for paying those amounts on to consumers. This allows OAG to process and send payments to consumers in a manner that is more efficient, more reliable and less expensive.

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

Sec. XXXX. States the short title.

Sec. 2. (a) Amends the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.81, *et seq.*), to raise the cap on the funds authorized to be deposited into the Litigation Support Fund from \$3 million to \$5 million.

(b) Establishes a new Consumer Restitution Fund into which revenue from awards of restitution and costs to consumers made under a court order, judgment, or settlement in any action or investigation will be deposited to then be paid to affected consumers. Allows OCFO to deduct any amount owed to the District from the restitution payment to the consumer. Requires OIG to conduct an annual audit of the Fund to be submitted to the Mayor, Council, and Attorney General.

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

Sec. XXXX. Short title.

This subtitle may be cited as the “Office of the Attorney General Litigation Support Fund and Consumer Restitution Fund Amendment Act of 2017”.

Sec. 2. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.81, *et seq.*), is amended as follows:

(a) Section 106b(d)(3) (D.C. Official Code § 1-301.86b(d)(3)) is amended by striking the phrase “\$3 million” both times it appears and inserting the phrase “\$5 million” in its place.

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

“Sec. 106c. Consumer Restitution Fund.

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

“(b) Revenue from awards of restitution for property lost or damages suffered by consumers and costs made under a court order, judgment, or settlement in any action or investigation pursuant to D.C. Official Code § 28-3909 shall be deposited into the Fund.

“(c) Money in the Fund shall be used for the following purposes:

“(1) The payment of restitution for property lost or damages suffered by consumers harmed by the conduct of persons that are the subject of court orders, judgments, or settlements pursuant to D.C. Official Code § 28-3909; and

“(2) Costs and expenses related to maintaining the Fund, including paying amounts to harmed consumers.

“(d) Before the OAG authorizes any payments from the Fund to a consumer under this section, the Office of the Chief Financial Officer shall determine whether the consumer owes any amount to the District and deduct the amount owed from the restitution payment to the consumer, if any.

“(e)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of any fiscal year or at any other time.

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

“(f) The Attorney General may promulgate regulations for the administration of the Fund.

“(g) On an annual basis, the Office of the Inspector General shall conduct an annual audit of the income and expenditures of the Fund and shall submit the audit to the Attorney General, the Mayor, and the Council.”.



**4. TITLE --. SUBTITLE --. SUBJECT TO APPROPRIATIONS AMENDMENTS.**

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

This subtitle would repeal the subject to appropriations clauses of the Automatic Voter Registration Amendment Act of 2016 and the Fair Criminal Record Screening for Housing Act of 2016, and modify the clause of the Comprehensive Youth Justice Amendment Act of 2016.

In its FY 2018 proposed budget, the Committee also funds Section 111 of the Prohibition Against Human Trafficking Amendment Act of 2010, but no clause exists in the law to be repealed. The subject to appropriations clause of the Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 will need to be amended by the Committee of the Whole to account for this Committee having funded the communicable disease treatment, pre-employment screening, personnel exposure tracking, and Police and Fire Clinic contractor costs of the bill. The Committee will not repeal that clause in this subtitle as it hopes that the Committee of the Whole will be able to identify funding for the retirement costs of the communicable disease portion of the law and include a comprehensive repeal. The subject to appropriations clause of the Neighborhood Engagement Achieves Results Amendment Act of 2016 is amended in a separate Committee subtitle.

**b. Committee Reasoning**

See (a).

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

Sec. XXXX. States the short title.

Sec. 2. Repeals the subject to appropriations clause of the Automatic Voter Registration Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-208; 64 DCR 2717).

Sec. 3. Repeals the subject to appropriations clause of the Fair Criminal Record Screening for Housing Act of 2016, effective April 7, 2017 (D.C. Law 21-259; 64 DCR 3980).

Sec. 4. Modifies the subject to appropriations clause of the Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238, 64 DCR 3959).

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

Sec. XXXX. Short title.

This subtitle may be cited as the “Subject to Appropriations Amendment Act of 2017”.

Sec. 2. Section 5 of the Automatic Voter Registration Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-208; 64 DCR 2717), is repealed.

Sec. 3. Section 11 of the Fair Criminal Record Screening for Housing Act of 2016, effective April 7, 2017 (D.C. Law 21-259; 64 DCR 3980), is repealed.

Sec. 4. Section 701(a) of the Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; 64 DCR 3959), is amended to read as follows:

“(a) Sections 102(e)(3) and (4), 103, and 204(b) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.”.

## V. COMMITTEE ACTION AND VOTE

On Thursday, May 18, 2017, at 12:13 p.m. in Room 500 of the John A. Wilson Building, the Committee met to consider and vote on the Mayor's proposed Fiscal Year 2018 budget for the agencies under its purview, the provisions of the Fiscal Year 2018 Budget Support Act of 2017 referred to the Committee for comment, and the Committee's Budget Report. Chairperson Charles Allen called the meeting to order and determined the existence of a quorum with Councilmembers Anita Bonds, Mary M. Cheh, Vincent C. Gray, and David Grosso present.

Chairperson Allen then provided an overview of the draft report and summarized the Committee's recommendations and comments.

Chairperson Allen next welcomed comments from other Members.

Councilmember Bonds thanked Chairperson Allen and his staff for their hard work on what she viewed as a comprehensive and thoughtful budget report. She highlighted several aspects of the report with which she was particularly pleased: (1) that the Committee funded the implementation of the Automatic Voter Registration Amendment Act of 2016; (2) that the Committee implemented the Mayor's Portal of Entry program; (3) that the Committee funded provisions of the NEAR Act; and (4) that the Committee funded the Fair Criminal Record Screening Amendment Act of 2016.

Councilmember Cheh thanks Chairperson Allen and his staff and stated that she was proud to support the Committee's budget. She was particularly pleased to be able to transfer funding from the Committee on Transportation & the Environment to fund the treatment and related costs for FEMS personnel who contract communicable diseases on the job. She was also glad that her Committee could transfer funds for a new civil legal counsel in evictions program. She also praised the Committee for investments in several unfunded bills from Council Period 21, including the Fair Criminal Record Screening Amendment Act of 2016..

Councilmember Gray thanked the Committee for its work. He appreciated Chairperson Allen's hard work on this budget, which he stated was a vast improvement on the Mayor's proposed budget. He believes the Committee improved the proposed budget by implementing the NEAR Act as written, expanding the police cadet program, and expanding the Access to Justice program for civil legal services. However, he expressed his intent to vote "no" on only the budget of the Metropolitan Police Department. He stated that the funding for MPD was inadequate as proposed by the Mayor and not transparent. He noted a two year pattern of disinvestment by the Mayor in MPD at a time with significant public safety challenges. He concluded by making a distinction between his views on Chairperson Allen's work on this budget and the Mayor's budget as proposed.

Councilmember Grosso noted that the Committee's budget made important investments. He was particularly pleased to see that the Office of Open Government would receive its own budget authority, which he believes will allow the office to better do its work. He also praised the funding of the NEAR Act provisions and the new interagency diversion program to divert individuals from the criminal justice system. He also noted that, with DOC's assumption of the management of CTF, it is urgent to build a new facility and to engage the community in this process. He also highlighted two collaborations between the Committee and the Committee on Education of which he was proud: (1) the funding for library collections and (2) the grant for a young adult inmates literacy program. He ended with a statement about the necessity of delaying the estate and business franchise tax cuts until next year to use the money to invest in human services, like education.

After an opportunity for further discussion, Chairperson Allen then moved the Report with leave for staff to make technical, conforming, and editorial changes. The Members voted unanimously to approve the recommendations, with Councilmember Gray recorded as voting no on the budget of the Metropolitan Police Department.

Chairperson Allen then thanked his Committee and personal staff and adjourned the meeting at 1:00 p.m.

## VI. ATTACHMENTS

- A. April 12, 2017, FY 2018 Budget Oversight Hearing Witness List and Testimony
- B. April 24, 2017, FY 2018 Budget Oversight Hearing Witness List and Testimony
- C. April 27, 2017, FY 2018 Budget Oversight Hearing Witness List and Testimony
- D. May 9, 2017, FY 2018 Budget Oversight Hearing Witness List and Testimony